

**FLORIDA DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEAL**

**Somerset Academy Inc., for the application for
Somerset Academy Vero Beach,**

Applicant/Appellant.

v.

The School Board of Indian River County, Florida

School Board/Appellee.

**SCHOOL BOARD'S RESPONSE TO NOTICE OF APPEAL OF DENIAL OF CHARTER
SCHOOL APPLICATION SUBMITTED BY SOMERSET ACADEMY, INC. FOR
SOMERSET ACADEMY VERO BEACH**

Receipt of Notice of Appeal: November 20, 2015.

I. Preliminary Statement. The School Board of Indian River County, Florida (School Board) pursuant to §1002.33, Florida Statutes, hereby responds to the Notice of Appeal from the denial of a charter school application submitted by Appellant, Somerset Academy, Inc., for the Somerset Academy Vero Beach Charter School (Somerset). References to the Record set out in the Appendix to this Response are shown by "App" followed by the tab number and page number. References to Appellant's exhibits to its Notice of Appeal are shown by "Somerset" followed by the tab number and page number.

II. Procedural Background and Jurisdiction. Somerset submitted an application to replicate a high performing charter school on July 31, 2015. In order to be considered a replication of a high performing charter school, the proposed charter school must be "substantially similar to at least one of the applicant's high performing charter schools." §1002.33(6)(b) 3.b., Florida Statutes. School Board staff immediately began its work to establish a sixty day timeline and analyze the application. (Somerset 5:1).

Dr. Michael Ferrentino, the School Board staff member responsible for the coordination of the application review, provided initial applicant interview dates to Somerset. (App 1). However, in its appeal Somerset misrepresents the initial timeline prepared by Dr. Ferrentino. Dr. Ferrentino's initial application review timeline provides for the School Board to take action on the application on September 22, 2015, within the sixty day review period established by law. (App 2). On the eve of the scheduled Somerset interview, Somerset inquired if the meeting would be cancelled due to the possibility of Tropical Storm Erika making landfall. (App 3:4). Out of an abundance of caution, Dr. Ferrentino felt it would be safer for the Somerset representatives not to travel through tropical storm weather, and rescheduled the interviews. (App 3:4).

Somerset thereafter indicated by email it was appreciative of Dr. Ferrentino's consideration (App 3:4), and it is disingenuous for Somerset's appeal to now say such scheduling change was

“unilateral” and not agreed to by Somerset. If Somerset representatives really wanted to drive through the tropical storm weather, they should have made that desire known at the time, instead of thanking Dr. Ferrentino for his consideration. When Somerset thereafter requested a schedule change, Dr. Ferrentino was pleased to accommodate it (App 3:4), and by email dated August 31, 2015, specifically requested that Somerset approve the revised schedule which shows the School Board taking action on the application on October 6, 2015. (App 3:1). With the delay caused by the tropical storm and the schedule change requested by Somerset, it was no longer possible for School Board staff to accomplish the detailed application review work within the original sixty day window; that is why Dr. Ferrentino requested Somerset approve a revised schedule. Rather than responding to Dr. Ferrentino’s request, Somerset again requested to postpone the interview date. (App 4:1). Again, Dr. Ferrentino was accommodating, and postponed the interview to the date requested by Somerset. (App 4:1). In that same email, Dr. Ferrentino again requested Somerset “review and consent” to the revised schedule which shows the School Board taking action on the application on October 13, 2015. (App 4:1;6).

In response to Dr. Ferrentino’s request for “review and consent” to the schedule, which included School Board action on the application on October 13, 2015, Somerset’s response was “This is great. Thank you very much and we look forward to the 15th”. (App 5:1). Dr. Ferrentino then sent an email to Somerset representatives confirming the “revised schedule will work for both parties.” (App 5:1). At no time did Somerset respond to Dr. Ferrentino’s September 1, 2015 email that it objected to any of the schedules or that Dr. Ferrentino was mistaken regarding Somerset’s consent to a postponement of the School Board’s meeting until October 13, 2015. Rather, Somerset affirmatively consented to the application timeline submitted by Dr. Ferrentino, and even attended and participated in the October 13, 2015 School Board meeting without voicing any objection to the timing of the meeting.

Stating in their appeal that Somerset never agreed to postpone the School Board's decision on their application completely misrepresents the communications between the parties, and should be wholly disregarded by the State Board of Education. This fabricated argument by Somerset is not worthy of any consideration and must be immediately denied.

III. School Board's Basis for Denial of Application. School Board staff conducted a thorough review of the application and completed the state adopted Application Evaluation Instrument for high performing replications. (Somerset 2). While the Application Evaluation Instrument noted several concerns, the School Board based its denial of the application on four specific issues: replication, civil rights requirements, financial management practices, and education plan.

A. Replication. Section 1002.33(6)(b)3.b.(III), Florida Statutes, requires a replication charter application to substantially replicate the educational program of one of the applicant's high performing charter schools. The application submitted by Somerset did not substantially replicate the educational program of a Somerset high performing charter school, and therefore fails to meet the statutory requirement.

In order to be considered "substantially similar" within the meaning of the above referenced statute, a charter application "must have the same characteristics and be alike in substance or essentials to the school it is replicating." *School Board of Seminole County v. Renaissance Charter School, Inc.*, 113 So.3d 72 (Fla. 5th DCA 2013); *School Board of Polk County v. Renaissance Charter School, Inc.*, 147 So.3d 1026 (Fla. 2^d DCA 2014). In the *Seminole School Board* case, a charter school was attempting to replicate a 6-8 middle school as a K-8 school. In that case, the Court agreed with the Seminole School Board that substantial differences in the curriculum, discipline, student management and teaching focus, were enough to reject the charter school replication application. *Seminole School Board*, 113

So.3d at 75. In the instant case, the School Board denial of the charter application was based on the failure of the proposed charter school to substantially replicate the educational program of Somerset Academy Elementary School South Miami (SoMi). (Somerset 2). Rather than detailing the educational program of SoMi, the application instead discusses implementing the educational program of the Indian River School Board. The application states it will implement the School Board's student progression plan, approved instructional materials, curriculum, curriculum pacing guides, code of student conduct, and digital classroom plan. (Somerset 1: 30;32). By implementing the School Board's educational plan, not SoMi's educational plan, Somerset has failed to provide a replication charter application. The application does not substantially replicate SoMi, a charter school located in south Miami, but instead proposes to replicate the curriculum, discipline, student management, and teaching focus used in the School Board's traditional public schools, which the Appellate Court in the *Seminole School Board* case indicates is not "substantially similar" as required by statute.

Somerset's appeal asserts that adopting "the local jurisdiction's policies and /or State-adopted programs in order for the school to more adequately serve the local population...IS a direct replication." This statement by Somerset contradicts the above statutory and Court definitions of replication.

Somerset's appeal declares that a replication application "is not a carbon copy, nor should it be." That argument was made unsuccessfully in the *Seminole School Board* case. *Id.* Additionally, Somerset's appeal declares it is replicating its model, core values and beliefs, common expectations, and techniques and strategies. This argument has also been made before and rejected. In the *Polk School Board* case, which also involved a charter school attempting to replicate a 6-8 middle school as a K-8 school, the charter school argued it was replicating "our method and model." *Polk School Board*, 147 So.3d at 1027. The Appellate

Court did not agree with that argument and held the replication application failed to substantially replicate the applicant's high performing charter school. *Id.* at 1028. Further, in the *Seminole School Board* case, the charter school also argued it was replicating a "substantially similar instruction model" which also did not persuade the Appellate Court that it was a substantial replication of the educational program. *Seminole School Board*, 113 So.3d at 75.

Based on the above, the School Board was presented with clear and convincing evidence that the replication application failed to replicate the educational program of SoMi, which is a statutory basis to deny the application. Accordingly, the Somerset appeal must be denied.

B. Civil Rights Requirements - Desegregation. Section 1002.33(6)(b)3.b(II), Florida Statutes, requires the replication charter application to materially comply with all applicable civil rights requirements. The application submitted by Somerset did not comply with the federal desegregation obligations governing Indian River County, and therefore fails to meet the statutory requirement.

The School Board is governed by a federal desegregation order dating from 1965. (App 6). A copy of the most recent Court order dated May 23, 1994 was provided to Somerset. (Somerset 2). The federal desegregation order requires the School Board to achieve certain African American percentages with regard to its student population as well as employees. (Somerset 2). While the application states the charter school will be open to all students in Indian River County, the application does not address all schools, only the racial/ethnic population of specific mid-county and south county schools. (Somerset 1:15). Further, no specific targeted population is identified in the application to determine whether the charter can meet the requirements of the desegregation order.

The student recruitment plan denoted in the application will not recruit a population to

the school reflective of the county's African American student population and will therefore not comply with the desegregation order. (Somerset 1:17;115). The student recruitment plan fails to address the type of student transportation needed and does not discuss affirmative recruitment of African American students. Likewise, the application fails to contain any information for recruitment of African American employees, consistent with the desegregation order requirements. These failures in the application were never addressed by Somerset during the September 15, 2015 interview or the October 13, 2015 School Board meeting. The only response from Somerset seems to be "don't worry, we'll comply." This cavalier approach to a very important issue was concerning to the School Board and School Board staff.

In its appeal, Somerset ridicules the School Board for taking its federal desegregation obligations seriously and for pointing out flaws in Somerset's application on that point. The appeal describes at length other alleged examples of Somerset's involvement in desegregation matters. If this information was pertinent to Somerset's application, it is puzzling why Somerset did not include a description of its desegregation expertise in its application. Incredulously, Somerset actually argues in its appeal the School Board has misinterpreted the desegregation order and that the percentages set out in the desegregation order apply to all minorities, not African American students and staff. Even a cursory review of this case by Somerset would show since 1964 when the matter was initially filed, the case has always been about African American students and staff. (App 6:5; 8-10 and App 7). This uninformed argument is additional clear and convincing evidence Somerset is completely ignorant of the federal desegregation obligations in Indian River County and cannot comply with these obligations.

Somerset's appeal also takes issue with the School Board identifying questionable comments made by a Somerset representative. During the September 15, 2015 interview of

the Somerset representatives, the requirements of the desegregation order were discussed. During that discussion, a Somerset representative clearly stated charter schools were restricted in complying with racial percentages. (Somerset 3:17-22). The interview discussion had to do with the investigation for racial disparity of the charter school being replicated (SoMi). A newspaper in 2015 reported 1.1% of SoMi's population was African American while the community's percentage was 17%. Rather than providing a plan for achieving a racial balance at SoMi, Somerset went into great detail why it could not comply, blaming it on the "sibling preference" for filling student seats with students who were not African American, and even questioned if the newspaper article was accurate.

First, Florida law is clear in its requirement that charter schools "achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district," and allows charter schools to limit their enrollment process to target student populations to comply with federal requirements for a racial/ethnic balance. §1002.33(7)(a)8. and (10)(e)4., Florida Statutes. Second, the "sibling preference" allowed in the charter legislation is permissive not mandatory. §1002.33(10)(d), Florida Statutes. If Somerset wanted to rectify the African American student demographic disparity at SoMi, there are options available. Finally, Somerset points out in its appeal the School Board should not rely upon newspaper articles for demographic information for the charter school proposed to be replicated in Indian River. In response, a review of the Survey 2 student membership data for the 2014-2015 school year published by the Florida Department of Education is informative. (App 8). This public information reveals SoMi's student population to be 1% African American, and the student population in the Miami-Dade School District to be 22% African American, an even greater demographic disparity than reported in the newspaper. In fact, historic student membership data obtained from the Florida Department of Education PK-12 Enrollment

EDStats tool shows since the 2011-2012 school year, SoMi has never achieved a racial/ethnic balance reflective of other public schools in the same school district. (App 9).

Due to the failure of the applicant to address the federal desegregation order requirements or otherwise offer a student and employee recruitment plan to address the federal desegregation order requirements, coupled with SoMi's actual African American student demographic disparity, the School Board was presented with clear and convincing evidence that the application did not comply with the desegregation civil rights obligations governing Indian River County, which is a statutory basis to deny the application.

C. Financial Management Practices. Section 1002.33(6)(b)3.b.(l), Florida Statutes, requires a replication charter school application to contain a description of controls that will safeguard finances, as described in §1002.33(6)(a)5., Florida Statutes. The application submitted by Somerset does not contain the required safeguards and therefore fails to meet this statutory requirement.

The application reveals an inadequate separation of duties and internal controls. The application provides disbursement vouchers are reviewed and approved by the school principal and the educational service provider (ESP). (Somerset 1:133). Additionally, the application provides authorized signatures on checks are limited to "the Chair of the Governing Board, the president, the School Principal/designee, ESP representative, and others, as approved by the Governing Board." (Somerset 1:133). This structure whereby the ESP has the ability to approve the school's vouchers for payment and is also a signatory on the school's checks suggest an inadequate segregation of duties and poor internal controls, as essentially a vendor to Somerset can approve their own invoices and sign their own checks.

In its appeal, the applicant asserts the ESP does not approve its own payments. The appeal also asserts the ESP "may be assisting with" the review and approval of invoices and

signing checks. However, the application states otherwise and the applicant may not revise its application at this late date. If in fact Somerset's financial controls were structured differently, Somerset should have included such information in its application.

Due to the failure of the application to contain a description of controls that will safeguard finances as described in section 1002.33(6)(a)5., Florida Statutes, the School Board was presented with clear and convincing evidence that the application failed to provide sufficient financial safeguards, which is a statutory basis to deny the application.

D. Educational Plan. In addition to the issues of material noncompliance stated above, deficiencies in the area of the charter school's educational plan are also noted.

Dual Language. The application fails to meet the statutory requirement for describing the educational foundation of the school and the teaching and learning strategies that will be employed as required by section 1002.33(7)(a)2., Florida Statutes. The mission and vision of the School refers to a dual language program (Somerset 1:10). However, the programmatic model presented does not meet the definition of a dual language program, but rather a world languages program. As the replicated school(SoMi) is from Miami Dade School District, the Miami Dade School District's description of dual language programs is instructive. The Miami Dade dual language program description is located at the following link: (<http://bilingual.dadeschools.net/BEWL/programs.asp>), and provides in part:

The Dual Language Program is also known as two-way bilingual education instruction or bilingual immersion. It is a model that combines Developmental Bilingual Education (DBE) for language-minority students and foreign-language immersion for English-proficient students, with the added benefit of peer tutoring, seeks to enable each group to learn the other's vernacular while also meeting high academic standards.

Broadly speaking, dual language programs in Miami-Dade County Schools have developed along parallel paths, one being that of the elementary Bilingual School Organization (BISO) program, and the other being that of the Extended Foreign Language (EFL) program. Conceptually, the elementary schools following the BISO model have

tended to favor program participation by students in the school. The schools following the Extended Foreign Language have developed "school-within-a-school" variations to serve those students who are especially interested in that type of program. Both the BISO and the EFL programs have aimed toward a 60%/40% (English/Spanish) distribution of time between the two languages of instruction.

This description is also supported by research conducted by The Education Alliance out of Brown University and the National Clearinghouse for English Language Learners (NCELA).

However, contrary to the above description the application states, "All Kindergarten through fifth grade students may receive instruction in a Foreign Language for a minimum, the recommended 150 minutes a week in either Spanish or Mandarin." (Somerset 1:19). This refers to 30 minutes per day or 10% of the day, far less than the requirements of a dual language program. The application also refers to the understanding of cross-cultural issues while learning the foreign language but never refers to any content (ELA, Math, Science or Social Studies) being addressed. (Somerset 1:23). While Somerset in its appeal states it is insulted by questions about its dual language program, unfortunately Somerset misses the point. A dual language program is a specifically defined program and Somerset's application simply does not describe or meet the requirements for a dual language program. Accordingly, the application fails to accurately describe its educational model (dual language) but is actually describing a world language program.

Further, there is no clear plan of how students' acquired proficiency levels in a second language will be monitored in a school whose mission is to bilingually foster students achievement by providing a technologically innovative, and challenging environment. No information was provided in the application regarding data reflecting content specific proficiency in the dual language program. During the applicant interview, the only information shared was that students are assessed on their knowledge of their foreign language but not in relation to how proficient they were in the content area. Since the application alleges this is a

replication of a dual language program we would expect to see proficiency scores on how students did in their content subjects in their foreign language as well as in English. Without the inclusion of specific data on the rates of levels of bilingualism it was not possible to evaluate and analyze the effectiveness of the proposed replication.

Finally, the application indicates the school will provide, "A robust bilingual and culturally inquisitive curriculum aimed at the mastery of Florida Standards/NGSSS as applicable". (Somerset 1:26). However, the dual language programming does not focus on standards related to proficiency within core content courses.

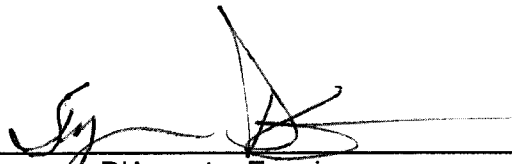
Due to the failure of this charter application to accurately describe a dual language program, the School Board was presented with clear and convincing evidence that the application failed to adequately describe its proposed educational plan, which is a statutory basis to deny the application.

IV. Conclusion

The School Board was presented with clear and convincing evidence that the application failed to meet the statutory requirements for a high performing charter school replication on several issues, and the appeal should therefore be denied. Further the date the School Board took action on the application was agreed to by Somerset, and any attempt by Somerset to assert otherwise must be rejected.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 17, 2015, a true and correct copy was furnished via FedEx to: Kathy Schroeder, the Agency Clerk for the Department of Education, 325 West Gaines Street, Room 1520, Tallahassee, Florida 32399-0400; and Collette Papa, Esquire, 6340 Sunset Drive, Miami, Florida 33143.



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Attorney for The School Board/Appellee

**APPENDIX TO SCHOOL BOARD'S RESPONSE TO NOTICE OF APPEAL OF DENIAL
OF CHARTER SCHOOL APPLICATION SUBMITTED FOR
SOMERSET ACADEMY VERO BEACH**

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1

Suzanne D'Agresta

From: D'Agresta, Suzanne <Suzanne.D'Agresta@indianriverschools.org>
Sent: Wednesday, August 19, 2015 3:49 PM
To: Suzanne D'Agresta
Subject: FW: Receipt of Applications

From: Ferrentino, Michael
Sent: Tuesday, August 18, 2015 11:49 AM
To: 'Adriana Lima'
Cc: 'dconcepcionfl@gmail.com'; Ferrentino, Michael
Subject: RE: Receipt of Applications

Good morning Ms. Lima,

Since we truly only have the 60 days this year we are going to have a tight timeframe to work within.

We have scheduled the "Interview" sessions as follows:

Somerset Academy Vero Beach - Monday,
August 31, 2015 1:00 PM - 3:00 PM
Somerset Academy Middle School Vero Beach - Monday, August 31, 2015
3:00 PM - 5:00 PM

Additionally, we have scheduled our "Summary of Findings" sessions as follows:
Somerset Academy Vero Beach - Monday,
September 14, 2015 1:00 PM - 3:00 PM
Somerset Academy Middle School Vero Beach - Monday, September 14, 2015 3:00 PM
- 5:00 PM

I hope representatives from Somerset can attend this important aspect of the review process.
Again, we ask that only Somerset Board and Founding Members, in addition to the current Principals of the Replication schools attend the Interview process.

Location:
School District of Indian River County
Teacher Education Center (TEC)
1990 25th Street
Vero Beach, FL 32960
(772) 564-3000

We are looking forward to seeing you at these meetings.
Thank you,

Michael Ferrentino, Ed.D.

From: Adriana Lima [mailto:alima@academica.org]
Sent: Tuesday, August 18, 2015 11:27 AM

To: Ferrentino, Michael
Subject: Re: Receipt of Applications

Thank you, Dr. Ferrentino.
Please keep me updated on the schedule for interview dates.
Hope you are well.

Adri C. Lima / Academica
305.878.9993/ alima@academica.org<<mailto:alima@academica.org>>

Office: 305.669.2906 / Fax: 305.669.4390
6340 Sunset Drive Miami, FL 33143
<http://cp.mcafee.com/d/avndy0wd3hJ5xyZQmhPb9KVJZYQsEzC4PhOrvvd7a8VxNMS--qekhp3a9JZYQsI9FzHCW8qhzZ9W2GNfS25jZcs3jtoDX12F-Ce1FJzk4647T-L09EVjoKUNRXBQjhOCNPbMUQsELKth5dqWqJQmu13PWApM6CQjrNKVKVIFSSR3RpmTw09KzoFI8v01EDQz7WjQ5iwxbohAp-db4WRFFM04S--VsSbwaAq80nZLAJcQg1td40wIIvaSPBm53qoUSB0H><http://cp.mcafee.com/d/k-Kr6wUSyMNUwB8VBATsS--qekhp2pEVdLLCzB4sMUUrvvd7a8VxB4S--qem4QNRPt4d8N-AZ11oDX12F-Ce1FKIjZwxk_j70QSNg2323X_nV4QsFInsoWZOW9EVjoVBUsqeknteEyCJtdmWbfaxVZichs3jqpJUTstS031R94unMFSSR3RpmTw09KzoFI8v01EDQz7WjQ5iwxbohAp-db4WRFFM04S--VsSbwaAq80nZLAJcQg1td40wIIvaSPBm53qoUT06er290sn-i>

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ErESar27Ywq9Z8N-
AZ1kE8iS4p6vziNeJjWs01dLLKndyU2F6y05_rVbjd45njh08bb70JIV1xgSCedF14HZX5N5Wm>

From: <Ferrentino>,
"Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>"
<Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>>
Date: Wednesday, August 5, 2015 at 1:09 PM
To: Adri Lima <alima@academica.org<mailto:alima@academica.org>>
Cc:
"Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>"
<Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>>
Subject: Receipt of Applications

Good afternoon Ms. Lima,

Just a short email to inform you that we are in receipt of the following applications:

- 1) Friday, July 31, 2015 - Somerset Academy Vero Beach
- 2) Monday, August 3, 2015 - Somerset Academy Middle School Vero Beach

I will be meeting with our Superintendent next Wednesday....after-which I will forward to you an evaluation agenda.

Thank you....Mike

Dr. Michael Ferrentino
Executive Director ESE/SS
School District of Indian River County
1990 25th St.
Vero Beach, FL 32960
(772) 564-5932
Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org> /

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Indian River County School District

Charter School Application Timeline-2015-2016

- July 31, 2015* *SOMERSET ACADEMY APPLICATION RECEIVED.*
- Aug. 3, 2015* *SOMERSET ACADEMY MIDDLE APPLICATION RECEIVED.*
- Aug. 14, 2015* *Initial meeting with selected reviewers. Application forwarded to selected
(11-noon, LICR) reviewers for scoring and School Board members (SLC.)*
- Aug. 17-21, 2015* *selected reviewers begin working meetings with their staff.*
- Aug. 21, 2015* *Follow-up meeting with selected reviewers.
(11-noon, LICR)*
- Aug. 24-28, 2015* *(cont.) Selected reviewers - working meetings with their staff.*
- Aug. 28, 2015* *Follow-up meeting with selected reviewers. Preparatory meeting for Interviews (Public
meeting) with Somerset Representatives.
(11-noon, LICR)*
-
- Sept. 10, 2015* *District Review Team conducts Interviews (Public Meeting) (1:00 PM, TEC) with Somerset
Academy Representatives.*
- District Review Team conducts Interviews (Public Meeting) (3:00 PM, TEC) with Somerset
Academy Middle Representatives.*
- Sept. 11, 2015* *Team Meeting to review Interview Question responses.
(11-noon, LICR)*
- Sept. 11, 2015* *Team meeting to prepare responses for Summary of Findings meeting.*
- Sept. 21, 2015* *District Review Team conducts, "Summary of Findings meeting"
(public meeting) (1:00 pm, TEC) for Somerset Academy Representatives.*
- District Review Team conducts, "Summary of Findings meeting"
(public meeting) (3:00 pm, TEC) for Somerset Academy Middle Representatives.*
- Sept. 22, 2015* *Review Team Recommendations to Superintendent.
Notification to Somerset Representatives of Recommendation to Board.*
- Sept. 24, 2015 (noon)* *Item placeholder on the School Board's 10/06/15 agenda for decision.*
- Sept. 23-25, 2015* *Notification of the Superintendent's recommendation to the School Board.*
- October 06, 2015* *School Board Meeting.*
- October 07, 2015* *Formal notification of Award or Denial after School Board meeting for Somerset Academy.
Formal notification to State of Florida of the status on the application.*

3

Suzanne D'Agresta

From: D'Agresta, Suzanne <Suzanne.D'Agresta@indianriverschools.org>
Sent: Tuesday, September 01, 2015 2:09 PM
To: Suzanne D'Agresta
Subject: FW: Reminder for Interview dates
Attachments: 2015 August 1st Timeline Somerset & Somerset Middle Application- Revised due to Storm.docx

From: Ferrentino, Michael
Sent: Monday, August 31, 2015 2:28 PM
To: 'Adriana Lima'
Cc: Ferrentino, Michael
Subject: RE: Reminder for Interview dates

Hi Ms. Lima,

I trust that you fared well and that the flooding wasn't as bad as it was here in Indian River County. We have worked through another time frame for our meeting dates.

I would like to propose conducting the interviews on the afternoon of Thursday, September 10, 2015 as follows:

Somerset Academy Elementary Vero to Thursday, September 10, 2015 @ 1:30 AM - 3:00 PM
Somerset Academy Middle Vero to Thursday, September 10, 2015 @ 3:30 PM - 5:00 PM

I have enclosed an attached revised schedule for your review and approval.
Thank you,
Michael Ferrentino

From: Adriana Lima [mailto:alima@academica.org]
Sent: Friday, August 28, 2015 3:31 PM
To: Ferrentino, Michael
Subject: Re: Reminder for Interview dates

That is no problem. Thank you so much!

Adri C. Lima / Academica
305.878.9993 / [http://cp.mcafee.com/d/k-Kr41ASyMMyyPsQsLI6XCTTPh0yeojd79JZYQsEzC773rXVEVh7ccECTTPhOMCCeKrExF6fQDEaH4_o81fQNMddRyvI4aDwoU6CSb6zDT_vvW_cIf3xR-LsKDuWf3DT7TNTbnhIyyHtdzBgY-F6lK1FJcSDsTsTsS02SSEuHaSY01dQr5dx3-gd4-Ao_iuwGk49r2czfNFoDmFZe00CSn4nD3oK0GhEw1vG0wxYjh0Xm9Ew3oj-9Cn3h0xI_ErpjdPZVES4T](http://cp.mcafee.com/d/2DRPowcy0A96Qm64kmrCzBZWtS--qekhp2pEVdLLCzB4sMUUrvvd7a8VxB4S--qem4QNRpt4d8N-AZ1loDX12F-Ce1FKIjZwxk_j70QsNoQs-_XX_nVBxUseLRXBQXThUs-U--eVqWdAk1rFIsG7DR80JMddECQXCXCXCODrrkf1Bru00CWdyCMx_86yvicvFfgla24Jx6hDUQIjHk-D00jrbybPxIn0l8Qg0LRpgg-9EwtH4Qg1I9_4PbP1EwgSvQdIFCNmLHKhuekBP<<a href=)

On Aug 28, 2015, at 3:30 PM, Ferrentino, Michael
<Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>> wrote:
I will work on that....
May not get back to you until Monday or Tuesday if that is ok?
Thanks...Mike

From: Adriana Lima [mailto:alima@academica.org]
Sent: Friday, August 28, 2015 2:20 PM
To: Ferrentino, Michael;
'dconcepcionfl@gmail.com<mailto:dconcepcionfl@gmail.com>'
Cc: Alderman, Donna; Berg, Deborah; Blanco, Alice; Chesnut, Patricia; D'Agresta, Suzanne; Francis, Kathrine; Fritz, William; Green, Bruce; Hayes, Christina; Long, Deborah; Malits, Karen; McCarty, Patrick; Morrison, Carter; Robison, Jamie; Rynberg, Andrew; Suit, Edwina; Taylor, Christopher; Torres-Martinez, Lillian
Subject: Re: Reminder for Interview dates

Dr. Ferrentino and review team members,
Thank you for your email and consideration.
Somerset Academy, Inc. has a scheduled board meeting on September 11th. Are there any other dates in September that work for you? If not, I will work with the board to see if they can reschedule their meeting.

Thank you very much. Take care and be safe!

Adri C. Lima / Academica
305.878.9993/ alima@academica.org<mailto:alima@academica.org>

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6340 Sunset Drive Miami, FL 33143
[http://cp.mcafee.com/d/2DRPow720Q96Qm64kmrCzBZwTsS--qekhp2pEVdLLCzB4sMUUrvvd7a8VxB4S--qem4QNRpt4d8N-AZ11oDX12F-Ce1FKIjZwxk_j70QsNoQs-XX_nVBxUseLRXBQXThUs-U--eVqWdAk1rFIsG7DR80JMddI6QXCXCXCm0eF8z0-5eSSEuHaSY01dQr5dx3-gd4-Ao_iuwGk49r2czfNFoDmFZe00CSn4nD3oK0GhEw1vG0wxYjh0Xm9Ew3oj-9CnC3h0xI_ErpjdU7RnzWbI>](http://cp.mcafee.com/d/avndxMwrhoohhpKqenS3tPrXVEVh7c9CzAS--qekhp3zxJZYQsEzC6kjrXVEVojj7ndQgQz7WjQ5lyvI4aDwoU6CWNfS25jZcs3jr5zhPX_LLZvCm7xMW_nKnjLt7xPXzXUXBHESHh1KCN0EuvkzaT0QSOrjKrKrKratJJgZm1JU02rESar27Ywq9Z8N-AZ1kE8iS4p6vziNeJjWs01dIK8Le6Ns1kzh02_1B13UCy1SIjh06MDYjclC6y13p_gSOcrlZRI<http://cp.mcafee.com/d/2DRPow720Q96Qm64kmrCzBZwTsS--qekhp2pEVdLLCzB4sMUUrvvd7a8VxB4S--qem4QNRpt4d8N-AZ11oDX12F-Ce1FKIjZwxk_j70QsNoQs-XX_nVBxUseLRXBQXThUs-U--eVqWdAk1rFIsG7DR80JMddI6QXCXCXCm0eF8z0-5eSSEuHaSY01dQr5dx3-gd4-Ao_iuwGk49r2czfNFoDmFZe00CSn4nD3oK0GhEw1vG0wxYjh0Xm9Ew3oj-9CnC3h0xI_ErpjdU7RnzWbI>)

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From: <Ferrentino>,
"Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianrivers
chools.org>"
<Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianrivers
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Date: Friday, August 28, 2015 at 1:54 PM
To: Adri Lima <alima@academica.org<mailto:alima@academica.org>>,
'dconcepcionfl@gmail.com<mailto:'dconcepcionfl@gmail.com>'
<dconcepcionfl@gmail.com<mailto:dconcepcionfl@gmail.com>>
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<Lillian.TorresMartinez@indianriverschools.orgmailto:Lillian.TorresMartinez@indianriverschools.org>>
Subject: RE: Reminder for Interview dates

Hello Ms. Lima and Mr. Concepcion...

I met with the various review team members this morning in regards to the storm and our meeting schedule. Although at present, the superintendent is anticipating school to be open for business on Monday. However, all team members felt that considering that we are requesting you to come from our south counties, it is unfair, and probably unsafe, to have you drive through rain and wind even if it only remains a Tropical Storm. Thus, we have rescheduled the interviews as follows:

From Monday, August 31, 2015 @ 1:00 - 2:30 PM for Somerset Academy Elementary Vero to Friday, September 11, 2015 @ 10:30 AM - 12 noon

Lunch 12 noon-1:00 PM From Monday, August 31, 2015 @ 2:30 - 5:00 PM for Somerset Academy Middle Vero to Friday, September 11, 2015 @ 1:00 PM - 2:30 PM

Thank you...be safe...

Mike Ferrentino

From: Adriana Lima [mailto:alima@academica.org]
Sent: Thursday, August 27, 2015 2:11 PM
To: Ferrentino, Michael
Subject: Re: Reminder for Interview dates

Good Afternoon Dr. Ferrentino

I hope you are doing well.

The team is set to go up on Monday. In the event the Tropical Storm/Hurricane is set to come this way, will you let me know prior to Monday morning if we will reschedule?

Looking forward to hearing from you.

Thanks

Adri C. Lima / Academica
305.878.9993/ alima@academica.org<<mailto:alima@academica.org>>

Office: 305.669.2906 / Fax: 305.669.4390
6340 Sunset Drive Miami, FL 33143
[http://cp.mcafee.com/d/2DRPosrhoohhpKqenS3tPrXVEVh7c9Czas--qekhp3zxJZYQsEzC6kjrXVEVojj7ndQgQz7WjQ5IyvI4aDwoU6CWNFS25jZcs3jr5zhPX_LLZvCm7xMW_nKnjLt7xPXzXUXBHESHh1KCN0EuvkzaT0QsYCrjKrKrKr01wWYfbUkXrqxWIHrM04ThIks4fv0QjWhzZ9W2FggBI80c_6BytqDQU02rpshusdyU2F6y05-Ha27Nd43JoCy0dxFUCpuod426P-xJBCS004I21EP9w](http://cp.mcafee.com/d/avndz8wd39J5xx55CVEVvodTdLLCzB4sMCqejrXVEVh7cee6TTPh0yeophdLLCzBxdctsTh3icvFfglm9-MgGvFzwqrH4_o8lfQNMddImd7fL--_R-pou73HZuVteZQu7fKfLzKmKzp55mWr7axVZicHs3jqa9JevKVKVIFSSR3RpmTw09KzoFI8v01EDQz7WjQ5iwxbohAp-db4WRfFM04SOUyYUr5M5id40bZmk4fyq87qNd40r2vNcOYMq84dDZ3rapL4wCFLtu<

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From: <Ferrentino>,
"Michael.Ferrentino@indianriverschools.org"<<mailto:Michael.Ferrentino@indianriverschools.org>>

<Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>>

Date: Saturday, August 22, 2015 at 10:54 AM

To: Adri Lima <alima@academica.org<mailto:alima@academica.org>>

Subject: RE: Reminder for Interview dates

Yes....

This will be a Public meeting..

From: Adriana Lima [mailto:alima@academica.org]

Sent: Saturday, August 22, 2015 10:53 AM

To: Ferrentino, Michael

Cc: dconcepcionfl@gmail.com<mailto:dconcepcionfl@gmail.com>

Subject: Re: Reminder for Interview dates

Thank you, Mr. Ferrentino.

We will have Board, Founding members and an administrator from the school.

Will members of the public be allowed in the room?

Adri C. Lima / Academica

305.878.9993 / <http://cp.mcafee.com/d/k->

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fgla24Jx6hDUQIJHk-D00jrbybPxIn018Qg0LRpgg-9Ewth4Qg1I9_4PbP1EwgSvQdIFCQ4SB>

On Aug 22, 2015, at 10:50 AM, Ferrentino, Michael

<Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>> wrote:

Hello Mr. Concepcion,

A friendly reminder regarding the dates and times we have set for our meetings with Somerset representatives as seen below.

Thank you....Mike Ferrentino

Dr. Michael Ferrentino

Executive Director ESE/SS

School District of Indian River County

1990 25th St.

Vero Beach, FL 32960

(772) 564-5932

Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org> /

From: Ferrentino, Michael
Sent: Tuesday, August 18, 2015 11:50 AM
To: 'Adriana Lima'
Cc: 'dconcepcionfl@gmail.com<mailto:dconcepcionfl@gmail.com>'; Ferrentino, Michael
Subject: RE: Receipt of Applications

Good morning Ms. Lima,

Since we truly only have the 60 days this year we are going to have a tight timeframe to work within.

We have scheduled the "Interview" sessions as follows:

Somerset Academy Vero Beach 2015 1:00 PM - 3:00 PM -Monday, August 31,
Somerset Academy Middle School Vero Beach - Monday, August 31, 2015
3:00 PM - 5:00 PM

Additionally, we have scheduled our "Summary of Findings" sessions as follows:
Somerset Academy Vero Beach 2015 1:00 PM - 3:00 PM -Monday, September 14,
Somerset Academy Middle School Vero Beach - Monday, September 14, 2015 3:00 PM
- 5:00 PM

I hope representatives from Somerset can attend this important aspect of the review process.

Again, we ask that only Somerset Board and Founding Members, in addition to the current Principals of the Replication schools attend the Interview process.

Location:
School District of Indian River County
Teacher Education Center (TEC)
1990 25th Street
Vero Beach, FL 32960
(772) 564-3000

We are looking forward to seeing you at these meetings.
Thank you,

Michael Ferrentino, Ed.D.

Indian River County School District

Charter School Application Timeline-2015-2016

- July 31, 2015** **SOMERSET ACADEMY APPLICATION RECEIVED.**
- Aug. 3, 2015** **SOMERSET ACADEMY MIDDLE APPLICATION RECEIVED.**
- Aug. 14, 2015** **Initial meeting with selected reviewers. Application forwarded to selected (11-noon, LICR) reviewers for scoring and School Board members (SLC.)**
- Aug. 17-21, 2015** **Selected reviewers begin working meetings with their staff.**
- Aug. 21, 2015** **Follow-up meeting with selected reviewers. (11-noon, LICR)**
- Aug. 24-28, 2015** **(con't) Selected reviewers - working meetings with their staff.**
- Aug. 28, 2015** **Follow-up meeting with selected reviewers. Preparatory meeting (following SLC) for Interviews (Public meeting) with Somerset Representatives. (11-noon, LICR)**
- Aug. 31, 2015** **District Review Team conducts Interviews (Public Meeting) (1:00 PM, TEC) with Somerset Academy Representatives.**
- District Review Team conducts Interviews (Public Meeting) (3:00 PM, TEC) with Somerset Academy Middle Representatives.**
- Sept. 4, 2015** **Team Meeting to review Interview Question responses.**
- Sept. 10, 2015 (noon)** **Item placeholder on the School Board's 9/22/15 agenda for decision.**
- Sept. 11, 2015** **Team meeting to prepare responses for Summary of Findings meeting.**
- Sept. 14, 2015** **District Review Team conducts, "Summary of Findings meeting" (public meeting) (1:00 pm, TEC) for Somerset Academy Representatives.**
- District Review Team conducts, "Summary of Findings meeting" (public meeting) (3:00 pm, TEC) for Somerset Academy Middle Representatives.**
- Sept. 15, 2015** **Review Team Recommendations to Superintendent.**
Notification to Somerset Representatives of Recommendation to Board.
- Sept. 16-18, 2015** **Notification of the Superintendent's recommendation to the School Board.**
- Sept. 22, 2015** **School Board Meeting.**
- Sept. 23-29, 2015** **Formal notification of Award or Denial after School Board meeting for Somerset Academy.**
Formal notification to State of Florida of the status on the application.
- Sept. 29, 2015** **Day 60 for Somerset Academy**
- Oct. 3, 2015** **Day 60 for Somerset Academy Middle**

4

Green, Bruce

From: Ferrentino, Michael <Michael.Ferrentino@indianriverschools.org>
Sent: Tuesday, September 01, 2015 4:40 PM
To: 'Adriana Lima'; 'dconcepcionfl@gmail.com'
Cc: Ferrentino, Michael
Subject: [ArcMail Restored] RE: Reminder for Interview dates
Attachments: 9-1-15-Revised Working Schedule for Somerset Application Review due to Storm.pdf

Good afternoon Ms. Lima,

I have spoken with our Review Team members and it seems that September 15, 2015 will work for us as well. Thus, with your approval and consent we will reschedule as follows:

Somerset Academy Elementary Vero to Tuesday, September 15, 2015 @ 1:30 AM - 3:00 PM Somerset Academy Middle Vero to Tuesday, September 15, 2015 @ 3:30 PM - 5:00 PM

I have attached a revised working schedule for your review and consent.

Thank you for your consideration,
Mike Ferrentino

From: Adriana Lima [mailto:alima@academica.org]
Sent: Monday, August 31, 2015 10:31 PM
To: Ferrentino, Michael
Subject: Re: Reminder for Interview dates

Good evening Mr. Ferrentino
We have had usual weather around here, nothing out of the norm. Sorry to hear about the flooding! I hope everyone is safe.
Somerset is asking if the meeting can happen Sept 15th so the group can all be there. Does that work for your team?
Thank you!

Adri C. Lima / Academica
305.878.9993 / www.academica.org<<http://www.academica.org>>

On Aug 31, 2015, at 2:29 PM, Ferrentino, Michael
<Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>> wrote:
Hi Ms. Lima,

I trust that you fared well and that the flooding wasn't as bad as it was here in Indian River County. We have worked through another time frame for our meeting dates.

I would like to propose conducting the interviews on the afternoon of Thursday, September 10, 2015 as follows:

Somerset Academy Elementary Vero to Thursday, September 10, 2015 @ 1:30 AM - 3:00 PM Somerset Academy Middle Vero to Thursday, September 10, 2015 @ 3:30 PM - 5:00 PM

I have enclosed an attached revised schedule for your review and approval.
Thank you,
Michael Ferrentino

From: Adriana Lima [mailto:alima@academica.org]
Sent: Friday, August 28, 2015 3:31 PM
To: Ferrentino, Michael
Subject: Re: Reminder for Interview dates

That is no problem. Thank you so much!

Adri C. Lima / Academica
305.878.9993 / www.academica.org<<http://www.academica.org>>

On Aug 28, 2015, at 3:30 PM, Ferrentino, Michael
<Michael.Ferrentino@indianriverschools.org<<mailto:Michael.Ferrentino@indianriverschools.org>>> wrote:
I will work on that.....
May not get back to you until Monday or Tuesday if that is ok?
Thanks....Mike

From: Adriana Lima [mailto:alima@academica.org]
Sent: Friday, August 28, 2015 2:20 PM
To: Ferrentino, Michael; 'dconcepcionfl@gmail.com'<<mailto:dconcepcionfl@gmail.com>>
Cc: Alderman, Donna; Berg, Deborah; Blanco, Alice; Chesnut, Patricia; D'Agresta, Suzanne; Francis, Kathrine; Fritz, William; Green, Bruce; Hayes, Christina; Long, Deborah; Malits, Karen; McCarty, Patrick; Morrison, Carter; Robison, Jamie; Rynberg, Andrew; Suit, Edwina; Taylor, Christopher; Torres-Martinez, Lillian
Subject: Re: Reminder for Interview dates

Dr. Ferrentino and review team members,
Thank you for your email and consideration.
Somerset Academy, Inc. has a scheduled board meeting on September 11th. Are there any other dates in September that work for you? If not, I will work with the board to see if they can reschedule their meeting.

Thank you very much. Take care and be safe!

Adri C. Lima / Academica
305.878.9993 / alima@academica.org<<mailto:alima@academica.org>>

Office: 305.669.2906 / Fax: 305.669.4390
6340 Sunset Drive Miami, FL 33143
www.academica.org<<http://www.academica.org>>

[<http://3sparks.net/signature/images/social/facebook.png>]<<http://facebook.com/academicaschools>>[<http://3sparks.net/signature/images/social/twitter-2.png>]<<http://twitter.com/academicatweets>>[<http://3sparks.net/signature/images/social/instagram.png>]<<http://www.instagram.com/academicaschools>>

From: <Ferrentino>, "Michael.Ferrentino@indianriverschools.org" <<mailto:Michael.Ferrentino@indianriverschools.org>>>
<<mailto:Michael.Ferrentino@indianriverschools.org>><<mailto:Michael.Ferrentino@indianriverschools.org>>>
Date: Friday, August 28, 2015 at 1:54 PM
To: Adri Lima <alima@academica.org<<mailto:alima@academica.org>>>, "dconcepcionfl@gmail.com" <<mailto:dconcepcionfl@gmail.com>>>
<dconcepcionfl@gmail.com<<mailto:dconcepcionfl@gmail.com>>>

Cc: "Alderman, Donna" <Donna.Alderman@indianriverschools.org<mailto:Donna.Alderman@indianriverschools.org>>, "Berg, Deborah" <Deborah.Berg@indianriverschools.org<mailto:Deborah.Berg@indianriverschools.org>>, "Blanco, Alice" <Alice.Blanco@indianriverschools.org<mailto:Alice.Blanco@indianriverschools.org>>, "Chesnut, Patricia" <Patricia.Chesnut@indianriverschools.org<mailto:Patricia.Chesnut@indianriverschools.org>>, "D'Agresta, Suzanne" <Suzanne.D'Agresta@indianriverschools.org<mailto:Suzanne.D'Agresta@indianriverschools.org>>, "Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>" <Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>>, "Francis, Kathrine" <Kathrine.Francis@indianriverschools.org<mailto:Kathrine.Francis@indianriverschools.org>>, "Fritz, William" <William.Fritz@indianriverschools.org<mailto:William.Fritz@indianriverschools.org>>, "Green, Bruce" <Bruce.Green@indianriverschools.org<mailto:Bruce.Green@indianriverschools.org>>, "Hayes, Christina" <Christina.Hayes@indianriverschools.org<mailto:Christina.Hayes@indianriverschools.org>>, "Long, Deborah" <Deborah.Long@indianriverschools.org<mailto:Deborah.Long@indianriverschools.org>>, "Malits, Karen" <Karen.Malits@indianriverschools.org<mailto:Karen.Malits@indianriverschools.org>>, "McCarty, Patrick" <Patrick.Mccarty@indianriverschools.org<mailto:Patrick.Mccarty@indianriverschools.org>>, "Morrison, Carter" <Carter.Morrison@indianriverschools.org<mailto:Carter.Morrison@indianriverschools.org>>, "Robison, Jamie" <Jamie.Robison@indianriverschools.org<mailto:Jamie.Robison@indianriverschools.org>>, "Rynberg, Andrew" <Andrew.Rynberg@indianriverschools.org<mailto:Andrew.Rynberg@indianriverschools.org>>, "Suit, Edwina" <Edwina.Suit@indianriverschools.org<mailto:Edwina.Suit@indianriverschools.org>>, "Taylor, Christopher" <Christopher.Taylor@indianriverschools.org<mailto:Christopher.Taylor@indianriverschools.org>>, "Torres-Martinez, Lillian" <Lillian.TorresMartinez@indianriverschools.org<mailto:Lillian.TorresMartinez@indianriverschools.org>>
Subject: RE: Reminder for Interview dates

Hello Ms. Lima and Mr. Concepcion....

I met with the various review team members this morning in regards to the storm and our meeting schedule. Although at present, the superintendent is anticipating school to be open for business on Monday. However, all team members felt that considering that we are requesting you to come from our south counties, it is unfair, and probably unsafe, to have you drive through rain and wind even if it only remains a Tropical Storm. Thus, we have rescheduled the interviews as follows:

>From Monday, August 31, 2015 @ 1:00 - 2:30 PM for Somerset Academy
>Elementary Vero to Friday, September 11, 2015 @ 10:30 AM - 12 noon

Lunch 12 noon-1:00 PM

>From Monday, August 31, 2015 @ 2:30 - 5:00 PM for Somerset Academy
>Middle Vero to Friday, September 11, 2015 @ 1:00 PM - 2:30 PM

Thank you....be safe....

Mike Ferrentino

From: Adriana Lima [mailto:alima@academica.org]
Sent: Thursday, August 27, 2015 2:11 PM
To: Ferrentino, Michael
Subject: Re: Reminder for Interview dates

Good Afternoon Dr. Ferrentino

I hope you are doing well.

The team is set to go up on Monday. In the event the Tropical Storm/Hurricane is set to come this way, will you let me know prior to Monday morning if we will reschedule?

Looking forward to hearing from you.

Thanks

Adri C. Lima / Academica
305.878.9993/ alima@academica.org<<mailto:alima@academica.org>>

Office: 305.669.2906 / Fax: 305.669.4390
6340 Sunset Drive Miami, FL 33143
www.academica.org<<http://htmlsig.com/www.academica.org>>

[<http://3sparks.net/signature/images/social/facebook.png>]<<http://facebook.com/academicaschools>>[<http://3sparks.net/signature/images/social/twitter-2.png>]<<http://twitter.com/academicatweets>>[<http://3sparks.net/signature/images/social/instagram.png>]<<http://www.instagram.com/academicaschools>>

From: <Ferrentino>, "Michael.Ferrentino@indianriverschools.org<<mailto:Michael.Ferrentino@indianriverschools.org>>"
<Michael.Ferrentino@indianriverschools.org<<mailto:Michael.Ferrentino@indianriverschools.org>>>
Date: Saturday, August 22, 2015 at 10:54 AM
To: Adri Lima <alima@academica.org<<mailto:alima@academica.org>>>
Subject: RE: Reminder for Interview dates

Yes....
This will be a Public meeting...

From: Adriana Lima [<mailto:alima@academica.org>]
Sent: Saturday, August 22, 2015 10:53 AM
To: Ferrentino, Michael
Cc: dconcepcionfl@gmail.com<<mailto:dconcepcionfl@gmail.com>>
Subject: Re: Reminder for Interview dates

Thank you, Mr. Ferrentino.
We will have Board, Founding members and an administrator from the school.
Will members of the public be allowed in the room?

Adri C. Lima / Academica
305.878.9993 / www.academica.org<<http://www.academica.org>>

On Aug 22, 2015, at 10:50 AM, Ferrentino, Michael
<Michael.Ferrentino@indianriverschools.org<<mailto:Michael.Ferrentino@indianriverschools.org>>> wrote:
Hello Mr. Concepcion,

A friendly reminder regarding the dates and times we have set for our meetings with Somerset representatives as seen below.

Thank you....Mike Ferrentino

Dr. Michael Ferrentino
Executive Director ESE/SS
School District of Indian River County
1990 25th St.
Vero Beach, FL 32960
(772) 564-5932
Michael.Ferrentino@indianriverschools.org<<mailto:Michael.Ferrentino@indianriverschools.org>> /

From: Ferrentino, Michael
Sent: Tuesday, August 18, 2015 11:50 AM
To: 'Adriana Lima'
Cc: 'dconcepcionfl@gmail.com<mailto:dconcepcionfl@gmail.com>'; Ferrentino, Michael
Subject: RE: Receipt of Applications

Good morning Ms. Lima,

Since we truly only have the 60 days this year we are going to have a tight timeframe to work within. We have scheduled the "Interview" sessions as follows:

Somerset Academy Vero Beach	-Monday, August 31, 2015	1:00 PM - 3:00 PM
Somerset Academy Middle School Vero Beach	- Monday, August 31, 2015	3:00 PM - 5:00 PM

Additionally, we have scheduled our "Summary of Findings" sessions as follows:

Somerset Academy Vero Beach	-Monday, September 14, 2015	1:00 PM - 3:00 PM
Somerset Academy Middle School Vero Beach	- Monday, September 14, 2015	3:00 PM - 5:00 PM

I hope representatives from Somerset can attend this important aspect of the review process.

Again, we ask that only Somerset Board and Founding Members, in addition to the current Principals of the Replication schools attend the Interview process.

Location:

School District of Indian River County
Teacher Education Center (TEC)
1990 25th Street
Vero Beach, FL 32960
(772) 564-3000

We are looking forward to seeing you at these meetings.

Thank you,

Michael Ferrentino, Ed.D.

<2015 August 1st Timeline Somerset & Somerset Middle Application- Revised due to Storm.docx>

Indian River County School District

Charter School Application Timeline-2015-2016

- July 31, 2015** **SOMERSET ACADEMY APPLICATION RECEIVED.**
- Aug. 3, 2015** **SOMERSET ACADEMY MIDDLE APPLICATION RECEIVED.**
- Aug. 14, 2015** **Initial meeting with selected reviewers. Application forwarded to selected (11-noon, LICR) reviewers for scoring and School Board members (SLC.)**
- Aug. 17-21, 2015** **selected reviewers begin working meetings with their staff.**
- Aug. 21, 2015** **Follow-up meeting with selected reviewers. (11-noon, LICR)**
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- Aug. 28, 2015** **Follow-up meeting with selected reviewers. Preparatory meeting for interviews (Public meeting) with Somerset Representatives. (11-noon, LICR)**
-
- Sept. 11, 2015** **Review Compiled Interview Questions (11-noon, LICR)**
- Sept. 15, 2015** **District Review Team conducts Interviews (Public Meeting) (1:00 PM, TEC) with Somerset Academy Representatives.**
- District Review Team conducts Interviews (Public Meeting) (3:00 PM, TEC) with Somerset Academy Middle Representatives.**
- Sept. 18, 2015** **Team Meeting to review Interview Question responses. (1-2, LICR)**
- Sept. 25, 2015** **Team meeting to prepare responses for Summary of Findings meeting.**
- Sept. 29, 2015** **District Review Team conducts, "Summary of Findings meeting" (public meeting) (1:00 pm, TEC) for Somerset Academy Representatives.**
- District Review Team conducts, "Summary of Findings meeting" (public meeting) (3:00 pm, TEC) for Somerset Academy Middle Representatives.**
- Sept. 30, 2015** **Review Team Recommendations to Superintendent.**
Notification to Somerset Representatives of Recommendation to Board.
- Oct. 1, 2015** **Notification of the Superintendent's recommendation to the School Board.**
- Oct. 1, 2015 (noon)** **Item placeholder on the School Board's 10/13/15 agenda for decision.**
- October 13, 2015** **School Board Meeting.**
- October 14, 2015** **Formal notification of Award or Denial after School Board meeting for Somerset Academy.**
Formal notification to State of Florida of the status on the application.

5

Green, Bruce

From: Ferrentino, Michael <Michael.Ferrentino@indianriverschools.org>
Sent: Tuesday, September 01, 2015 4:45 PM
To: 'Adriana Lima'; 'dconcepcionfl@gmail.com'
Subject: [ArcMail Restored] RE: Reminder for Interview dates

Wonderful,
I will let the Review Team know that our revised schedule will work for both parties.
Looking forward to seeing you on the 15th.

Mike

From: Adriana Lima [mailto:alima@academica.org]
Sent: Tuesday, September 01, 2015 4:42 PM
To: Ferrentino, Michael; 'dconcepcionfl@gmail.com'
Subject: Re: Reminder for Interview dates

This is great. Thank you very much and we look forward to the 15th.

Adri C. Lima / Academica
305.878.9993/ alima@academica.org<mailto:alima@academica.org>

Office: 305.669.2906 / Fax: 305.669.4390
6340 Sunset Drive Miami, FL 33143
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[<http://3sparks.net/signature/images/social/facebook.png>]<<http://facebook.com/academicaschools>>[<http://3sparks.net/signature/images/social/twitter-2.png>]
<<http://twitter.com/academicatweets>>[<http://3sparks.net/signature/images/social/instagram.png>]
<<http://www.instagram.com/academicaschools>>

From: <Ferrentino>, "Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>"
<Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>>
Date: Tuesday, September 1, 2015 at 4:39 PM
To: Adri Lima <alima@academica.org<mailto:alima@academica.org>>,
"dconcepcionfl@gmail.com<mailto:dconcepcionfl@gmail.com>"
<dconcepcionfl@gmail.com<mailto:dconcepcionfl@gmail.com>>
Cc: "Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>"
<Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>>
Subject: RE: Reminder for Interview dates

Good afternoon Ms. Lima,

I have spoken with our Review Team members and it seems that September 15, 2015 will work for us as well.
Thus, with your approval and consent we will reschedule as follows:

Somerset Academy Elementary Vero to Tuesday, September 15, 2015 @ 1:30 AM - 3:00 PM Somerset Academy Middle Vero to Tuesday, September 15, 2015 @ 3:30 PM - 5:00 PM

I have attached a revised working schedule for your review and consent.

Thank you for your consideration,
Mike Ferrentino

From: Adriana Lima [mailto:alima@academica.org]
Sent: Monday, August 31, 2015 10:31 PM
To: Ferrentino, Michael
Subject: Re: Reminder for Interview dates

Good evening Mr. Ferrentino

We have had usual weather around here, nothing out of the norm. Sorry to hear about the flooding! I hope everyone is safe.

Somerset is asking if the meeting can happen Sept 15th so the group can all be there. Does that work for your team?

Thank you!

Adri C. Lima / Academica
305.878.9993 / www.academica.org<<http://www.academica.org>>

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Hi Ms. Lima,

I trust that you fared well and that the flooding wasn't as bad as it was here in Indian River County. We have worked through another time frame for our meeting dates.

I would like to propose conducting the interviews on the afternoon of Thursday, September 10, 2015 as follows:

Somerset Academy Elementary Vero to Thursday, September 10, 2015 @ 1:30 AM - 3:00 PM Somerset Academy Middle Vero to Thursday, September 10, 2015 @ 3:30 PM - 5:00 PM

I have enclosed an attached revised schedule for your review and approval.

Thank you,
Michael Ferrentino

From: Adriana Lima [mailto:alima@academica.org]
Sent: Friday, August 28, 2015 3:31 PM
To: Ferrentino, Michael
Subject: Re: Reminder for Interview dates

That is no problem. Thank you so much!

Adri C. Lima / Academica
305.878.9993 / www.academica.org<<http://www.academica.org>>

On Aug 28, 2015, at 3:30 PM, Ferrentino, Michael
<Michael.Ferrentino@indianriverschools.org<<mailto:Michael.Ferrentino@indianriverschools.org>>> wrote:

I will work on that.....

May not get back to you until Monday or Tuesday if that is ok?

Thanks....Mike

From: Adriana Lima [mailto:alima@academica.org]

Sent: Friday, August 28, 2015 2:20 PM

To: Ferrentino, Michael; 'dconcepcionfl@gmail.com' <mailto:dconcepcionfl@gmail.com>

Cc: Alderman, Donna; Berg, Deborah; Blanco, Alice; Chesnut, Patricia; D'Agresta, Suzanne; Francis, Kathrine; Fritz, William; Green, Bruce; Hayes, Christina; Long, Deborah; Malits, Karen; McCarty, Patrick; Morrison, Carter; Robison, Jamie; Rynberg, Andrew; Suit, Edwina; Taylor, Christopher; Torres-Martinez, Lillian

Subject: Re: Reminder for Interview dates

Dr. Ferrentino and review team members,

Thank you for your email and consideration.

Somerset Academy, Inc. has a scheduled board meeting on September 11th. Are there any other dates in September that work for you? If not, I will work with the board to see if they can reschedule their meeting.

Thank you very much. Take care and be safe!

Adri C. Lima / Academica

305.878.9993/ alima@academica.org <mailto:alima@academica.org>

Office: 305.669.2906 / Fax: 305.669.4390

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From: <Ferrentino>, "Michael.Ferrentino@indianriverschools.org" <mailto:Michael.Ferrentino@indianriverschools.org>
<Michael.Ferrentino@indianriverschools.org <mailto:Michael.Ferrentino@indianriverschools.org>>

Date: Friday, August 28, 2015 at 1:54 PM

To: Adri Lima <alima@academica.org <mailto:alima@academica.org>>,

"dconcepcionfl@gmail.com" <mailto:dconcepcionfl@gmail.com>

<dconcepcionfl@gmail.com <mailto:dconcepcionfl@gmail.com>>

Cc: "Alderman, Donna" <Donna.Alderman@indianriverschools.org <mailto:Donna.Alderman@indianriverschools.org>>,

"Berg, Deborah" <Deborah.Berg@indianriverschools.org <mailto:Deborah.Berg@indianriverschools.org>>, "Blanco,

Alice" <Alice.Blanco@indianriverschools.org <mailto:Alice.Blanco@indianriverschools.org>>, "Chesnut, Patricia"

<Patricia.Chesnut@indianriverschools.org <mailto:Patricia.Chesnut@indianriverschools.org>>, "D'Agresta, Suzanne"

<Suzanne.D'Agresta@indianriverschools.org <mailto:Suzanne.D'Agresta@indianriverschools.org>>,

"Michael.Ferrentino@indianriverschools.org" <mailto:Michael.Ferrentino@indianriverschools.org>

<Michael.Ferrentino@indianriverschools.org <mailto:Michael.Ferrentino@indianriverschools.org>>, "Francis, Kathrine"

<Kathrine.Francis@indianriverschools.org <mailto:Kathrine.Francis@indianriverschools.org>>, "Fritz, William"

<William.Fritz@indianriverschools.org <mailto:William.Fritz@indianriverschools.org>>, "Green, Bruce"

<Bruce.Green@indianriverschools.org <mailto:Bruce.Green@indianriverschools.org>>, "Hayes, Christina"

<Christina.Hayes@indianriverschools.org <mailto:Christina.Hayes@indianriverschools.org>>, "Long, Deborah"

<Deborah.Long@indianriverschools.org <mailto:Deborah.Long@indianriverschools.org>>, "Malits, Karen"

<Karen.Malits@indianriverschools.org <mailto:Karen.Malits@indianriverschools.org>>, "McCarty, Patrick"

<Patrick.Mccarty@indianriverschools.org <mailto:Patrick.Mccarty@indianriverschools.org>>, "Morrison, Carter"

<Carter.Morrison@indianriverschools.org <mailto:Carter.Morrison@indianriverschools.org>>, "Robison, Jamie"

<Jamie.Robison@indianriverschools.org <mailto:Jamie.Robison@indianriverschools.org>>, "Rynberg, Andrew"

<Andrew.Rynberg@indianriverschools.org <mailto:Andrew.Rynberg@indianriverschools.org>>, "Suit, Edwina"

<Edwina.Suit@indianriverschools.org<mailto:Edwina.Suit@indianriverschools.org>>, "Taylor, Christopher"
<Christopher.Taylor@indianriverschools.org<mailto:Christopher.Taylor@indianriverschools.org>>, "Torres-Martinez,
Lillian" <Lillian.TorresMartinez@indianriverschools.org<mailto:Lillian.TorresMartinez@indianriverschools.org>>
Subject: RE: Reminder for Interview dates

Hello Ms. Lima and Mr. Concepcion....

I met with the various review team members this morning in regards to the storm and our meeting schedule. Although at present, the superintendent is anticipating school to be open for business on Monday. However, all team members felt that considering that we are requesting you to come from our south counties, it is unfair, and probably unsafe, to have you drive through rain and wind even if it only remains a Tropical Storm. Thus, we have rescheduled the interviews as follows:

>From Monday, August 31, 2015 @ 1:00 - 2:30 PM for Somerset Academy
>Elementary Vero to Friday, September 11, 2015 @ 10:30 AM - 12 noon

Lunch 12 noon-1:00 PM

>From Monday, August 31, 2015 @ 2:30 - 5:00 PM for Somerset Academy
>Middle Vero to Friday, September 11, 2015 @ 1:00 PM - 2:30 PM

Thank you....be safe....

Mike Ferrentino
From: Adriana Lima [mailto:alima@academica.org]
Sent: Thursday, August 27, 2015 2:11 PM
To: Ferrentino, Michael
Subject: Re: Reminder for Interview dates

Good Afternoon Dr. Ferrentino
I hope you are doing well.
The team is set to go up on Monday. In the event the Tropical Storm/Hurricane is set to come this way, will you let me know prior to Monday morning if we will reschedule?
Looking forward to hearing from you.
Thanks

Adri C. Lima / Academica
305.878.9993/ alima@academica.org<mailto:alima@academica.org>

Office: 305.669.2906 / Fax: 305.669.4390
6340 Sunset Drive Miami, FL 33143
www.academica.org<http://htmlsig.com/www.academica.org>

[<http://3sparks.net/signature/images/social/facebook.png>]<http://facebook.com/academicaschools>][<http://3sparks.net/signature/images/social/twitter-2.png>]<http://twitter.com/academicatweets>][<http://3sparks.net/signature/images/social/instagram.png>]<http://www.instagram.com/academicaschools>

From: <Ferrentino>, "Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>"
<Michael.Ferrentino@indianriverschools.org<mailto:Michael.Ferrentino@indianriverschools.org>>
Date: Saturday, August 22, 2015 at 10:54 AM
To: Adri Lima <alima@academica.org<mailto:alima@academica.org>>

Subject: RE: Reminder for Interview dates

Yes....

This will be a Public meeting...

From: Adriana Lima [mailto:alima@academica.org]
Sent: Saturday, August 22, 2015 10:53 AM
To: Ferrentino, Michael
Cc: dconcepcionfl@gmail.com<<mailto:dconcepcionfl@gmail.com>>
Subject: Re: Reminder for Interview dates

Thank you, Mr. Ferrentino.
We will have Board, Founding members and an administrator from the school.
Will members of the public be allowed in the room?

Adri C. Lima / Academica
305.878.9993 / www.academica.org<<http://www.academica.org>>

On Aug 22, 2015, at 10:50 AM, Ferrentino, Michael
<Michael.Ferrentino@indianriverschools.org<<mailto:Michael.Ferrentino@indianriverschools.org>>> wrote:
Hello Mr. Concepcion,

A friendly reminder regarding the dates and times we have set for our meetings with Somerset representatives as seen below.

Thank you....Mike Ferrentino

Dr. Michael Ferrentino
Executive Director ESE/SS
School District of Indian River County
1990 25th St.
Vero Beach, FL 32960
(772) 564-5932
Michael.Ferrentino@indianriverschools.org<<mailto:Michael.Ferrentino@indianriverschools.org>> /

From: Ferrentino, Michael
Sent: Tuesday, August 18, 2015 11:50 AM
To: 'Adriana Lima'
Cc: 'dconcepcionfl@gmail.com<<mailto:dconcepcionfl@gmail.com>>'; Ferrentino, Michael
Subject: RE: Receipt of Applications

Good morning Ms. Lima,

Since we truly only have the 60 days this year we are going to have a tight timeframe to work within.
We have scheduled the "Interview" sessions as follows:

Somerset Academy Vero Beach	-Monday, August 31, 2015	1:00 PM - 3:00 PM
Somerset Academy Middle School Vero Beach	- Monday, August 31, 2015	3:00 PM - 5:00 PM

Additionally, we have scheduled our "Summary of Findings" sessions as follows:
Somerset Academy Vero Beach -Monday, September 14, 2015 1:00 PM - 3:00 PM

Somerset Academy Middle School Vero Beach - Monday, September 14, 2015 3:00 PM - 5:00 PM

I hope representatives from Somerset can attend this important aspect of the review process.

Again, we ask that only Somerset Board and Founding Members, in addition to the current Principals of the Replication schools attend the Interview process.

Location:

School District of Indian River County
Teacher Education Center (TEC)
1990 25th Street
Vero Beach, FL 32960
(772) 564-3000

We are looking forward to seeing you at these meetings.

Thank you,

Michael Ferrentino, Ed.D.

<2015 August 1st Timeline Somerset & Somerset Middle Application- Revised due to Storm.docx>

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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE SOUTHERN DISTRICT
OF FLORIDA.
No. 64-721-Civil-CA

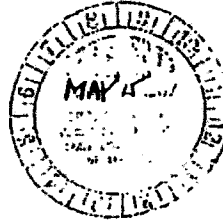
DENISE SHARPTON, et al.,

Plaintiffs,

vs.

THE BOARD OF PUBLIC INSTRUCTION
OF INDIAN RIVER COUNTY, FLORIDA,

Defendant.



ORDER

This cause coming on to be heard upon Plaintiffs' Motion for Further Relief and upon stipulation of counsel for entry of a Consent Order, and the Court having heard the argument of counsel and being fully advised in the premises, it is, therefore, upon consideration,

ORDERED, ADJUDGED AND DECREED that the Final Decree entered herein on the 19th day of April, 1965, as amended by Order dated November 12, 1965, and as corrected by Order entered December 30, 1965, be amended to read as follows:

1. Commencing with the 1967-68 school year, all grades, including kindergarten grades, in the public schools of Indian River County, Florida, shall be desegregated and students assigned to schools in these grades without regard to race or color. Every child eligible to enter and intending to enter any grade of the public schools of Indian River County, Florida, at the beginning of the 1967-1968 school year and subsequent school years may choose to attend any school in the county school system.

2. The following provisions shall apply to all grades:

(a) Who May Exercise Choice. A choice of schools may be exercised by a parent or other adult person serving as the student's

parent. A student may exercise his own choice if he (1) is exercising a choice for the ninth or a higher grade, or (2) has reached the age of fifteen at the time of the exercise of choice. Such a choice by a student is controlling unless a different choice is exercised for him by his parent or other adult person serving as his parent during the choice period or at such later time as the student exercises a choice. Each reference in this decree to a student's exercising a choice means the exercise of the choice, as appropriate, by a parent or such other adult, or by the student himself.

(b) Annual Exercise of Choice. All students, both white and negro, shall be required to exercise a free choice of schools annually.

(c) Choice Period. The period for exercising choice of a school shall commence March 1 and end March 31 of each year. No student or prospective student who exercises his choice within the choice period shall be given any preference because of the time within the period when such choice was exercised.

(d) Mandatory Exercise of Choice. A failure to exercise a choice within the choice period shall not preclude any student from exercising a choice at any time up to one week before the opening of school for the Fall term for the year with respect to which the choice applies, but such choice may be subordinated to the choices of students who exercised choice before the expiration of the choice period. Any student who has not exercised his choice of school within a week before school opens shall be assigned to the school nearest his home where space is available under standards for determining available space which shall be applied uniformly throughout the system.

(e) Public Notice. On or within a week before the date the choice period opens, the defendants shall arrange for the conspicuous publication of a notice describing the provisions of this decree in the newspaper most generally circulated in the community. The text of the notice shall be substantially similar to the text of the explanatory letter sent home to parents. Publication as a legal notice will not be sufficient. Copies of this notice must also be given at that time to all radio and television stations serving the community. Copies of this decree shall be posted in each school in the school system and at the office of the Superintendent of Education.

(f) Mailing of Explanatory Letters and Choice Forms. No later than the first day of the choice period there shall be distributed by first-class mail an explanatory letter and a choice form to the parent (or other adult person acting as parent, if known to the defendants) of each student, together with a return envelope addressed to the Superintendent.

(g) Extra copies of the Explanatory Letter and Choice Form. Extra copies of the explanatory letter and choice form shall be freely available to parents, students, prospective students, and the general public at each school in the system and at the office of the Superintendent of Education during the times of the year when such schools are usually open.

(h) Content of Choice Form. Each choice form shall set forth the name and location of the grades offered at each school and may require of the person exercising the choice the name, address, age of student, school and grade currently

or most recently attended by the student, the school chosen, the signature of one parent or other adult person serving as parent, or where appropriate the signature of the student, and the identity of the person signing. No statement of reasons for a particular choice, or any other information, or any witness or other authentication, may be required or requested, without approval of the court.

(j) Return of Choice Form. At the option of the person completing the choice form, the choice may be returned by mail, in person, or by messenger to any school in the school system or to the office of the Superintendent.

(j) Choices not on Official Form. The exercise of choice may also be made by the submission in like manner of any other writing which contains information sufficient to identify the student and indicates that he has made a choice of school.

(k) Choice Forms Binding. When a choice form has once been submitted and the choice period has expired, the choice is binding for the entire school year and may not be changed except in cases of parents making different choices from their children under the conditions set forth in paragraph (a) of this decree and in the exceptional cases where, absent the consideration of race, a change is educationally called for or where compelling hardship is shown by the student.

(l) Preference in Assignment. In assigning students to schools, no preference shall be given to any student for prior

attendance at a school and, except with the approval of court in extraordinary circumstances, no choice shall be denied for any reason other than overcrowding. In case of overcrowding at any school, preference shall be given on the basis of the proximity of the school to the homes of the students choosing it, without regard to race or color. Standards for determining overcrowding shall be applied uniformly throughout the system.

(m) Second Choice Where First Choice Is Denied.

Any student whose choice is denied must be promptly notified in writing and given his choice of any school in the school system serving his grade level where space is available.

The student shall have seven days from the receipt of notice of a denial of first choice in which to exercise a second choice.

(n) Assignment by Superintendent in Default of Choice by Student. In order to utilize existing school space to the best advantage, a student who has not made a choice of a particular school may be assigned to such school as the Superintendent shall determine, provided such assignment is not based on race, color or national origin of any individual.

(o) Transportation. Where transportation is generally provided, buses must be routed to the maximum extent feasible in light of the geographic distribution of students, so as to serve students assigned in accordance with the provisions of this decree. Every student choosing either the formerly white or the formerly negro school nearest his residence must be transported to the school to which he is assigned under these provisions, whether or not it is his first choice, if that school is sufficiently distant

from his home to make him eligible for transportation under generally applicable transportation rules.

(p) **Officials not to Influence Choice.** At no time shall any official, teacher or employee of the school system influence any parent, or other adult person serving as a parent, or any student, in the exercise of a choice or favor or penalize any person because of a choice made. If the defendant school board employs professional guidance counselors, such persons shall base their guidance and counselling on the individual student's particular personal, academic and vocational needs. Such guidance and counselling by teachers as well as professional guidance counsellors shall be available to all students without regard to race or color.

(q) **Protection of Persons Exercising Choice.** Within their authority school officials are responsible for the protection of persons exercising rights under or otherwise affected by this decree. They shall, without delay, take appropriate action with regard to any student or staff member who interferes with the successful operation of the plan. Such interference shall include harassment, intimidation, threats, hostile words or acts, and similar behavior. The school board shall not publish, allow or cause to be published, the names or addresses of pupils exercising rights or otherwise affected by this decree. If officials of the school system are not able to provide sufficient protection, they shall seek whatever assistance is necessary from other appropriate officials.

3. Prospective Students. Each prospective new student shall be required to exercise a choice of schools before or at the time of enrollment.

All such students known to defendants shall be furnished a copy of the prescribed letter to parents, and choice form, by mail or in person, on the date the choice period opens or as soon thereafter as the school system learns that he plans to enroll. Where there is no pre-registration procedure for newly entering students, copies of the choice forms shall be available at the Office of the Superintendent and at each school during the time the school is usually open.

4. Transfers.

(a) Transfers for Students. Any student shall have the right, at the beginning of a new term, to transfer to any school from which he was excluded or would otherwise be excluded on account of his race or color.

(b) Transfers for Special Needs. Any student who requires a course of study not offered at the school to which he has been assigned may be permitted, upon his written application, at the beginning of any school term or semester, to transfer to another school which offers courses for his special needs if such student qualifies on his cumulative record; however, no such application shall be denied because of race, color or national origin.

(c) Special or Exceptional Schools. The assignment of pupils to special or exceptional schools and classes such as those for the physically handicapped, the emotionally disturbed, the brain damaged, the gifted, and the mentally retarded shall be made upon academic excellence, physical need, mental capacity, or emotional condition without regard to the nearness of such school of the residence of such pupil and without regard to race, color or national origin.

5. Services, Facilities, Activities and Programs. No student shall be segregated or discriminated against on account of race or color in any service, facility, activity or program (including transportation, athletics, or other extracurricular activity) that may be conducted or sponsored by or affiliated with the school in which he is enrolled. A student attending school for the first time on a desegregated basis may not be subject to any disqualification or waiting period for participation in activities and programs, including athletics, which might otherwise apply because he is a transfer or newly assigned student except that such transferees shall be subject to long-standing, non-racially based rules of city, county or state athletic associations dealing with the eligibility of transfer students for athletic contests. All school use or school-sponsored use of athletic fields, meeting rooms and all other school related services, facilities, activities and programs such as Commencement exercises and parent-teacher meetings which are open to persons other than enrolled students, shall be open to all persons without regard to race or color. All special educational programs conducted by the defendants shall be conducted without regard to race or color.

6. School Equalization.

(a) Inferior Schools. In the event that any schools heretofore maintained for Negro students should be determined to be inferior with regard to physical facilities, equipment, courses of instruction or instructional materials to the quality of those provided in schools previously maintained for white students, the defendants shall promptly take such steps as are necessary to provide physical facilities, equipment, courses of instruction, and instructional materials of quality equal to that provided in schools previously maintained for white

students. Conditions of overcrowding, as determined by pupil-teacher ratios and pupil-classroom ratios shall, to the extent feasible, be distributed evenly between schools formerly maintained for Negro students and those formerly maintained for white students. If for any reason it is not feasible to improve sufficiently any school formerly maintained for Negro students, where such improvement would otherwise be required by this subparagraph, such school shall be closed as soon as possible, and students enrolled in the school shall be reassigned on the basis of freedom of choice. By October of each year, defendants shall report to the Clerk of the Court pupil-teacher ratios, pupil-classroom ratios, and per-pupil expenditures both as to operating and capital improvement costs, and shall outline the steps to be taken and the time within which they shall accomplish the equalization of such schools.

(b) Remedial Programs. The defendants shall take steps to provide remedial education programs which will permit students attending or who have previously attended all Negro schools to overcome any past inadequacies in their education.

7. New Construction. The defendants, to the extent consistent with the proper operation of the school system as a whole, shall locate any new school and substantially expand any existing schools with the objective of eradicating the vestiges of the dual system and of eliminating the effects of segregation.

8. Faculty and Staff.

(a) Faculty Employment. Race or color shall not be a factor in the hiring, assignment, reassignment, promotion,

demotion, or dismissal of teachers and other professional staff members, including student teachers, except that race may be taken into account for the purpose of counteracting or correcting the effect of the segregated assignment of teachers in the dual system. Defendants shall take steps to assign teachers, principals and staff members to schools so that the faculty and staff is not composed exclusively of members of one race. Wherever possible, teachers shall be assigned so that more than one teacher of the minority race (white or Negro) shall be on a desegregated faculty. Defendants shall take positive and affirmative steps to accomplish the desegregation of their school faculties and to achieve substantial desegregation of faculties in as many of the schools as possible for the 1967-68 school year notwithstanding that teacher contracts for the 1967-68 school year may have already been signed and approved. The tenure of teachers in the system shall not be used as an excuse for failure to comply with this provision. The defendants shall establish as an objective that the pattern of teacher assignment to any particular school not be identifiable as tailored for a heavy concentration of either Negro or white pupils in the school.

(b) Dismissals. Teachers and other professional staff members may not be discriminatorily assigned, dismissed, demoted, or passed over for retention, promotion, or rehiring, on the ground of race or color. In any instance where one or more teachers or other professional staff members are to be displaced as a result of desegregation, no staff vacancy in the school system shall be filled

through recruitment from outside the system unless no such displaced staff member is qualified to fill the vacancy. If, as a result of desegregation, there is to be a reduction in the total professional staff of the school system, the qualifications of all staff members in the system shall be evaluated in selecting the staff member to be released without consideration of race or color. A report containing any such proposed dismissals, and the reasons therefor, shall be filed with the Clerk of the Court, serving copies upon opposing counsel, within five (5) days after such dismissal, demotion, etc., as proposed.

9. Reports to the Court.

(a) Report on Choice Period. The defendants shall serve upon the opposing parties and file with the Clerk of the Court on or before June 15, 1967, and in each subsequent year on or before June 1, a report tabulating by race the number of choice applications and transfer applications received for enrollment in each grade in each school in the system, and the number of choices and transfers granted and the number of denials in each grade of each school. The report shall also state any reasons relied upon in denying choice and shall tabulate, by school and by race of student, the number of choices and transfers denied for each such reason.

In addition, the report shall show the percentage of pupils actually transferred or assigned from segregated grades or to schools attended predominantly by pupils of a race other than the race of the applicant, for attendance during the 1966-67 school year, with comparable data for the 1965-66 school year. Such

additional information shall be included in the report served upon opposing counsel and filed with the Clerk of the Court.

(b) Report After School Opening: The defendants shall, in addition to reports elsewhere described, serve upon opposing counsel and file with the Clerk of the Court within 15 days after the opening of schools for the fall semester of each year, a report setting forth the following information:

(i) The name, address, grade, school of choice and school of present attendance of each student who has withdrawn or requested withdrawal of his choice of school or who has transferred after the start of the school year, together with a description of any action taken by the defendants on his request and the reasons therefor.

(ii) The number of faculty vacancies, by school, that have occurred or been filled by the defendants since the order of this Court or the latest report submitted pursuant to this subparagraph. This report shall state the race of the teacher employed to fill each such vacancy and indicate whether such teacher is newly employed or was transferred from within the system. The tabulation of the number of transfers within the system shall indicate the schools from

which and to which the transfers were made. The report shall also set forth the number of faculty members of each race assigned to each school for the current year.

(iii) The number of students, by race, in each grade of each school.

10. Explanatory Letter. The defendants in complying with the provisions of Paragraph 2 of this decree, with regard to the mailing of explanatory letters and choice forms, shall use explanatory letters and choice forms in substantially the following form:

Board of Public Instruction
Indian River County
Vero Beach, Florida 32960

(Date Sent)

Dear Parent:

All grades in our school system will be desegregated next year. Any student who will be entering one of these grades next year may choose to attend any school in our system, regardless of whether that school was formerly all-white or all-Negro. It does not matter which school your child is attending this year. You and your child may select any school you wish.

Every student, white and Negro, must make a choice of schools. If a child is entering the ninth or higher grade, or if the child is fifteen years old or older, he may make the choice himself. Otherwise a parent or other adult serving as parent must sign the choice form. A child enrolling in the school system for the first time must make a choice of schools before or at the time of his enrollment.

The form on which the choice should be made is attached to this letter. It should be completed and returned by March 31, 1967. You may mail it in the enclosed envelope, or deliver it by messenger or by hand to any school principal or to the Office of the Superintendent. No one may require you to return your choice form before March 31, 1967 and no preference is given for returning the choice form early.

No principal, teacher or other school official is permitted to influence anyone in making a choice or to require early return of the choice form. No one is permitted to favor or penalize any student or other person because of a choice made. A choice once made cannot be changed except for serious hardship.

No child will be denied his choice unless for reasons of overcrowding at the school chosen, in which case children living nearest the school will have preference.

Transportation will be provided, if reasonably possible, no matter what school is chosen.

All parents will be sent a notice of the school to which their child will be assigned no later than June 2, 1967, by first class mail to their last known address.

Additional information concerning assignment procedures may be obtained by contacting Mr. Drennen Browne, Director of Educational Services, at the County School Office located at 1426 - 19th Street or by calling telephone number 362-6468.

Your School Board and the school staff will do everything we can to see to it that the rights of all students are protected and that desegregation of our schools is carried out successfully.

Sincerely yours,
Superintendent.

CHOICE FORM

This form is provided for you to choose a school for your child to attend next year. You have 30 days to make your choice. It does not matter which school your child attended last year, and does not matter whether the school you choose was formerly a white or Negro school. This form must be mailed or brought to the principal of any school in the system or to the office of the Superintendent, Board of Public Instruction, Indian River County, Vero Beach, Florida 32960, by June 1, 1967. A choice is required for each child.

Name of child _____
(Last) (First) (Middle)

Address _____

Mailing address, if different from above _____

Telephone No. at Home _____ Telephone No. at Work _____

Name of Parent or other adult serving as parent _____

If child is entering first grade, date of birth: _____
(Month) (Day) (Year)

Grade child is entering _____

School attended last year _____

Choose one of the following schools by marking an X beside the name.

Name of School	Grade	Location
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature _____
Date _____

To be filled in by Superintendent:
School Assigned _____

11. jurisdiction is hereby retained to assure the full implementation of this Order and to make such other and further Orders that the Court may deem necessary and just and as changes and circumstances might require.

DONE AND ORDERED at Miami, Florida, this 13th day of May, 1967.

G. CLYDE ATKINS

Judge

I certify the foregoing to be a true and correct copy of the original which has been filed of record in this Office.

Joseph I. Bogart, Clerk
United States District Court
Southern District of Florida

By


Deputy Clerk

7

#17 7/8/69

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE SOUTHERN DISTRICT OF
FLORIDA MIAMI DIVISION.

NO. 64-721-Civ-CA

DENISE SHARPTON, et al.,
Plaintiffs,
v.
THE BOARD OF PUBLIC INSTRUCTION
OF INDIAN RIVER COUNTY, FLORIDA,
Defendant.

DEFENDANT'S MEMORANDUM
ON PETITION TO INTERVENE

This is a class action on behalf of all Negro minors in Defendant's school district, similarly situated because of race or color, for relief against racial segregation in the public schools. 15 Am. Jur. 2d, Civil Rights, Section 75, Note 2. As originally instituted prior to the 1966 amendments to the rules, the action obviously constituted a "true" class action under Rule 23(a)(1) as distinguished from a "hybrid" or "spurious" class action under Rule 23(a)(2) or (3). Upon adoption of the 1966 amendments to the rules the action became a Subdivision (b)(2) class action, as distinguished from a Subdivision (b)(1) or (b)(3) class action. Notes of Advisory Committee on Rules, 28 USCA Rule 23, 1969 Supp., page 75.

The distinction is important because it renders inapplicable or irrelevant to this proceeding all of the "hybrid" or "spurious" class action cases cited by Petitioners. Moore's Federal Practice, Par. 23.12. Further, the "one-way" intervention in "spurious" actions approved in the York, Hurd, State Wholesale Grocers, Speed and Tolliver cases cited by Petitioners has been excluded by the 1966 amendments to Rule 23. Notes of Advisory Committee on Rules, 28 USCA Rule 23, 1969 Supp., page 77.

The distinction is important for the further reason that it renders inapplicable to this proceeding the following requirement in Rule 23(c)(2), as amended, cited by Petitioners:

"In any class action maintained under subdivision (b)(3), the court shall direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice shall advise each member that (A) the court will exclude him from the class if he so requests by a specified date; (b) the judgment whether favorable or not, will include all members who do not request exclusion; and (C) any member who does not request exclusion may, if he desires, enter an appearance through his counsel."

This Court's Order of May 13, 1967, approved a stipulation of counsel for entry of a Consent Order. Whether or not notice of proposed compromise should have been given to all members of the class under Rule 23(e) in connection with the entry of that order, is irrelevant for the following reasons: First, this Court's subsequent orders have completely nullified the 1967 order. Secondly, all subsequent orders in this case have arisen in adversary proceedings, and none of them constitutes a "compromise" in any sense of the word.

There is no statute of the United States which confers upon Petitioners an unconditional right to intervene. 4 Moore's Federal Practice, Par. 24.06. Nor does this Court have custody or control over any property that might be affected by the Court's disposition of the action. *Id.* at Para. 24.09. To intervene as a matter of right, Petitioners must make timely application, and they also must show that their interest is not adequately represented by existing parties. Rule 24(a)(2). No such showing has or can be made here; the application in any event comes too late.

By its Order Approving Plan, dated May 19, 1969, this Court granted Plaintiffs all of the relief requested in their Motion for Further Relief. Further, this Order granted all of the relief that this Court is empowered to grant under Federal law. The plan approved by the Court

substantially modified the Final Decree, completely eradicated all aspects of a dual school system, and thereby fulfilled this Court's prior continuing obligation under the Brown case to retain jurisdiction of the case during any necessary "period of transition." 47 Am. Jur., Schools, Section 219, 1969 Supp., page 64; 15 Am. Jur.2d. Civil Rights, Section 75, Note 8. Subject to its unquestioned right and power to enforce the Final Decree, as modified, this Court has finally disposed of the cause and thereby has exhausted its jurisdiction over the subject matter of the action. 32 Am. Jur. 2d, Federal Practice and Procedure, Section 355, pages 862-863. Under the circumstances it is questionable whether this Court has jurisdiction to entertain a petition for intervention at this time. Annotation: Time Within Which Right To Intervene May Be Exercised, 37 A.L.R.2d 1306, 1340, Note 8. Assuming arguendo that this Court does have jurisdiction to entertain a petition for intervention, intervention after final judgment or decree ordinarily is not allowed. Id. at pages 1340, 1347; 4 Moore's Federal Practice, Par. 24.13, page 99.

Wilson v. City of Paducah, D.C. W. D. Ky. 1951, 100 F. Supp. 116, cited by Petitioners, is clearly distinguishable. In that case certain Negroes sought to intervene after final judgment for the purpose of establishing that they were members of the class which the Court previously had held was entitled to attend a certain school on the same terms as white students. Intervention obviously was allowed for purposes of enforcement, not for the purpose of modification, impeachment or appeal.

No such intervention is necessary here. Defendant concedes that the judgment in the present case includes and extends to all members of the class. Rule 23(c)(3), as amended. It is not confined to those who actually appeared and asserted their rights. 15 Am. Jur.2d, Civil Rights, Section 75, Note 9; 3A Moore's Federal Practice, Par. 23.12, page 3472.

Even though Petitioners are bound by the judgment, they cannot intervene as of right if they are in fact adequately represented by existing parties. St. Helena Parish School Board v. Hall, 5CA1961, 287 F.2d 376; 4 Moore's Federal Practice, Par. 24.08, page 37. Inadequacy of representation is shown if there is proof of collusion between the representative and an opposing party, or if the representative has or represents some interest adverse to petitioner or fails because of nonfeasance in his duty of representation. Id. at pages 38-39. No such showing can be made here. St. Helena Parish School Board v. Hall, supra. Petitioners' representatives have no interest adverse to Petitioners. They overcame in adversary proceedings a vigorous defense of the class claim. And they wholly and completely accomplished the entire purpose and objective of Brown v. Board of Education and this lawsuit.

Adequate representation of Petitioners' interest relates to representation with respect to the issue in the case, not to new issues which Petitioners desire to bring into the case. St. Helena Parish School Board v. Hall, supra. Annotation: Intervention As A Matter of Right, 84 A.L.R.2d 1412, 1419-1420. Representation may be inadequate, if the party fails to appeal an adverse judgment. On the other hand, a suggestion that representation is inadequate is negated by evidence of diligent prosecution or defense. Id., at pages 1421-1422. St. Helena Parish School Board v. Hall, supra.

No statute confers upon Petitioners a conditional right to intervene. To intervene permissively Petitioners must not only make timely application. They also must show that their claim and the main action have a question of law or fact in common. Rule 24(b). The discretionary right to intervene in a class suit is a corollary of the old class suit based on several rights under Former Rule 23(a)(3). 4 Moore's Federal Practice, Par. 24.10, page 59. But the case before the Court is not a Former

Rule 23(a)(3) case. It is a former Rule 23(a)(1) case that now constitutes a Subdivision (b)(2) class action. The rights of the members of the class are now and always have been joint or common, not several; Defendant has acted or refused to act on grounds generally applicable to the entire class, thereby making final injunctive or declaratory relief appropriate with respect to the class as a whole. Rule 23(b)(2).

Petitioners' claims and the main action have no common question of fact or law for the simple reason that Petitioners' claims and the claims of the existing representatives are joint, common and, in fact, identical. As stated in 3A Moore's Federal Practice, Par. 23.12:

"In the true class action, the judgment will be binding on all members of the class. Rule 24(a)(2) accords a right to intervene when a person is inadequately represented and may be bound by the judgment in the action. Of course, the party representative in a true class suit must adequately represent the other members of the class; and hence intervention will usually not be warranted in this type of action, unless because of circumstances peculiar to the intervener or because of a change of circumstances the representation is not adequate. . . ."

To allow intervention in the present circumstances would invite the very undue delay or prejudice in adjudicating the rights of original parties that this Court is enjoined by Rule 24(b)(2) to consider in passing on applications for permissive intervention.

As stated in 4 Moore's Federal Practice, Paragraph 24.10 at pages 63-64:

"Where permissive intervention is denied, it is most often upon the ground that adjudication of the rights of the original parties will be delayed or prejudiced. As the Supreme Court has said, 'To permit a multitude of (permissive) interventions may result in accumulating proofs and arguments without assisting the court.' Judge Wyzanski has stated this feature of the question more fully:

'It is easy enough to see what are the arguments against intervention where, as here, the intervenor merely underlines issues of law already raised by the primary parties. Additional parties always take additional time. Even if they have no witnesses of their own, they are the source of additional questions,

objections, briefs, arguments, motions and the like which tend to make the proceeding a Donnybrook Fair. Where he presents no new questions, a third party can contribute usually most effectively and always most expeditiously by a brief amicus curiae and not by intervention.'

"Intervention will frequently be denied, even though common questions of law or fact are presented, if in addition collateral or extrinsic issues would be brought in by the intervener. Conversely, however, intervention has been denied because the intervener raised no new issues and would merely delay adjudication of the case by his presence. Where the intervener sought to enjoin prosecution of other actions, intervention was denied, since whatever action was taken on the application for injunction, an appeal would probably have followed, resulting in delay in disposition of the action. Leave should not be granted if the court could not grant intervener any relief."

Where the right to intervene is discretionary, one factor in denying intervention will be the administrative inconvenience that intervention might cause, and the fact that intervention for the sole purpose of attacking a prior decree would be useless. 4 Moore's Federal Practice, Par. 24.16, page 121.

There is a general and well settled rule, stated by Mr. Justice Brandeis to be "that intervention will not be allowed for the purpose of impeaching a decree already made." 4 Moore's Federal Practice, Par. 24.16(5), page 120. This general intervention rule is based upon the same policy that establishes the general rule of finality of orders and judgments between original parties. Id. at page 121. Rarely should administrative orders and decrees entered prior to intervention be set aside at the intervener's behest. Ibid. Nor should other orders and decrees be set aside unless a clear case is made out that such prior order or decree would deprive the intervener of substantial rights which he has not been remiss in pursuing. Ibid.

Under Brown v. Board of Education, school authorities have the primary responsibility for elucidating, assessing and solving the problems

arising from implementing the constitutional principle that racial discrimination in public education is unconstitutional. 47 Am. Jur., Schools, Section 219, 1969 Supp., page 65. In compliance with this Court's Order of April 29, 1969, Defendant has taken appropriate action to eradicate all vestiges of the dual system. Given the specific choice of integrating or eliminating four previously all-black schools, Defendant has filed, and this Court has approved as "eminently satisfactory" an integration plan that completely eradicates all aspects of the dual system. The Affidavit in Support of Intervention affirmatively discloses that Petitioners met with Defendant's representatives and discussed with them the advantages of continuing Gifford High School as a high school prior to the submission of Defendant's plan. The plan attached to the Affidavit is the same plan which the plaintiffs have urged throughout this proceeding. As elected officials the individual defendants have ultimate responsibility for fashioning a plan of integration most workable and least disruptive to the education of all children in Indian River County. The plan approved by the Court was adopted at a regularly scheduled meeting after public hearing and careful consideration of all of the many facets of the entire system. To allow Petitioners to intervene at this point might well encourage other groups or individuals having specific complaints about Defendant's plan to believe that this Court proposes to substitute its own plan, to modify Defendant's plan, or to authorize appeals by dissatisfied groups who have not previously appeared and participated in this action.

A decision, judgment or order of a District Court is final for the purpose of appeal to a Court of Appeals when it terminates the litigation on the merits and leaves nothing to be done but to enforce by execution the judgment or what has been determined. 32 Am. Jur. 2d, Federal Practice and Procedure, Section 355, pages 862-863. The general rule is that where a judgment is amended in a material and substantial respect the

time within which an appeal may be taken from such determination begins to run from the date of the amendment. 4 Am. Jur. 2d, Appeal and Error, Section 308. By statute and the rules, the time for appealing this Court's Order Approving Plan expired thirty days after its entry. 32 Am. Jur. 2d, Federal Practice and Procedure, Section 362. Courts of Appeals also have recognized or applied such rules as that a party cannot appeal from a judgment in his favor or not adverse to him, unless a judgment gives him only part of that which he seeks and denies him the balance, and that a party who secures by a judgment all of the relief he seeks cannot maintain an appeal to reverse or modify it or to review the proceedings on which it is founded. 32 Am. Jur. 2d, Federal Practice and Procedure, Section 353, page 860.

CONCLUSION

Contrary to Rule 24(e) Petitioners have not complied with procedural requirements in that they have not served a motion stating grounds therefor on all parties affected, specifically this Defendant. Nor have they attached a pleading setting forth the claim for which intervention is sought. 4 Moore's Federal Practice, Par. 24.12. This Court has exhausted its jurisdiction over the subject matter of the action, and the issues sought to be injected by Petitioners relate entirely to matters of internal school administration over which this Defendant has primary responsibility, peculiar competence and exclusive jurisdiction or authority.

It is questionable whether this Court has jurisdiction (1) to entertain a petition for intervention, (2) to modify the Final Decree, as amended, or (3) to authorize an appeal. Petitioners' Affidavit presents substantially the same plan that Plaintiffs have urged throughout this proceeding. No basis whatever exists for permissive intervention and no showing of inadequate representation, such as would warrant intervention as of right, has or can be made. Neither the existing Plaintiffs, nor the Interveners

have standing to appeal the Order Approving Plan because it grants them all relief requested and all relief that is available in a Federal forum. The time for appeal has expired in any event.

An Order granting intervention might well encourage other dissatisfied groups and individuals to believe that this Court or the Court of Appeals will or may substitute its judgment for that of elected school officials in matters relating entirely to internal school administration. Petitioners' available remedies appear to be administrative and political; if any judicial remedy exists it must be found in a state court.

Finally, Defendant urges the Court to consider the past history of this litigation in the light of these facts. Beginning with Plaintiffs' Motion for Further Relief in October 1968, and continuously thereafter throughout this entire proceeding, Defendant has consistently announced to the Court at every hearing that Defendant was most anxious to have all questions adjudicated as quickly as possible. Defendant is confronted with a massive administrative problem in rearranging the places of attendance at schools of its student population. This also involves a complete revamping of its bus system. Among other things, this administrative detail requires written notice to the parents of every pupil in the system advising them of the school their child will attend. All administrative personnel of the system have been diligently working on these many administrative details, the written notices have been mailed, and the administrative staff is now interviewing dissatisfied parents, explaining the new bus routing and doing all within their power to permit the opening of the public school system at the first part of September according to the announced and approved plan for total integration. Teacher assignments have been made, and many teachers have left the State until the fall. Any change at this time would make it impossible to make new assignments, mail letters to parents of each student, revamp again the bus schedules, and perform all of the administrative tasks

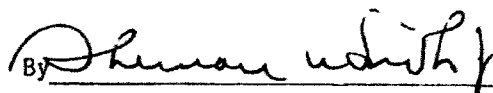
required before the regularly scheduled opening day of school. Therefore, aside from Defendant's firm belief that under the law this Court cannot properly grant the Petition to intervene, Defendant urges this Court not at this late date to entertain any proceeding which would interrupt or postpone the opening of the coming session of the public schools of Indian River County or require the opening to occur without some reasonable semblance of order, plan and notice to the parents of its students.

Respectfully submitted,

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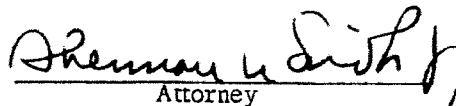
and

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By 

Attorneys for Defendant.

I HEREBY CERTIFY that a copy hereof has been served on HORACE E. HILL, ESQ., 248 North Campbell Street, Daytona Beach, Florida 32014, and on EARL M. JOHNSON, ESQ., 625 West Union Street, Jacksonville, Florida 32202, attorneys for Petitioners and Plaintiffs, respectively, by mail this 8 day of July 1969.


Attorney

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MEMBERSHIP BY GRADE/RACE/GENDER BY SCHOOL

SCHOOL YEAR 2014-15, SURVEY 2 as of 12/20/14

SCHOOL TOTALS

White	Black	Hispanic	School
11%	1%	87%	Somerset Academy Elementary School
14%	2%	83%	Somerset Academy Charter Middle School
7%	22%	68%	District - Dade
40%	23%	31%	State
56%	17%	22%	District - Indian River

Source: Extracted from the Florida Department of Education report regarding student membership by school by race/gender. The full report can be reviewed here:

<http://www.fldoe.org/core/fileparse.php/7584/urlt/MembershipSchoolRaceGender1415.xls>

9

13-DADE

SOMERSET ACADEMY ELEM SCHOOL (S MIAMI CAMPUS)-2007

Students Enrolled by Grade Level

Applied filters: District equal to 13-DADE

Race/Ethnicity	Year	1-White	2-Hispanic	3-Black	4-Asian	5-American Indian
% of Students by Race	2011-12	14.5%	83.1%	**	**	
	2012-13	12.8%	84.8%	**	**	
	2013-14	11.2%	86.9%	**	**	
	2014-15	11.1%	86.7%	**	**	**
# of Students	2011-12	66	379	**	**	
	2012-13	61	403	**	**	
	2013-14	53	412	**	**	
	2014-15	50	392	**	**	**

Note: To protect the privacy of individual students, data are not reported when the total number of students in a group is fewer than 10. Double asterisks (**) will appear when data are suppressed. When there are no students reported in a category, a dot (.) will appear in the table cell.

Based on the above data we can also determine that there were the following percentages of White and Hispanic students combined.

$$2011 - 2012 (14.5\% + 83.1\% = 97.6\%)$$

$$2012 - 2013 (12.8\% + 84.8\% = 97.6\%)$$

$$2013 - 2014 (11.2\% + 86.9\% = 98.1\%)$$

Seeing that there are Asian students with double asterisks (**) in each year and American Indian in some years, we know that the percentage of Black students in each year must be less than the following percentages:

$$2011 - 2012 (100\% - 97.6\% = 2.4\%)$$

$$2012 - 2013 (100\% - 97.6\% = 2.4\%)$$

$$2013 - 2014 (100\% - 98.1\% = 1.9\%)$$