

**FLORIDA DEPARTMENT OF EDUCATION  
STATE BOARD OF EDUCATION**

SOMERSET ACADEMY, INC.

Petitioner/Appellant,

v.

DOE Case No. 2015-3228

THE SCHOOL BOARD OF ST.  
LUCIE COUNTY, FLORIDA,

Respondent/Appellee.  
\_\_\_\_\_ /

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**RESPONSE OF THE SCHOOL BOARD OF ST. LUCIE COUNTY, FLORIDA,  
TO THE APPEAL OF SOMERSET ACADEMY, INC., OF DENIAL  
OF CHARTER SCHOOL APPLICATION**

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**On Appeal from a Decision of the  
School Board of St. Lucie County, Florida**

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Johnathan A. Ferguson  
Florida Bar No. 529036  
The School Board of St. Lucie County  
4204 Okeechobee Rd.  
Fort Pierce, FL 34947  
(772) 429-4567  
(772) 429-4515 Fax  
john.ferguson@stlucieschools.org

Attorney for Respondent/Appellee  
The School Board of St. Lucie County, Florida

**APPENDIX**

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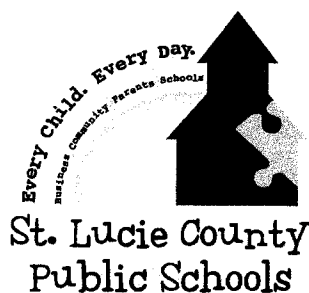
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### 3.90 CHARTER SCHOOLS

St. Lucie District Schools, pursuant to Florida Statutes, may establish **charter** schools for the purpose of improving student learning and academic achievement; increasing learning opportunities for students, with special emphasis on low achieving students; encouraging the use of innovative learning methods; requiring the measurement of learning outcomes; increasing choices for students; and creating new professional opportunities for teachers.

#### (1) Responsibility of District School Administration

The District Administration shall:

- (a) Receive, review, and recommend to the School Board all **charter** applications in a timely fashion as stipulated by Florida Statutes.
- (b) Develop a **charter**, using the Florida Department of Education's ("FDOE") standard **charter** format, in cooperation with the applicant, including all amendments thereto.
- (c) Monitor **charter** school contracts and make recommendations to the School Board.
- (d) Receive, review, and recommend to the School Board all **charter** renewal applications.

#### (2) Eligibility for **Charter** application

The Board may sponsor **charter** schools which may serve any grade or combination of grades from pre-kindergarten through grade twelve. Eligible candidates are:

- (a) Any not-for-profit or nonprofit organization,
- (b) A public school or public school-within-a-school that has been in operation for at least two years which requests to convert to a **charter** school with support of fifty percent or more parents, and fifty percent or more teachers,
- (c) A municipality or other public entity as provided by law,
- (d) A Florida College System Institution, or
- (e) A district school board may sponsor a **charter** school in the county over which it has jurisdiction.

Private schools, parochial schools, and home education programs are not eligible to become **charter** schools.

### (3) Legal Entity and Requirements

Each **charter** school shall be:

- (a) Organized as, or be operated by, a not-for-profit or non-profit organization,
- (b) Non-sectarian,
- (c) Charge no tuition or fees except those fees charged by other public schools,
- (d) Meet all applicable federal, state, and local health, safety, and civil rights requirements,
- (e) Publish an annual progress report,
- (f) Provide an annual financial audit similar to that of the District to the School Board,
- (g) Analyze and compare student performance

All **charter** schools must comply with Florida Statutes applicable to public schools as they relate to civil rights, student health, safety, welfare, public records, public meetings, public inspections, and penalties.

### (4) Student Eligibility

- (a) Participation and attendance of any student in a **charter** school is voluntary. If a public school converts to a **charter** school, parents may request non-participation

and receive an assignment to a public school.

(b) All students in the target population as specified in the **charter** school application are eligible for participation. Equal opportunity shall be provided for exceptional education students and Limited English Proficient students.

(5) **Charter** School Boundaries

A **charter** school shall be open to any student residing in the District, however, a **charter** school may limit enrollment in accordance with the **charter** schools law. Students who are geographically isolated shall either be transported by the **charter** school or receive reimbursement for transportation that is equivalent to the monies provided by the District to the **charter** school for transportation of the student.

(6) Student Selection for **Charter** Schools

(a) The **charter** school shall enroll a student who submits a timely application in accordance with the **charter** schools law and the school's enrollment plan set forth in an approved **charter** application.

(b) If the number of eligible students exceeds the capacity of the program, class, grade level, or building, a random selection of students will be made. Enrollment preferences may be granted in accordance with the **charter** schools law and the school's enrollment plan set forth in an approved **charter** application.

(7) Student Assessment

The **charter** school must implement a program to assess student achievement. At a minimum, the school must participate in State testing programs established to comply with the State-wide assessment program.

(8) Student Records

The **charter** school must maintain both active and archival records for current or former students. The District will assist the school in establishing appropriate record formats. All permanent (Category A) records of students leaving the school, whether by graduation, transfer to the public school system, or withdrawal to attend another school, must be transferred to the school system in accordance with State law. Records of student progress (Category B) must be transferred to the school system if the student is returning to a District public school.

(9) FTE Reporting

Funding for a **charter** school is based on the number of full-time equivalent (FTE) students; therefore, it is essential that records of student attendance be maintained in a format consistent with State reporting requirements. The District will assist the **charter** school in establishing mechanisms for reporting FTE. The **charter** school will, however, be fully responsible for collecting and maintaining accurate and appropriate records and inputting all required data in the District's automated systems for reporting in a timely manner to the District consistent with the requirements of Section 1011.62, Florida Statutes, and other governing law.

(10) Withdrawal and Transfer of Students

(a) Parents may withdraw a student from a **charter** school at any time. The student may return to a District school with an appropriate program through the student assignment procedures set forth in School Board Policy 5.232.

(b) **Charter** schools may not withdraw or transfer a student involuntarily, unless the withdrawal or transfer is accomplished through established administrative procedures consistent with State Board rules.

(11) Transportation and Food Services

(a) Transportation and food services are the responsibility of **charter** schools and must be provided according to District, state, and federal rules and regulations.

(b) A **charter** school may contract with the District for transportation and/or food service or may contract with a private provider.

(12) Application and **Charter** Negotiation Process for **Charters**

(a) Ten paper copies and one electronic copy of the completed application, including all appendices, must be received in the appropriate District office by August 1, no later than the close of business hours for the School Board Main Office. All applications will be stamped with the date and time when they are received. Applications received after the prescribed due date will not be considered for a **charter** for the next school year. If the application deadline falls on a Saturday, Sunday, or legal holiday, such deadline shall be extended to the close of business on the next business day. An applicant may submit a draft **charter** school application on or before May 1 with a non-refundable application fee of \$500, and the District will review and provide feedback as to material deficiencies in the application by July 1. Applications must comply with the FDOE standard application forms, which are incorporated herein by reference. An application shall be submitted for each proposed **charter** school. If an applicant proposes a **charter** school with multiple campuses, an application shall be submitted for each proposed

campus.

(b) Applications for **charter** schools will be received any time during the year. Those applications received on or before August 1 of each calendar year will be considered for **charter** schools to be opened at the beginning of the District's next school year.

(c) All completed application materials must be submitted in the format required in subsection (12)(a) by the August 1 deadline or the application will be considered incomplete and will not be accepted for submission. No additional application materials or application amendments will be considered after the August 1 deadline; however, the District shall allow the applicant seven calendar days to make technical, non-substantive corrections and clarifications to its application when appropriate. An application submitted to the School Board for a **charter** school in another district will not be accepted for submission.

(d) During the application review and evaluation process, the District may solicit additional background information from the applicant regarding: (1) the history and background of individual applicants and/or founding/governing boards and individual members including, but not limited to, a demonstration of the professional experience or competence of those individuals or organizations applying to operate the **charter** school or those hired or retained to perform professional services; and (2) whether the applicant currently operates **charter** schools in Florida and if the proposed school will be a replication of an existing school design. This information may be used to evaluate the applicant's ability to operate a **charter** school.

(e) A staff review committee, comprised of representatives of at least the following departments: Student Services and Exceptional Student Education, Finance, Curriculum and Instruction, and other areas as appropriate, will review all applications, using the FDOE standard evaluation instrument, incorporated herein by reference.

(f) Thereafter, the review committee will invite the governing board of each proposed **charter** school to a meeting for purposes of discussing the submitted **charter** application with members of the governing board of the proposed **charter** school. The purpose of the interview is to ascertain the level of knowledge and preparedness exhibited by the founding board and the **charter** school's director (if named). Only founding board members and the **charter** school's director may participate in the interview. Other stakeholders, such as business partners of the proposed **charter** school, may attend the interview but may not participate in the interview. In addition to the founding board's knowledge evidenced at the governing board interview, where members of the founding board have opened other **charter** schools, the District shall consider the founding board



members' past experience in **chartering** in the decision whether to approve or deny the application. Notwithstanding the foregoing, if an application exhibits such substantial deficiencies with regard to internal consistency, conformity with applicable laws, and/or with its curriculum and/or budget sections that the staff review committee does not believe the application merits further review, it may be submitted to the Superintendent with a written recommendation for denial without the governing board interview.

(g) The review committee shall submit to the Superintendent each application with a written recommendation for approval or denial and an explanation for its recommendation. The Superintendent shall make the recommendation to the Board for approval or denial of the application with an explanation for the recommendation. Within sixty (60) calendar days of submission of each application by the **charter** school applicant, the Board will hold a public hearing on each application and thereafter by majority vote approve or deny such application, unless such time is extended by mutual agreement with the **charter** school applicant.

**Charter** school applicants are encouraged to attend the public hearing and make an oral presentation to the School Board. In addition, a **charter** school applicant may submit written comments to the recommendation for approval or denial for consideration by the School Board. Such written comments must be submitted at least eight (8) calendar days in advance of the scheduled public hearing on the application in order to be considered by the School Board. Denied applicants may appeal to the State Board of Education within thirty (30) calendar days and shall notify the School Board of their appeal.

(h) The District shall have thirty (30) calendar days, following approval of an application, to provide an initial proposed **charter** contract to the approved applicant. The District shall use the FDOE's standard **charter** contract, as may be amended from time to time, as the basis for all **charters** approved under this Policy 3.90. The initial term of the **charter** contract shall be for four (4) or five (5) years unless a longer term is specifically required by law. The approved applicant and District shall have forty (40) calendar days to negotiate and notice the **charter** contract for final approval by the School Board unless both parties agree to an extension. The School Board will hold a public hearing on each **charter** contract, and thereafter by majority vote approve or deny such **charter** contract. If at any time during the **charter** negotiation process after the District has provided the approved **charter** applicant with the initial proposed **charter**, the District does not receive from the approved applicant communication addressing the substantive issues presented by the proposed **charter** contract for a period in excess of ninety (90) days, approval of the application shall expire without further Board action.

(i) Unless extended pursuant to this policy, an approved applicant shall open its **charter** school at the beginning of the District's next school year following the

approval of the **charter** school application. At the written request of the approved applicant and for good cause shown, the District, at its discretion, may allow the approved applicant to defer the opening of its **charter** school for a period not to exceed the second school year following the approval of its **charter** school application. In the event that the opening of the approved applicant's **charter** school is deferred, the approved applicant shall provide the District with the following, in writing: (i) a reaffirmation of all information contained in its approved application, including any and all supplements thereto, and (ii) a detailed explanation of any and all revisions to its approved application to bring the application up to date, including any and all revisions necessitated by a change in any pertinent rule, policy, law, or regulation. In the event the District allows the approved applicant to defer the opening of its school for one year, the term of the **charter** agreement with the approved applicant will be adjusted to reflect cancellation of one year of the term.

(13) Facility

(a) Prior to entering into a **charter** contract, the **charter** school must have identified the location for the school and that a facility has been secured for the term of the **charter**.

(b) No later than fifteen (15) days prior to the beginning of the first school year of the **charter** school, consistent with the beginning day for students as listed on the approved public school calendar, the **charter** school shall have an approved contract and provide evidence of all necessary permits, licensing, zoning, use approval, facility certification and other approvals required for use of the facility by the local government. Failure to comply shall result in automatic rescission of the **charter** school's **charter** contract, with no further action by the School Board.

(14) Funding

(a) Funding for student enrollment in a **charter** school shall be the sum of District operating funds from the Florida Education Finance Program, including gross state and local funds, discretionary lottery funds, and discretionary operating mileage funds divided by totally District funded weighted full-time –equivalent students times the weighted full-time-equivalent students of the particular **charter** school. **Charter** schools, if eligible, shall also receive their proportionate share of categorical program funds included in the Florida Education Finance Program.

(b) Federal funds received by the District for the provision of services shall be used to provide **charter** school students the level of services provided to other student enrolled in schools operated by the School Board as appropriate in consideration of the provisions of the funding sources.

(c) Total funding shall be recalculated during the school year to reflect actual

weighted FTE students reported by the **charter** school during the FTE student survey periods.

(d) A **charter** school shall not levy taxes or issue bonds secured by tax revenue.

(e) Any administrative fee charged by the District for a **charter** school shall comply with Section 1002.33(20), Florida Statutes.

(f) When a **charter** is not renewed or is terminated, any unencumbered funds from the **charter** school shall revert to the School Board, except for capital outlay funds which shall revert to the FDOE. Any property, improvements, furnishings, and equipment purchased by, or on behalf of, the **charter** school with public funds shall be delivered to the District and automatically revert to full ownership by the District, regardless whether they were purchased by the **charter** school or by a management company for the **charter** school. The **charter** school shall not enter into any contract that would interfere with the right of the District to assert title on its own behalf or on behalf of the State of Florida in the event of termination of the **charter** for any reason. If the **charter** school's accounting records fail to clearly establish whether a particular asset was purchased with public funds or non-public funds, ownership of the asset will automatically revert to the District. Property and assets purchased with public funds shall be defined as those goods purchased with grants and funds provided by a governmental entity.

(g) If a **charter** is not renewed or is terminated, the governing body of the **charter** school is responsible for all debts of the **charter** school.

(h) Payment shall be made to the **charter** school no later than ten (10) working days after receipt of state or federal funding by the District. Payment shall be on a monthly basis in arrears based upon the estimated number of FTE students in membership during the FTE survey periods. The final payment during any fiscal year shall be adjusted to reflect the number of actual FTE students in membership during the FTE survey periods.

#### (15) Audit

(a) A **charter** school shall provide for an independent annual financial audit in accordance with Section 218.39, Florida Statutes. Additionally, an independent audit shall be completed by the **charter** school within 30 days after any notice of nonrenewal, closure, or termination to account for all public funds and assets. Audits shall be performed in accordance with Generally Accepted Auditing Standards; Government Auditing Standards, issued by the Comptroller General of the United States; and applicable Rules of the Auditor General, State of Florida, including but not limited to Chapter 10.850 or successor provision.

(b) Prior to inception of the financial audit, the **charter** school shall provide, at a minimum, the following materials to the auditor for review:

(i) Copies of its budgets (including the budget worksheets used to develop the full year final budget), financial statements, general ledgers, bank statements, bank reconciliations, cash receipts, cash disbursements, payroll reports, year end cost reports, floor plan of school, occupational permits, most recent financial mid-year review, and accounting procedures manual or similar guidelines.

(ii) The names, occupations, and employment positions of the current members of its governing board.

(iii) Copies of its inventories of fixed assets using the template provided by the District and segregating capitalized and non-capitalized assets. All physical assets shall be listed as purchased with public funds (e.g., FEFP, grant, and any other public-generated funds), purchased with private funds, or donated by the District or other source.

(iv) Copies of all contracts, including but not limited to leases, sub-leases, transportation contracts, defined contribution and/or profit sharing plans, defined benefit plans, management agreements, and cost sharing agreements, that include or involve any and all transactions with a single entity that, together within one year, total in excess of \$25,000.00.

(v) A listing of all related party transactions, regardless of amount. For purposes of this subsection "related party" shall include:

A. Any employee, contractor, or governing board member of the **charter** school,

B. Any relative of any employee, contractor, or governing board member of the **charter** school, where "relative" shall have the meaning set forth in Section 112.312(21), Florida Statutes, or

C. Any other person who is in one of the relationships with the **charter** school that are identified in 26 U.S.C. Section 267(b).

(vi) Copies of all contracts, leases, sub-leases, purchase orders, or other records evidencing any related party transaction listed as required by subsection (15)(b)(v) above.

(vii) A copy of its IRS Form 990, Return of Organization Exempt from Income Tax, including a full and complete disclosure of the governing body and management of the **charter** school.

(viii) A copy of its articles of incorporation or other organizational instrument and all other necessary documentation demonstrating that the **charter** school is organized as a non-profit organization.

(ix) Copies of its hurricane and other disaster or emergency contingency plans.

(x) Copies of all policies of insurance required as provided in subsection (17)(c) below.

(xi) An explanation of all litigation in which the **charter** school is engaged and all claims or threatened claims that might have a material effect upon its financial statements.

(xii) A copy of the **charter** school's training plan and report of governing board training, as required by Fla. Admin. Code Rule 6A-6.0784.

(xiii) A copy of this School Board Policy **3.90, Charter Schools**.

(c) At a minimum, the financial audit report shall comply with the requirements set forth in Section 10.856, Rules of the Auditor General, or successor provision, and the report, schedules, and management letter, including the audit findings contained therein, shall address the following:

(i) Whether the **charter** school has established proper internal controls.

(ii) Whether appropriate financial records have been kept.

(iii) Whether the **charter** school has properly tagged, accounted for, and recorded its physical assets.

(iv) Whether the **charter** school's contracts and commercial transactions are commercially reasonable.

(v) Whether the **charter** school's governing board meets its fiduciary responsibility with regard to public funds.

(vi) Whether the **charter** school's governing board exercises continuing oversight over **charter** school operations in accordance with Section 1002.33(9)(j), Florida Statutes.

(vii) Whether the **charter** school's contracts are entered and commercial transactions are conducted at arm's length and based on performance.

(viii) Whether due diligence has been conducted by the governing board of the **charter** school when entering into contracts and commercial transactions.

- (ix) Whether the **charter** school's contracts or transactions demonstrate any potential conflict of interest.
- (x) Whether any related party transaction or series of transactions had a material effect on the safety of the **charter** school's operations or its financial well being.
- (xi) Whether the **charter** school complies with all applicable Internal Revenue Service regulations.
- (xii) Whether the **charter** school demonstrates proper risk management.
- (xiii) Whether the **charter** school's financial records that comprise its accounting system are maintained in accordance with Section 1002.33(9)(h), Florida Statutes.
- (xiv) Whether all members of the **charter** school governing board have completed governance training as required by Fla. Admin. Code Rule 6A-6.0784.
- (xv) Whether the **charter** school is in a state of financial emergency within the meaning of Section 218.503, Florida Statutes, and if so, the condition or conditions specified in Section 218.503(1) that have occurred and the probable cause for such occurrence.
- (xvi) Whether the **charter** schools is in deteriorating financial condition within the meaning of Section 1002.345(1)(a)3, Florida Statutes, and if so, the circumstance or circumstances that significantly impairs the ability of the **charter** school to generate enough revenues to meet its expenditures.
- (xvii) Whether there is any material subsequent event that occurred after the financial statement date but prior to the completion of the audit.
- (d) If a **charter** school fails to obtain an annual financial audit by September 30, or as otherwise stated in its **charter** school contract, the **charter** school governing board shall be notified in writing by the School Board of its responsibility. If after receiving written notice from the School Board, the **charter** school fails to obtain and provide to the School Board an audit by October 31, or within a month from the time provided in its **charter** school contract, then the District shall secure an audit for the **charter** school at the expense of the **charter** school. In addition, failure to timely obtain an annual financial audit shall subject the **charter** school to expedited review by the School Board in accordance with Section 1002.345(1)(a), Florida Statutes. If a **charter** school fails to obtain an audit within 30 days after notice of nonrenewal, closure, or termination, the District shall secure an audit for the **charter** school at the expense of the **charter** school.

#### (16) Services

The District shall provide administrative and educational services to **charter**

schools consistent with the requirements of Section 1002.33, Florida Statutes. Any additional services may be provided at cost, based on mutual agreement.

(17) Insurance and Indemnification

(a) The governing body and employees of a **charter** school are governed by Section 768.28, Florida Statutes. The minimum requirements for the Contract Carrier of the insurance, the requirements for evidence of insurance, and additional details for the insurance and indemnification will be provided with the application.

(b) The School Board of St. Lucie County, Florida, will not be held liable for any claim, action, loss, damage, injury, liability, cost, or expense of any kind, including but not limited to attorney's fees and court costs arising out of injury to persons or damage to property as a result of the negligence of the **charter** school or its agents, employees, invitees, or contractors.

(c) The **charter** school must maintain appropriate Commercial General Liability Insurance, Automobile Liability Insurance, Workers' Compensation Insurance, Professional Liability Insurance, Employment Practices Insurance, and Errors and Omissions Insurance. The School Board of St. Lucie County, Florida must be listed as additional named insured on these policies.

(18) Student Rights, Discipline, and Safe Learning Environment

Applicants must describe in writing the **charter** school's rules applicable to student rights, discipline, and safe learning environment.

(19) Employees of **Charter** Schools

A **charter** school shall select its own employees and implement employee labor and other relations pursuant to the requirements of Florida Statutes. A **charter** school may contract with the District for the services of personnel employed by the District.

(20) **Charter** Schools Law

(a) This rule is intended to be consistent with Florida Statutes and State Board of Education Rules.

(b) The **charter** schools law, Section 1002.33, Florida Statutes, is incorporated herein by reference and made a part of this Board rule.

(21) Technical Assistance

A technical assistance workshop will be provided for all potential **charter** school applicants to assist in the application process. A public announcement of the

technical assistance workshop will be made at least thirty (30) calendar days prior to the due date for applications for **charter** schools that intend to operate during the next school year. In addition, potential **charter** school applicants must participate in FDOE training as required by Section 1002.33(6)(g)2, Florida Statutes.

#### (22) **Charter** Contract Amendments

In order to allow sufficient time for review, if a **charter** school desires to propose an amendment to its **charter** contract with the Board, it must submit a written request identifying the substance of the proposed amendment to the appropriate District office on or before April 15<sup>th</sup> of the school year prior to the school year that the **charter** school desires the amendment to become effective. The District may, but need not, extend the deadline in its sole discretion for good cause shown. The **charter** contract may not be amended to change the grade levels served, to change the maximum or minimum enrollment of the school, or to alter eligibility for enrollment, except that **charter** schools designated as high-performing may increase enrollment or expand grade levels in accordance with the procedure set forth in the **charter** schools law. Requests to amend the **charter** contract that would affect the application, such as a change to the curriculum, must be accompanied by a revised application and all required supporting documentation.

#### (23) **Charter** Renewal

(a) In order to allow sufficient time for review, no later than the first business day in October of the last year of the **charter** contract, the governing board of the **charter** school shall submit a completed copy of its renewal application to the District, no later than the close of business hours for the School Board Main Office. **Charter** renewal applications must comply with the District's current standard **charter** renewal format.

(b) A staff review committee, comprised of representatives of at least the following departments: Student Services and Exceptional Student Education, Finance, Curriculum and Instruction, and other areas as appropriate, will review all **charter** renewal applications.

(c) The review committee shall submit to the Superintendent each **charter** renewal application with a written recommendation for approval or denial and an explanation for its recommendation. The Superintendent shall make the recommendation to the Board for approval or denial of the **charter** renewal application with an explanation for the recommendation. The Board will hold a public hearing on each **charter** renewal application and thereafter by majority vote approve or deny such application. **Charter** school applicants are encouraged to attend the public hearing and make an oral presentation to the School Board. In addition, a **charter** school applicant may submit written comments to the



recommendation for approval or denial for consideration by the School Board. Such written comments must be submitted at least eight (8) calendar days in advance of the scheduled public hearing on the **charter** renewal application in order to be considered by the School Board.

(d) If the School Board votes to non-renew the **charter**, the School Board shall notify the governing board of the **charter** school of the proposed action in writing at least ninety calendar (90) days prior to the effective date of the non-renewal in accordance with the **charter** schools law. The **charter** school's governing board may, within fourteen (14) calendar days after receiving the notice, request a hearing in accordance with the **charter** schools law. The hearing and any appeals shall be conducted in accordance with the **charter** schools law.

(e) If the School Board votes to renew the **charter**, the renewal shall be for a term of five (5) years unless a longer term is required by law. Upon approval, the contract will be renewed following the contract negotiation process which shall be based upon the current School Board Rules and the FDOE standard **charter** renewal contract.

#### (24) Appeal

Procedures for appealing the School Board's decision to deny an application for a **charter** school, terminate a **charter** school, or non-renew a **charter** school are set forth in Florida Statutes and State Board of Education administrative rules.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAWS IMPLEMENTED: 1001.02, 1001.43, 1002.33, F.S.

STATE BOARD OF EDUCATION RULE: 6A-6.0781

History: Adopted: 03/30/2004

Revision Date(s): 07/24/2007, 05/12/2009, 10/27/2009, 08/24/2010, 09/27/2011, 12/13/2011, 08/28/2012, 05/14/2013, 09/24/2013

Formerly: 2.23

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Somerset Academy, Inc.  
Board of Directors Meeting Minutes  
July 1, 2014 – June 30, 2015



Florida Charter School Meeting of the Board of Directors  
July 22, 2014

**Board of Directors**

Andreina Figueroa (*Chair*) (Present)  
Lourdes Marrero (*Secretary & Vice-Chair*) (Present)  
Daniel Diaz (*Treasurer*) (Present)  
David Concepcion (Present)  
Ana Diaz (Present)  
Tony Morales (*Student Alumni*) (Present)  
Raul Martinez, Jr. (*Parent*) (Present)  
Louis Marin (*Texas*) (Absent)  
George B. Ozuna (*Texas*) (Absent)

**Board Counsel**

Charles Gibson, Esq. (Present)

**Minutes**

1. **Opening Exercises**

- a. Meeting called to order
- b. Establishment of a quorum
- c. **APPROVED:** The Board unanimously approved to remove Carlos Resendez from the Board of Directors.  
*Motion by Danny Diaz; Second by Ana Diaz*

2. **Public Comment**

- Lakeisha Harris, Parent at Somerset Academy East Preparatory – Requesting an appeal to her child's retention who did not pass the FCAT in 4<sup>th</sup> grade; states that her child previously attended private schools; she feels that the school reacted very late and did not offer ample resources to her child; the mother states that she has been taking her son to outside/private tutoring; Donna Kaye presents today on behalf of Mary Stuart who is not present; she states that Dr. Stuart followed school board policy 6000.1 regarding retention; Alberto Rodriguez addresses the law on 3<sup>rd</sup> grade retention, however this student is in 4<sup>th</sup> grade, so this can only be considered a recommendation for retention; he further discusses the ability to pull the student's portfolio; Dr. Ruth suggests that perhaps additional testing be offered to the student to determine if gains have been made as a result of the outside tutoring; the Chair requests that President Montero review the report card which was presented today; the Chair requests that Mr. Montero, Mr. Alberto Rodriguez, Ms. Kaye, and the mother step outside and further discuss.
  - o Mr. Alberto Rodriguez readdresses this item at the end of the meeting; he and Mr. Montero are going to further review the SB rule, which was noted, and make a recommendation to the board at a later date; Ms. Harris was comfortable with this decision.

3. **Action & Discussion Items**

- a. Discussed: Finance and Strategic Planning Committee
  - i. Recommending moving the facility items to consent with the recommendation by the Finance and Strategic Planning Committee; Board Member Morales pulls the turf project for Chapel Trail from consent and would like to discuss under the facilities report.
  - ii. Discussed the role of the committee; the Committee shall meet approx. 2 weeks prior to each regular scheduled board meeting; the Committee shall gather and hear all Principal requests and will review and make a recommendation to the Board on such items.

- iii. The Board states that it is mandatory that all facility projects go through Civica so that Civica can properly consult the Committee and the Board.
  - iv. The Chair states that the Committee recently discussed reassigning Dr. Ruth to assist with intervention methods as 5 Somerset schools received an F on the FCAT in 2013-14.
- b. Facilities Report
- i. The items under the facilities report were voted unanimously to move to the consent agenda at the recommendation of the Finance and Strategic Planning Committee.
  - ii. Somerset Chapel Trail – Field Turf Project (Mr. Bernie Montero)
    - 1. Board Member Morales would like to apply for a \$200k grant to assist in covering this project; he states that to be eligible the final payment can not be issued prior to the grant approval; the Board supports Board Member Morales' moving forward on the discussed grant.
    - 2. **APPROVED:** The Board unanimously approved the Somerset Academy Chapel Trail Turf Project as discussed.  
*Motion by Tony Morales; Second by Raul Martinez*
- c. Financial Report
- i. **APPROVED:** The Board approved to adopt the revised 2013-2014 Annual Budgets as presented.
  - ii. **APPROVED:** The Board approved the proposed 2014-2015 Annual Budgets as presented.
  - iii. **APPROVED:** The Board approved to amend the Check Writing Policy to allow Board Chair Electronic Signature for MRI (new accounting software).
  - iv. Ms. Martinez discusses recent FTE discrepancies that have occurred; possible suggested reasons are the districts withholding for Florida Virtual or students who have transferred in/out of the school; it is requested that all Principals work with her and her staff when information is requested on this to help better remedy it faster.  
*The above financial items were unanimously approved under one Motion by Danny Diaz; Second by Lourdes Isla*
- d. Report by Dr. Ruth Jacoby, Executive Director of Education
- i. Somerset RAVE Award
    - 1. This item is being presented by Dr. Ruth and Board Member Morales; discussions take place regarding funding of this item; Kelly Mallon states that Mater Academy offers scholarships to Mater students; the individual Mater schools fundraise for their efforts and the funds do not come from the system wide fee; the Board discusses and agrees to establish a committee; Athena Guillen volunteers to head the Committee; Board Members who wish to participate are welcomed to reach out to Ms. Guillen; Mr. Gibson needs to be involved in an effort to ensure compliance of the committee.
- e. Action and/or Discussion Items by Principals
- i. **APPROVED:** The Board unanimously approved, after review and discussion, of the Transportation Agreement with A&S for CPATC.  
*Motion by Raul Martinez; Second by Ana Diaz*
  - ii. **APPROVED:** The Board unanimously approved for Somerset Academy North Lauderdale to move forward on the Technology Quotes for an amount not to exceed \$118,000.
    - 1. Principal Shourds provides background on this item and identifies the need.
    - 2. Principal Suarez discusses the future needs for computerized testing beginning 2016.
    - 3. Alberto Rodriguez states that he, along with Dr. Ruth, have been discussing future technology needs with the schools as they are visiting them.  
*Motion by Daniel Diaz; Second by Ana Diaz*
- f. Discussed: Somerset Academy Oaks Amendment
- i. The amendment request was approved at CRC yesterday, July 21<sup>st</sup>; scheduled to go before the School Board in August.
- g. Discussed: MDCPS item re: Somerset Academy Silver Palms
- i. Mr. Gibson provides background on this item to the Board; a letter was sent to the Chair regarding a parent contract or agreement which was disseminated and per MDCPS, not approved by them; Mr. Gibson is requesting that all Principals send to himself a copy of their parent contract to ensure it adheres to the approved parent contract; Principal O'Sullivan states that the contract they are using is the approved Somerset Academy parent contract; she further states that the form in question was a communication form used throughout the year to communicate deficiencies; she expresses her concern that the district, per Tiffanie Pauline, does not feel that charter schools have the same rights as magnet schools, which are both classified as schools of choice, due to the fact that magnet schools offer specialized programs or themes; she further provides to the Board examples of how this is an incorrect statement and how certain magnets school students are accepted based on lottery alone and not admissions testing; Mr. Gibson continues and states that he has

remained in communication with charter school operations; he feels that the district's concern is that these methods are being utilized to "kick students out". The Chair discusses how such practices may be construed as "cherry picking" which is a misconception, which all charter schools face on a daily basis. Collette Papa suggests the establishment of an appeal committee, which would be to appeal an Administrator's decision to remove automatic re-enrollment privileges; the right to appeal, and the procedure to be followed, should be clearly defined to parents. Since there is not procedure now, parents "appeal" to CSO. Fernando discusses possibly revisiting the language in the discussed documents and review of policy; he further states that we should focus on obtaining a standard contract with the state.

- h. General Discussion: Individual School Arrival and Dismissal Operations to ensure adherence to the approved plans and any modifications that have been made in an effort to begin the 2014 – 2015 school year with the appropriate arrival and dismissal policies.
  - i. The Board has agreed to direct the principals of all Somerset Academy Schools to comply fully with the traffic operation plans in effect at the schools they administer, and that violations by parents or students of those traffic operation plans are hereby deemed to be violations of the parent contracts between the school and the parent. Any such violation shall be deemed a material violation of the parent contract between the school and the parent and will result in serious consequences.
  - ii. The Board would like further press for this to be included in the future parent contracts and will work with the district on this item be approved to be included.
- i. **APPROVED:** The Board unanimously approved to retain Mr. Charles Gibson, Esq. as Full Time Legal Counsel to Somerset Academy, Inc.; further authorizing the Board Chair to negotiate his employee contract.  
*Motion by Daniel Diaz; Second by Ana Diaz*
- j. Approval of Changes to the Board of Director Membership
  - i. Nomination of Carlos Gonzalez to serve on the Board by the Chair
    - 1. **APPROVED:** The Board unanimously approved the nomination of Carlos Gonzalez to serve on the Somerset Academy, Inc. Board of Directors.  
*Motion by Lourdes Isla; Second by Raul Martinez*
- k. **APPROVED:** The Board unanimously approved the 2014 – 2015 Board of Directors Meeting Schedule as presented and discussed.  
*Motion by Raul Martinez; Second by Ana Diaz*

#### 4. Consent Agenda

- a. **APPROVED:** The Board approved the minutes of the Somerset Academy, Inc. Florida Charter Schools Board of Director's Meeting for May 12, 2014.
- b. **APPROVED:** The Board approved to Adopt the Monthly / Quarterly Financial Statements for the Individual Schools.
- c. **APPROVED:** The Board approved the 2014 – 2015 Wellness Policy.
- d. **APPROVED:** The Board approved the 2014-2015 Conflict Resolution Specialists.
- e. **APPROVED:** The Board approved the Internal Facility Usage Agreements between the Somerset Academy, Inc. Schools as necessary.
- f. **APPROVED:** The Board approved to Renew the Facility Lease between Somerset Academy, Inc. and F.P. Dino, Inc. for the Somerset Academy Charter Middle-High School (South Homestead) Campus for one year.
- g. **APPROVED:** The Board approved to Ratify Principal: Mr. Robert Serna - Somerset Academy Middle & High School South Homestead.
- h. **APPROVED:** The Board approved to authorize the Chair to submit new charter school applications as necessary.
- i. **APPROVED:** The Board approved the Charter School Name Change: College Preparatory Academy of the Treasure Coast change to Somerset College Preparatory Academy.
- j. **APPROVED:** The Board approved the Out of Country Field Trip for CPATC with Education First Tours
  - i. Spring Break for 2015 and 2016
    - 1. Costa Rica Biological trip in 2015
    - 2. Europe Class of 2016 Senior trip in 2016.
- k. **APPROVED:** The Board approved the Educational Services Agreement between Somerset Academy, Inc. and Doral College, Inc. (Renewal Agreement; same as expiring).
- l. **APPROVED:** The Board approved to adopt the Parent / Student Handbook for Somerset Academy Davie for the 2014-15 School Year.
- m. **APPROVED:** The Board approved to renew the following charter school contracts (expire June 30, 2015); further approving all High Performing Schools to renew for 15 years as allowed by statute:
  - i. Broward County Public Schools

1. Somerset Village Academy (#5004)
  2. Somerset Academy Village Charter Middle School (#5002)
  3. Somerset Preparatory Academy Charter School at North Lauderdale (#5003)
  4. Somerset Preparatory Academy Charter High School at North Lauderdale (#5006)
  5. Somerset Pines Academy (#5030)
  6. Somerset Preparatory Charter Middle School (#5441)
- ii. Miami-Dade County Public Schools
    1. Somerset Preparatory Academy at Silver Palms (WL# 4012)
    2. Somerset Oaks Academy (WL# 3033)
    3. Somerset Academy Charter High School (South Homestead) (WL# 7034)
  - iii. Duval County Public Schools
    1. Somerset Academy Elementary Eagle Campus (WL# 1251)
    2. Somerset Academy Middle Eagle Campus (WL# 1261)
- n. Facilities Report
- i. **APPROVED:** The Board approved the Somerset Academy City Arts – Fence Project (Ms. Idalia Suarez)
  - ii. **TABLED:** The Board tabled the Somerset Preparatory Academy – Kitchen Project (Mr. David Cook)
  - iii. **APPROVED:** The Board approved the Somerset Academy East Prep – Safety Inspection Corrections (Dr. Mary Stuart) – only those corrections required by the fire department.
  - iv. **APPROVED:** The Board approved the Somerset Academy Hollywood – Safety Inspection Corrections (Dr. Mary Stuart) – only those corrections required by the fire department.
  - v. **APPROVED:** The Board approved the Somerset Academy Silver Palms – Kitchen Enclosure Project (Ms. Kerri Ann O’Sullivan) – Authorized to begin the bidding process to begin for the lunch pavilion enclosure. This project will be paid with NSLP lunch program funds with the exception of the HVAC, which will be paid with operating funds.
  - vi. **TABLED:** The Board tabled the modular for Somerset Academy Pines (Ms. Donna Kaye).
- The above consent agenda items were unanimously approved under one Motion by Ana Diaz; Second by Daniel Diaz;*
5. Other Items by Board Members, Staff, or Academica
    - a. Donna Kaye - On behalf of our school, I want to express our gratitude to Bernie Montero, Suzette Ruiz, and Ana Diaz for coming out to our staff presentation about the direction we would like to see our school move forward in next year. And especially to Danny Diaz for not just coming to that presentation but for representing the board and speaking at our Charter School Rally. Thank you to Lynn as well for coming, speaking, and taking pictures and videos.
    - b. Board Member Diaz thanks the Board for an incredible experience for serving for many years; he is saddened to say that due to commitments with work that he shall be resigning from the Board effective immediately.
      - i. **APPROVED:** The Board regretfully and unanimously approved to accept the resignation of Daniel Diaz from the Somerset Academy, Inc. Board of Directors.  
*Motion by Lourdes Isla; Second by Raul Martinez;*
    - c. **APPROVED:** The Board unanimously approved the Somerset Academy Silver Palms Expansion Resolution, as presented, and the Somerset Silver Palms School Addition Lease Addendum Proposal.  
*Motion by Raul Martinez; Second by Ana Diaz;*
6. Meeting adjourned

*\*\*The minutes were adopted by the Board of Directors at a meeting held on September 15, 2014.*



Florida Charter School Meeting of the Board of Directors  
September 15, 2014

**Board of Directors**

Andreina Figueroa (*Chair*) (Present)  
Lourdes Isla Marrero (*Secretary & Vice-Chair*) (Present)  
David Concepcion (Present)  
Ana Diaz (Present)  
Tony Morales (*Student Alumni*) (Present)  
Raul Martinez, Jr. (*Parent*) (Present)  
Louis Marin (*Texas*) (Absent)  
George B. Ozuna (*Texas*) (Absent)  
Jenny Esquijarosa (Absent)  
Carlos Gonzalez (Board Nominee) (Present)

**Board Counsel**

Charles Gibson, Esq. (Present)

**Minutes**

1. **Opening Exercises**

- a. Meeting called to order at 12:28 pm
- b. A quorum was established.
- c. **APPROVED:** The Board unanimously approved to nominate and elect Ms. Jenny Esquijarosa as a board member of Somerset Academy, Inc.

2. **Public Comment**

- a. Ken Lassiter has requested to address the board. Mr. Lassiter discusses his involvement in the start up of Somerset Canyons in Boynton Beach and the selection of the charter school operator; he quotes comments which he states were made by Mr. Rolando Llanes at the ribbon cutting ceremony. He further states that he will be meeting with officials from Academica on Friday morning. Mr. Lassiter provided the Chair a written copy of his statement for the record.

3. **Action & Discussion Items**

- a. Finance and Strategic Planning Committee Report
  - i. **APPROVED:** The Board reviewed & unanimously approved to Approval to Adopt the Committee Minutes dated September 2, 2015 as presented.
  - ii. **APPROVED:** The Board unanimously approved to accept and authorize the following recommendations being made by the Committee:
    1. **APPROVED:** The Board approved to offer a stipend in the amount of \$1,000 per Somerset City Arts / Oaks employee who assisted in the opening of Somerset Academy Oaks.
    2. **APPROVED:** The Board approved for Somerset Academy Oaks to purchase and install a playground for \$27,531.
    3. **APPROVED:** The Board approved for Somerset Academy Oaks to purchase and install an awning to be used pick up / drop off area not to exceed \$18,000 (plus the cost of an additional bench pending to be added to the quote).



4. **APPROVED:** The Board approved to table the approval of the Gymnasium Audio Visual System for +/- \$116,000 until the quote for lighting is available.
  5. **APPROVED:** The Board approved to authorize the further review of a potential build-out of Somerset Academy Central; further recommending that Civica be retained to assist.
  6. **APPROVED:** The Board approved to request that Civica review the ability to add modulars at the Somerset Eagle Campus and to further recommend the approval to authorize Mr. Gibson to discuss and negotiate with Duval County School Board the amendment of the Somerset Academy Eagle High School contract to relocate the school to the Somerset Prep campus.
- iii. **APPROVED:** The Board unanimously approved to appoint Mr. Raul Martinez to member of the Board to the Committee to fill the current vacant seat.
- b. Intervention / Focus School Report (Dr. Ruth Jacoby, Alberto Rodriguez, Hermes Ortiz, Bernie Montero)
    - i. Dr. Ruth updates the Board on the visits that have been made to the intervention schools.
    - ii. Mr. Hermes Ortiz discusses the data of the schools.
      1. Somerset Academy Eagle Elementary (#1251, Denetra Davis)
      2. Somerset Academy Eagle High (#1381, Denetra Davis)
      3. Somerset Prep Academy Jacksonville (#5501, David Cook)
      4. Somerset North Lauderdale (#5003, Daniel Shourd)
      5. Somerset Academy Hollywood (#5387, Dr. Mary Stuart)
      6. Somerset Academy Pompano (#5388, Donna Kaye)
    - iii. **APPROVED:** The Board unanimously approved to adopt the action plans as presented; the Board further directs each of the Principals to follow the plans as stated.
  - c. Financial Report
    - i. Review Financial Statements and Independent Auditors' Report for the individual schools for the year ending June 30, 2014 for the schools located in Miami-Dade.
      1. Review of Somerset Academy, Inc. Net Position
      2. **APPROVED:** The Board approved to direct Academica and the Principals to review loss in lunch programs to better determine the caused and report back.
    - ii. Review of Revised 2014-2015 Annual Budgets
    - iii. Review of Promissory Notes and Grants
  - d. Other Items by Board Members, Staff, or Academica
    - i. Somerset Academy Elementary/Middle South Miami and Murray Park
      1. Ms. Guilarte informs the Board that the school is currently under negotiations with Murray Park. An application was submitted on Friday. In the event it becomes necessary, Mr. Gibson will be asked to assist.
    - ii. **APPROVED:** The Board unanimously approved the amended Educational Services Agreement between Somerset Academy, Inc. and Doral College, Inc. for the 2014 – 2015 Academic Year as presented.
      1. Board Member Martinez requests if it is known when the College's accreditation will be received; Mr. Kairalla states that that it is a moving target, however approximately 18 months; he further states that they are ahead of schedule.
      2. Mr. Zulueta discusses the future need for a longer term agreement per SACS recommendation.
    - iii. **APPROVED:** The Board unanimously approved to adopt amended bylaws for Somerset Academy, Inc.
    - iv. **TABLED:** The Board unanimously approved to table the Academica Virtual Education item.
    - v. Board Chair Figueroa discusses her role as a Board Member and Board Chair; Ms. Figueroa is tendering her resignation from the Board; she is nominating Mr. David Concepcion to serve as the Chair.
      1. **APPROVED:** The Board unanimously approved the resignation of Ms. Andreina Figueroa from the Board effective November 15, 2014; the Board further approved to appoint Mr. David Concepcion as the Board Chair effective upon Ms. Figueroa's resignation on November 15, 2014.
      2. **TABLED:** The Board unanimously approved to table the appointment of a Treasurer.

3. **TABLED:** The Board unanimously approved to table the nomination of Secretary.
4. **APPROVED:** The Board unanimously approved to elect Lourdes Isla to serve on the Finance and Strategic Planning Committee.
- vi. Regarding the charter school renewals which were approved by the Board at the July meeting; the Board further discussed and authorized the individual Administrators the ability to request all and any necessary operation changes at the time of renewal; including enrollment increases, address changes, or other necessary amendments which will need to be made during the renewal process. The Administrators informed the Board that they were instructed by CSO staff to make all amendment requests during this time for a smoother process.

#### 4. Consent Agenda

- a. **APPROVED:** The Board approved the minutes of the Somerset Academy, Inc. Board of Director's Meeting dated July 22, 2014.
- b. **APPROVED:** The Board approved the out of field waiver(s) for instructional personnel with out of field assignments for the individual schools {as attached}.
- c. **APPROVED:** The Board approved to adopt the School Calendars, including early release days (as applicable).
- d. **APPROVED:** The Board approved to adopt the Parent / Student Handbooks, Employee Handbooks, Student Registration Applications, Athletic Handbooks (Broward & Palm Beach).
- e. **APPROVED:** The Board approved the Annual Adoption of Conflict of Interest Policy
- f. **APPROVED:** The Board approved the following Out of State and/or Country Field Trips for the 2014-2015 School Year:
  - i. Somerset Pines 8th grade class to Washington DC from Sunday March 22nd returning on Thursday, March 26<sup>th</sup>
  - ii. Somerset Central trip to Italy, Germany, and Switzerland with EF Tours March 19-28. It will be a 4 to 1 ratio with students in grades 9-12. The student total will be no more than 16 and the adult count includes an administrator. The tour information is below. [http://www.eftours.com/tour-website/1530116AF?utm\\_source=link&utm\\_medium=RC&utm\\_campaign=sharetrip](http://www.eftours.com/tour-website/1530116AF?utm_source=link&utm_medium=RC&utm_campaign=sharetrip)
  - iii. Somerset SoHo (in state) – 5<sup>th</sup> Grade field trip to Florida Keys
  - iv. Somerset Academy High School (Pembroke Pines) – Wrestling Trip to California to participate in the “Megatron Los Angeles”
  - v. Somerset Academy High School (Pembroke Pines) – Varsity Baseball Trip to Emerson, Georgia to compete in a National Competition.
- g. **APPROVED:** The Board approved to receive and file the Financial Statements and Independent Auditors' Report for the individual schools for the year ending June 30, 2013 for the schools located in Miami-Dade.
- h. **APPROVED:** The Board approved to adopt revised 2014 – 2015 Annual Budgets.
- i. **APPROVED:** The Board approved to receive and file the Somerset Academy Facilities Support Services for the period of 5/12/14 to 7/18/14 by Civica.
- j. **APPROVED:** The Board approved the Promissory Notes / Recoverable Grants as discussed.

#### 5. Announcements & Notifications

- a. State Charter School Conference – November 18-20 in Orlando (<http://charterschoolconference.com>)
- b. All Board Members are requested to sign and return the provided Written Acceptance of Conflict of Interest Policy prior to the next meeting.
- c. Next Board Meeting: November 17, 2014 - Discussed having the meeting in Orlando; Kelly will survey the Board.

#### 6. Meeting adjourned at 1:20 pm

\*The minutes were adopted by the Board of Directors at a meeting held on November 17, 2014.



Florida Charter School Meeting of the Board of Directors  
October 28, 2014

**Board of Directors**

Andreina Figueroa (*Chair*) (Present)  
Lourdes Isla Marrero (*Secretary & Vice-Chair*) (Present)  
David Concepcion (Absent)  
Ana Diaz (Present)  
Tony Morales (*Student Alumni*) (Present)  
Raul Martinez, Jr. (*Parent*) (Present)  
Jenny Esquijarosa (*Parent*) (Present)  
Carlos Gonzalez (Board Nominee) (Absent)  
Louis Marin (*Texas*) (Absent)  
George B. Ozuna (*Texas*) (Absent)

**Board Counsel**

Charles Gibson, Esq. (Present)

**Minutes**

1. **Opening Exercises**

- a. Meeting called to order
- b. A quorum was established.

2. **Public Comment**

- Ms. Kacey Armstrong addressed the Board; Ms. Armstrong is the Parent Liaison for the school; she requested to know if portables or other options will be made for next school year to accommodate the growth of the school; would like to know the future of the middle school.
- Lisa Worden, parent of a 9<sup>th</sup> grade student; works closely with the school district; states how she chose the school very closely particularly due to the Principal, Ms. Rains. She supports Ms. Rains and supports the approval of the middle school by the Board.

3. **Action & Discussion Items**

- a. Discuss & Possible Action: Denial of Somerset College Preparatory Academy Middle School
  - i. Board Chair Figueroa requests that Rolando Llanes provide the Board a construction timeline for the new facility. Mr. Llanes addresses the Board and the members of the public. The site was approved last night for a 1500 student station campus to be built over multiple phases and years. It is stated that an August 2015 opening seems very unlikely at this time, given the late approval as groundbreaking would need to occur in December or January at the latest; Mr. Llanes feels that an August 2016 opening is more realistic and that there is ample time for a 2016 opening of Phase 1; Phase 1 would allow 600 students for the first year.
  - ii. The Denial letter was received by the district on October 20, 2014. The Chair states that in her opinion that we would win this appeal without doubt; she states that her concern is with the facility. The school's current enrollment is 302 and the facility can only accommodate only 325 students; which allows for only approx. 20 new 9<sup>th</sup> graders. The Committee met a couple weeks ago and voted to recommend to the Board to not pursue modulars for the upcoming school year due to expense and that they would only be used for one year. The Chair further reviews the timeline, which the appeal would take. If we are successful with the appeal, there is not space to accommodate the middle school for the 2015-2016 school year.

- iii. Christine McGuinn reviews the High Performing status requirements and a draft timeline when the school could be eligible for HP status. Collette Papa informs the Board that two of the advantages of a school having HP status is that they can increase enrollment and expand grade levels. Board Member Isla-Marrero requests how the new assessment test and grading system would effect the years to receive HP status.
- iv. Board Chair Figueroa requests from Principal Rains her expected high school enrolment for 2016; she states that she has currently been accepting approx. 100-110 new students per year in the current facility; the Chair and Principal Rains run the numbers for the 2016 school year, based on the middle school application requirements, and if the middle school opens the high school will only be permitted to open 75 new seats.
- v. Board Chair Figueroa informs the Board that a decision does not have to be made today; the Board can request Ms. Papa to further review other options; the school district asked the Board during an application interview session why the Board did not amend the high school to add the additional grades versus submitting a new application;
- vi. The Board discusses the cons of appealing; the Chair states that appealing may cause unnecessary turmoil with the school district. Collette Papa further states that a deferral is the statutory right to agree to a deferral; if the appeal is won and the district does not agree to defer, the option would be to go to mediation in which there is no statutory right to a deferral. Principal Rains states that the district has never denied a deferral request by her or any other charter school in the past. Board Chair Figueroa states that Somerset had never been denied a deferral up until this past year. The Board Chair further states that she would like to use this next year to mend the relationship with the district and create a more positive relationship. Daniel Diaz, Academica, requests to know that the Chair's reasoning for not wanting to appeal is strictly for facility reasons; the Chair confirms this and restates that she feels there is merit to win an appeal.
- vii. Board Member Martinez requests for further clarification on the options on the table today; the Chair states the options as follows:
  - 1. A Decision does not need to be made today whether to move forward with the appeal; the Board may direct Collette to further review any amendment options. The next Board Meeting is on November 17<sup>th</sup> and the deadline to submit the appeal to the State is November 19<sup>th</sup>.
  - 2. The Board may decide today not to appeal and review either amending the high school charter or submit a new middle school application next year.
- viii. Fernando Zulueta discusses the upcoming Board Meeting date which would allow today's action to be carried to then. He further states that it should be further reviewed and feels the decision should be carried over. If there is not space to accommodate the students, then that is a major factor which needs to be addressed. He further discusses the possibility of a loss in the appeal.
- ix. **APPROVED:** The Board unanimously approved to table the decision to appeal at today's meeting and to further authorize to schedule a special board meeting, if necessary.

4. Michelle Berger, City Council woman, addresses the Board. She states that she is here to encourage and support the Board. The City sees an opportunity to partner with the school and create internships available for the students of Somerset.

5. Meeting adjourned at 12:06 pm

\* The minutes were adopted by the Board of Directors at a meeting held on November 17, 2014.



**Florida Charter School Meeting of the Board of Directors  
November 17, 2014**

**Board of Directors**

David Concepcion (Board Chair) (Present)  
Lourdes Isla Marrero (Secretary & Vice-Chair) (Present)  
Ana Diaz (Present)  
Tony Morales (Student Alumni) (Present)  
Raul Martinez, Jr. (Parent) (Present)  
Jenny Esquijarosa (Parent) (Present)  
Louis Marin (Texas) (Absent)  
George B. Ozuna (Texas) (Absent)  
Carlos Gonzalez (Board Nominee) (Non-Voting) (Present)

**Board Counsel**

Charles Gibson, Esq. (Present)

**Minutes**

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**1. Opening Exercises**

- a. Meeting called to order
- b. A quorum was established
- c. Presentation: The Board would like to express their appreciation for service by former Board Chair, Ms. Andreina Figueroa.
- d. Notification: Ms. Jenny Esquijarosa has been officially cleared by MDCPS and is now an official board member of Somerset Academy, Inc.

**2. Public Comment**

- Dennis Gumlick of Strategic Providers – Presents to the Board regarding his procurement company; he desires to work with Somerset in the future.
- Ken Lassiter - Re: Somerset Academy Canyons - Mr. Lassiter discusses his background with Somerset Canyons; he further discusses the gymnasium and the breezeway cafeteria; he would like a larger gym and the cafeteria enclosed.

**3. Action & Discussion Items**

- a. Finance and Strategic Planning Committee Report – Mr. Gibson reminds the Principals to ensure that all capital improvement or other large items are properly submitted and appear on the committee agenda.
  - i. **APPROVED:** The Board reviewed and unanimously approved to receive the Committee Minutes dated October 16, 2014 and approve to accept and authorize the following recommendations being made by the Committee:
    1. **APPROVED:** The Board approved to not pursue the option of leasing and installing modular units at the existing site of Somerset College Preparatory Academy in St. Lucie.
  - ii. **APPROVED:** The Board reviewed and unanimously approved to receive the Committee Minutes dated November 5, 2014 and approve to accept and authorize the following recommendations being made by the Committee:

1. **APPROVED:** The Board approved for Somerset Academy Chapel Trail to purchase the Gymnasium Audio Visual System for +/- \$120,000 & Lighting for +/- \$75,00 for a total amount not to exceed is \$195,000, plus electrical costs.
  2. **APPROVED:** The Board approved the Regions Loan for \$600,000 for parking lot project and the engagement of an attorney to review the loan agreements.
  3. **APPROVED:** The Board approved the Somerset Academy Silver Palms Lease Addendum.
  4. **APPROVED:** The Board approved to authorize the release of payment for the annual coordination fees due to Civica.
  5. **APPROVED:** The Board approved for Somerset Academy Boca to phase out middle school grades.
- b. **APPROVED:** The Board unanimously approved the Intervention / Focus School Report as presented by Bernie Montero.
1. Somerset Academy Eagle Elementary (#1251, Denetra Davis)
  2. Somerset Academy Eagle High (#1381, Denetra Davis)
  3. Somerset Prep Academy Jacksonville (#5501, David Cook)
  4. Somerset North Lauderdale (#5003, Daniel Shourd)
  5. Somerset Academy Hollywood (#5387, Dr. Mary Stuart)
  6. Somerset Academy Pompano (#5388, Donna Kaye)
- c. Executive Director of Education Report (Dr. Ruth Jacoby)
- i. Update from turnaround committee
  - ii. New Leadership Cohort next session is new Dr. Kaye will be on Bullying
  - iii. Specialist Meetings all on effective teaching practices Next One is on ACE
- d. Financial Report
- i. Reviewed: Financial Statements and Independent Auditors' Report for the individual schools for the year ending June 30, 2014 for the schools located in Broward, Pam Beach, St. Lucie, and Duval Counties.
    1. **APPROVED:** The Board unanimously approved to receive and file the Financial Statements and Independent Auditors' Report for the individual schools for the year ending June 30, 2014 for the schools located in Broward, Pam Beach, St. Lucie, and Duval Counties.
  - ii. Review of Revised 2014-2015 Annual Budgets for the individual schools
    1. Discussed concerns with Duval school budgets which all have received recoverable grants.
      - a. **APPROVED:** The Board unanimously approved to adopt the revised 2014-2015 Annual Budgets for the individual schools.
  - iii. Review of Financial Statements for the individual schools
- e. Tabled from previous meeting: Officer Elections
- i. David Concepcion nominated Ms. Lourdes Isla to continue to serve Vice-Chair.
    1. **APPROVED:** The Board unanimously approved the nomination and election of Mr. Lourdes Isla as Vice-Chair. The Board further approves to designate the Vice-Chair the full capacity to execute documents, as needed, on behalf of the Board and/or Chair.
  - ii. Raul Martinez nominated Carlos Gonzalez as Treasurer pending security clearance.
    1. **APPROVED:** The Board unanimously approved to elect Mr. Carlos Gonzalez as Treasurer pending security clearance and full election to the Board.
  - iii. David Concepcion nominated Ms. Ana Diaz to serve as Secretary.
    1. **APPROVED:** The Board unanimously approved the nomination and election of Ms. Ana Diaz as Secretary.
- f. Discussion and Possible Action: President (Mr. Tony Morales)
- i. Board Member Morales discusses the Board's action last year as they appointed Mr. Bernie Montero as the Interim President of Somerset Academy; Mr. Morales would like the Board to consider making this a permanent position and remove "interim" from his title; he would further like the Board to elaborate and better define the roles and responsibilities of the President. The Chair requests that this item be added to the next committee meeting agenda.
    1. **APPROVED:** The Board unanimously approved to appoint Mr. Bernie Montero as the President of Somerset Academy, Inc.
- g. Other Items by Board Members, Staff, or ESP

- i. Somerset Virtual Education – Financial Report (Mr. Danny Diaz)
- ii. **APPROVED:** The Board unanimously approved to appoint Ms. Idalia Suarez as the Principal of Somerset Virtual Academy (Private School).
- iii. **APPROVED:** The Board unanimously approved to authorize the individual principals the ability to work with Mater Virtual Academy (MVA) and/or Academica International Studies (AIS), as well as Somerset Virtual Academy (SVA) for their virtual needs.

4. **Consent Agenda**

- a. **APPROVED:** The Board approved the minutes of the Somerset Academy, Inc. Board of Director's Meeting dated September 15, 2014 and October 28, 2014.
- b. **APPROVED:** The Board approved the out of field waiver(s) for instructional personnel with out of field assignments for the individual schools {as presented}.
- c. **APPROVED:** The Board approved the following Out of State and/or Country Field Trips:
  - i. Somerset Academy South Miami Middle School – Requesting approval of field trip to Washington, DC for the Close Up Program (May 17-20, 2015).
- d. **APPROVED:** The Board approved to adopt the Monthly / Quarterly Financial Statements for the individual schools.
- e. **APPROVED:** The Board approved the Title 1 School Wide Plans for the Broward Schools, as necessary.
- f. **APPROVED:** The Board approved the School Improvement Plans for the Broward Schools, as necessary.
- g. **APPROVED:** The Board approved to Ratify the Lease Agreement between Somerset College Preparatory Academy and the City of Port St. Lucie for the use of tennis and basketball courts at Charles E. Ray Park.

5. **Announcements & Notifications**

- a. Next Committee Meeting: January 7, 2015
- b. Next Board Meeting: January 12, 2015
- c. Somerset Academy Central students will be performing at the Miramar Cultural Center on January 11<sup>th</sup> as part of a program called Rhythms of Africa.
- d. Dr. Ruth presents the Board with the SACS accreditation certificate which was recently received.

6. **Meeting adjourned**

\*The minutes were adopted by the Board of Directors at a meeting held on January 12, 2015.



**Florida Charter School Meeting of the Board of Directors  
November 24, 2014**

**Board of Directors**

David Concepcion (Board Chair) (Present)  
Lourdes Isla Marrero (Vice-Chair) (Present)  
Ana Diaz (Secretary) (Present)  
Tony Morales (Student Alumni) (Present)  
Raul Martinez, Jr. (Parent) (Present)  
Jenny Esquijarosa (Parent) (Present)  
Louis Marin (Texas) (Absent)  
George B. Ozuna (Texas) (Absent)  
Carlos Gonzalez (Board Nominee / Treasurer Elect) (Non-Voting) (Absent)

**Board Counsel**

Charles Gibson, Esq. (Present)

**Minutes**

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**1. Opening Exercises**

- a. Meeting called to order
- b. Quorum was established

**2. Public Comment**

- a. There were no comments by the public at this time.

**3. Action & Discussion Items**

- a. Future Soho Middle/High School Site Action Items
  - i. **APPROVED:** The Board reviewed and unanimously approved to receive and file the Restricted Appraisal Report (Market Rent Study) for the proposed charter school to be located at 305 NE 2<sup>nd</sup> Road, Homestead, Florida as prepared by CBRE, Inc.
    1. Board Counsel Charles Gibson reviews the appraisal with the Board; the Board previously requested the appraisal be completed for this site; reviews rent reductions for the first few years; the rental rate is below market rate; report addresses other buildings which are comparables which rent range from \$16-\$19 per sq. ft.; Mr. Richard Moreno assures the Board that the rate is below market.
  - ii. **APPROVED:** The Board unanimously approved the Lease Agreement between Soho School Development, LLC and Somerset Academy, Inc. for the charter school facility located at 305 NE 2<sup>nd</sup> Road, Homestead, Florida.
    1. Mr. Gibson referred the Board to pg. 50 for the schedule of rental amounts per year; it is noted that the lease is a triple net lease and, therefore, Somerset will be responsible for most repairs and maintenance.

**4. Meeting adjourned**

\*The minutes were adopted by the Board of Directors at a meeting held on January 12, 2015





**Florida Charter School Meeting of the Board of Directors  
January 12, 2015**

**Board of Directors**

David Concepcion (Board Chair) (Present)  
Lourdes Isla Marrero (Vice-Chair) (Present)  
Ana Diaz (Secretary) (Present)  
Tony Morales (Student Alumni) (Present)  
Raul Martinez, Jr. (Parent) (Present)  
Jenny Esquijarosa (Parent) (Present)  
Louis Marin (Texas (Vice-Chair Texas) (Present)  
George B. Ozuna (Texas) (Present)  
Carlos Gonzalez (Board Nominee & Treasurer Nominee) (Non-Voting)

**Board Counsel**

Charles Gibson, Esq. (Present)  
Eleni Pantaridis, Esq.

**Minutes**

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1. **Opening Exercises**

- a. Call to order at 12:31 pm
- b. A quorum was established

2. **Public Comment**

- a. There were no comments by the public at this time.

3. **Action & Discussion Items**

- a. Finance and Strategic Planning Committee Report
  - i. **APPROVED:** The Board unanimously approved to receive the Committee Minutes dated January 7, 2014 and approved to accept and authorize the following recommendations being made by the Committee:
    1. APPROVED to appoint Ms. Suzette Ruiz as Vice President of Somerset Academy, Inc.
    2. APPROVED to contribute \$15,000 towards to cost of the replacement tent at Somerset Academy Pompano as requested by the Principal.
    3. APPROVED of the computer project, as discussed and noted above, for Somerset Academy East Prep as requested by the Principal.
    4. APPROVED to further pursue to close the open-air gymnasium at the new SoHo Middle-High Campus as requested by the Principal. The expense of the project shall be that of the school's.
    5. APPROVED to move forward on the "Sunrise Site" for 2016, further approving the hard and soft costs of the remodel. The Committee further authorized Academica to work with Broward County to either defer the approved applications or to submit new applications for this site, if necessary.
    6. APPROVED to adopt the Spelling Bee budget as presented.
    7. APPROVED to adopt the Student Support Counselor and the Student Support Specialist job descriptions as presented.
    8. APPROVED to explore and negotiate the lease terms as described.

- b. Somerset Academy Misc. Property Leases

- i. Review & Discuss: Letter received from Edwards Cohen with regards to Somerset's interest into entering into new leases with the following landlords:
      - 1. Broward School Development LLC
      - 2. Broward School Development II LLC
      - 3. Broward School Development III LLC
      - 4. Southwestern Grant LLC
      - 5. Southwestern Grant II LLC
      - 6. Boynton School Properties LLC
      - 7. Valencia School Development LLC
      - 8. FILM LLC
      - 9. Lonestar School Development LLC
      - 10. Saint Patrick School Development LLC
      - 11. Somi Group LLC
      - 12. Mr. Gibson provides background on this item. This is an opportunity
    - ii. **APPROVED:** The Board unanimously approved the Resolution as presented which authorizes the Chair to order independent third party reviews of the proposed lease terms and lease forms, and such other analyses and reviews by such other professionals as the Chair may determine; and authorizes the Chair to negotiate, execute and deliver on behalf of the Company consulting services agreements as may be necessary to carry out the foregoing resolution, on such terms as the Chair finds in the best interests of the Company.
  - c. **APPROVED:** The Board unanimously approved the following Principal Positions:
    - i. Somerset Academy (Eagle Campus), Somerset Academy Middle School (Eagle Campus), and Somerset Academy High School (Eagle Campus) – LaTatia Ray
    - ii. Somerset Preparatory Academy Charter School at North Lauderdale & Somerset Preparatory Academy Charter High School at North Lauderdale - Donyale McGhee
  - d. Intervention / Focus School Report (Dr. Ruth Jacoby, Dr. Alberto Rodriguez, Hermes Ortiz, Bernie Montero)
    - 1. Somerset Academy Eagle Elementary (#1251)
    - 2. Somerset Academy Eagle High (#1381)
    - 3. Somerset Prep Academy Jacksonville (#5501)
    - 4. Somerset North Lauderdale (#5003)
    - 5. Somerset Academy Hollywood (#5387)
    - 6. Somerset Academy Pompano (#5388)
    - 7. Dr. Ruth updates the board on the progress of these schools.
    - 8. Bernie will be visiting the Jacksonville schools later this week.
    - 9. Mr. Ortiz discusses data results thus far.
    - ii. **APPROVED:** The Board unanimously approved to adopt the Focus School Report as presented.
  - e. **APPROVED:** The Board unanimously approved to authorize any High Performing (HP) Charter School who requires a change in enrollment capacity and/or a change in grade levels and any other charter who may require an increase in enrollment capacity and/or a change in location or additional location as determined by staff authorization to submit such requests to Miami-Dade County Public Schools in writing via the form of a Board Resolution.
  - f. Financial Report
    - i. Review of Revised 2014-2015 Annual Budgets for the individual schools
    - ii. Discussed: Auditor RFP; the Board directs Mr. Gibson to fully review this item for compliance purposes
      - 1. **APPROVED:** The Board unanimously approved to exercise the option to extend the agreement with Gravier for an additional two years as permitted by the contract. The Board shall vote on this item again at the March meeting.
  - g. Other Items by Board Members, Staff, or ESP
    - i. The Chair would like to nominate Lourdes Isla as the Chair of the Finance and Strategic Planning Committee.
      - 1. **APPROVED:** The Board unanimously approved to appoint Lourdes Isla as the Chair of the Finance and Strategic Planning Committee.
- 4. **Consent Agenda**
  - a. **APPROVED:** The Board approved the minutes of the Somerset Academy, Inc. Board of Director's Meeting dated November 17, 2014 and November 24, 2014.
  - b. **APPROVED:** The Board approved to adopt the financial report including:
    - i. Revised 2014 – 2015 Annual Budgets for the individual schools

- ii. Monthly / Quarterly Financial Statements for the individual schools
- c. **APPROVED:** The Board approved the Social Worker Retainer Agreement with Tamara Cohen
- d. **APPROVED:** The Board approved to ratify the following actions taken on November 17, 2014:
  - i. APPROVAL of the Somerset Academy Silver Palms Lease Addendum, including the approval to receive and file the Restricted Appraisal Report (Market Rent Study) for the Somerset Academy Silver Palms 23255 SW 115<sup>th</sup> Avenue, Miami, 33032.
- e. **APPROVED:** The Board approved to ratify the following actions taken on November 24, 2014:
  - i. APPROVAL to receive and file the Restricted Appraisal Report (Market Rent Study) for the proposed charter school to be located at 305 NE 2<sup>nd</sup> Road, Homestead, Florida as prepared by CBRE, Inc.
  - ii. APPROVAL of Lease Agreement between Soho School Development, LLC and Somerset Academy, Inc. for the charter school facility located at 305 NE 2<sup>nd</sup> Road, Homestead, Florida.

5. **Announcements & Notifications**

- a. Next Committee Meeting: March 2, 2015
- b. Next Board Meeting: March 16, 2015

6. **Adjourn Meeting**

\*The minutes were adopted by the Board of Directors at a meeting held on March 13, 2015.



Florida Charter School Meeting of the Board of Directors  
February 27, 2015

**Board of Directors**

David Concepcion (Board Chair) (Present)  
Lourdes Isla Marrero (Vice-Chair) (Absent)  
Ana Diaz (Secretary) (Present)  
Tony Morales (Student Alumni) (Absent)  
Raul Martinez, Jr. (Parent) (Present)  
Jenny Esquijarosa (Parent) (Present)  
Louis Marin (Texas Vice-Chair Texas) (Absent)  
George B. Ozuna (Texas) (Absent)

**Board Counsel**

Charles Gibson, Esq. (Absent)  
Eleni Pantaridis, Esq. (Absent)

**Minutes**

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1. **Opening Exercises**

- a. Meeting called to order
- b. A quorum was established

2. **Public Comment**

- a. There were no comments by the public at this time.

3. **Action & Discussion Items**

- a. **APPROVED:** The Board unanimously approved to submit, to Miami-Dade County Public Schools, official notice of intent to increase enrollment and/or expand grade levels for the upcoming 2015-2016 school year for the individual High-Performing Somerset Academy, Inc. schools (as stated).
- b. **APPROVED:** The Board unanimously approved to ratify the existing articulation agreements between elementary, middle, and high schools.

4. **Meeting adjourned**

\*The minutes were adopted by the Board of Directors at a meeting held on March 13, 2015.



**Florida Charter School Meeting of the Board of Directors  
March 13, 2015**

**Board of Directors**

David Concepcion (Board Chair) (Present)  
Lourdes Isla Marrero (Vice-Chair) (Present)  
Ana Diaz (Secretary) (Present)  
Tony Morales (Student Alumni) (Present)  
Raul Martinez, Jr. (Parent) (Present)  
Jenny Esquijarosa (Parent) (Present)  
Louis Marin (Texas (Vice-Chair Texas) (Present)  
George B. Ozuna (Texas) (Absent)

**Board Counsel**

Charles Gibson, Esq. (Present)  
Eleni Pantaridis, Esq. (Absent)

**Minutes**

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**1. Opening Exercises**

- a. Meeting called to order
- b. A quorum was established
- c. Notification: Due to a recent career change, Board Nominee Carlos Gonzalez has regretfully withdrawn his name from board candidacy.

**2. Public Comment**

- a. Ken Lassiter
  - o Mr. Lassiter addresses the Board regarding Somerset Academy Canyons and timeliness of construction; Mr. Lassiter states that there has been a 30 day delay due to Academica and Civica not knowing about a requirement to submit a pre-application to the County; urges to retain a professional planner to assist in the permit process who has experience in Palm Beach County.
- b. Dennis Gumlick, Sustain Solutions – Mr. Gumlick did not attend today's meeting.
- c. Kenia Mirabal, Somerset Silver Palms Parent
  - o Ms. Mirabal addresses the Board regarding her daughter who attends the Silver Palms campus; she states that she has concerns that her daughter is being bullied by the administration; she discusses her daughter being assigned detention for things that are out of her control; she discusses assigned seating at lunch time and silent lunch.
    - Board Member Isla requests from the Principal what was wrong with the uniform; Principal O'Sullivan that discusses the student was involved in a uniform sweep and was found not wearing a uniform with the proper embroidery; Principal O'Sullivan states that the school has sent home the uniform policy on numerous occasions; the student was given detentions in which the child informed administration that her mother told her not to go to the detention or Saturday school; the child is scheduled for Saturday school tomorrow and has advised, again, that her mother told her not to attend the Saturday school; Principal O'Sullivan advises that if the child does not attend Saturday school tomorrow that the next level is suspension.

- The Board requests that President Montero meet with the mother to further discuss.

### 3. Action & Discussion Items

#### a. Finance and Strategic Planning Committee Report

- i. **APPROVED:** The Board unanimously approved to adopt the Committee Minutes dated February 2, 2015
- ii. **APPROVED:** The Board unanimously approved to adopt the Committee Minutes dated March 2, 2015 and approve to accept and authorize the following recommendations being made by the Committee:
  1. Table the expansion of Somerset Academy South Homestead Elementary at this time until the next meeting per the outcome of the facility lease negotiations
  2. APPROVE the kitchen equipment quote from Sysco for the Somerset Oaks "Kitchen Equipment" project.
  3. APPROVE to postpone the leadership program as discussed.
  4. APPROVE to work with The School Board of Broward County to amend the following charter school contracts on a temporary basis:
    - a. Somerset Academy Hollywood Elementary to be temporarily nested at Somerset East Prep
    - b. Somerset Academy Hollywood Middle School to be temporarily nested at Somerset Central Miramar
  5. APPROVE to transfer \$368,000, as discussed, from the Somerset Academy Bay books to Somerset Academy, Inc.
  6. APPROVE to further explore the addition of the "Country Palms" campus as discussed, including to direct Mr. Richard Moreno to prepare a needs assessment for this site and to further discuss site options with Principal O'Sullivan.
  7. APPROVE the renovation construction costs for the Somerset Eagle Lone Star location for an amount not to exceed \$60,000.

#### b. Facility Report

##### i. "West Delray" Site (Palm Beach, County)

1. Description & Background on site (Mr. Victor Barroso) – This site is being developed from an outside developer and the site is already approved for charter school use. The developer is the same develop who built Robert Serna's existing campus. Collette Papa has prepared a one page lease summary and reviews it with the board; she reviews the initial term, renewal terms, initial rental amount, terms of rental increase, security deposit of \$62,500, square footage, no shared use, maintenance/repairs, utilities, termination, and other. The site is 3 buildings and will be phased in.
2. **APPROVED:** The Board unanimously approved to move forward and continue negotiations on the "West Delray" site, including:
  - a. Direct Mr. Richard Moreno to prepare a needs assessment
  - b. Authorize Charles Gibson & Collette Papa to negotiate lease with landlord to present to the board at a future meeting
  - c. Authorize to retain independent appraiser to review lease terms and rates to present to the board at a future meeting
  - d. Engage Civica, if necessary, for any reasonable facility or zoning needs which may present themselves during this discovery phase
  - e. Direct Academica staff to begin working on new charter school application(s) for this site

##### ii. "International School of Broward" Site (Broward, County)

1. Description & Background on site (Mr. Victor Barroso) – This is an existing stand-alone charter school with a very similar background to International Studies Charter School in Dade (serviced by Academica). Richard Marrero provides additional background on this site as he has been doing the schools financials for the past several years. The Principal has approached Somerset to review the option of having the governance changed to Somerset, similar to how CPATC in St. Lucie did. The facility is older and would not be considered for long term. The program should be attracting students from across the County as does ISCHS in Dade. Board Member Isla and President Montero have visited the school. The current enrollment is 271 / grades 6-12.
2. **APPROVED:** The Board unanimously approved to move forward in the discovery phase of this site, including:
  - a. Directed Mr. Richard Moreno to prepare a full data and financial assessment of the existing school, including neighboring school data
  - b. Authorized Charles Gibson & Collette Papa to further review the re-assignment of the school to Somerset Academy, Inc. from a legal prospective, including but not limited to review of existing facility lease and any other agreement or contract in place; further

approving to engage in conversations with Jody Perry regarding a re-assignment of the charter contract.

- c. Authorized to retain independent appraiser to review the school's existing lease terms and rates to present to the board at a future meeting
- d. Engaged Civica to assess the school and provide the Board with proposals for necessary building repairs and maintenance
- e. Direct Marla Devitt to fully assess all existing staff to determine current salaries and necessary qualifications

iii. Ratify the Somerset Academy Bay Facility Lease

1. This lease was entered into two years ago. The Board is reviewing in full depth the terms of the lease to ensure complete understanding of its terms. Collette Papa reviews the terms, renewal terms, initial rental amount, and terms of rental.
2. There was a contract for purchase and sale which was initially entered into by the LLC as this site was originally going to be purchased. The school ended up entering into a lease directly with the landlord.
3. The original Contract for Sale needs to be officially assigned to Somerset Academy, Inc.
4. Discussed ongoing zoning process which is necessary in order to make this property saleable.
5. Formalize the assignment and assumption of PS agreement as referenced in the lease agreement with – only costs and expenses that will be transferred to Somerset will any out of pocket expenses incurred thus far.
6. **APPROVED:** The Board unanimously approved to ratify the Educational Facility Lease Agreement between Lones Family LTD Partnership, Pinewood Acres School, Inc., and Lee S. Lones and w Judy C. and Somerset Academy, Inc. In addition to the ratification of the lease, the board approved the formalization of the assignment and assumption of the purchase and sale agreement for the property as discussed.

iv. New Somerset Charter Applications

1. **APPROVED:** The Board unanimously approved to move forward on the submittal of the presented new charter school applications contingent upon a positive site assessment and needs report to be prepared by Richard Moreno.
  - a. Mr. Moreno is requested to attend the April committee meeting to present his reports for each of the sites.

c. Financial Report

i. **APPROVED:** The Board reviewed, discussed, and unanimously approved to adopt the revised 2014-2015 Annual Budgets for the individual schools as presented.

1. Ms. Martinez reviews the budgets with the Board and staff.
2. Review of Misc. Loans and Grants
  - a. Loans
    - i. 200,000 – Somerset Canyons Middle (4012)
    - ii. 650,000 – Somerset Canyons High (4013)
    - iii. 85,000 – Somerset Prep Jacksonville (5501)
    - iv. 350,000 – Somerset Oaks (3033)
    - v. 150,000 – Somerset Silver Palms (0332) (repaid this year)
  - b. Grants
    - i. 245,000 – Somerset Prep Jacksonville (5501)
    - ii. 386,000 – Somerset Eagle Elem (1251)
    - iii. 114,000 – Somerset Eagle Middle (1261)
    - iv. 105,000 – Somerset Eagle High (1381)
    - v. 55,000 – Somerset Hollywood (5387)
    - vi. 55,000 – Somerset Hollywood Middle (5419)
    - vii. 15,000 – Somerset Virtual Academy Middle/High (6016)
    - viii. 325,000 – Somerset Bay (5062)
    - ix. 5,000 – Somerset Bay Middle (6128)

ii. **APPROVED:** The Board reviewed and unanimously approved to receive and file the Monthly / Quarterly Financial Statements as presented.

iii. **APPROVED:** The Board unanimously approved to renew the independent auditor agreement with HLB Gravier for an additional two years as permitted in the RFP and current agreement for the individual Somerset Academy schools.

- d. Reports and Principal Items
- i. Director of Education Report – Dr. Ruth Jacoby
    1. PD webinars - Going to begin offering prof development classes via webinars. The cost is \$1,000 for 12 month using GoToWebinar, a service that let us live webcast classes and record them. The webcasts (or webinars) will also be archived and placed in the webinar library on the Somerset website for future watchers.
  - ii. Somerset Academy, Inc. & Somerset Virtual Academy - Domestic and International Programs and Services – Daniel Meyer (via phone) / Lina Sierra (VP of Operations) and Gina LaLicata (Director of Global Services)
    1. Approx. 1800 students this Fall; received NCAA approval; 18 approved AP courses; 35 part-time teachers; online teaching assistants; developed a reporting system to review teacher success rate; expanding to Texas with Brooks Academy; applying with the University of California to obtain approval there;
    2. Over 1200 International students; these students attend their traditional school during the day and then take the Somerset online courses simultaneously to receive the Somerset dual diploma by Somerset; continuing to grow; Spain is where the largest number of students are currently; review of curriculum
- e. Other Items by Board Members, Staff, or ESP
- i. Presentation by Principal Miller: Classroom Economy
  - ii. Withdrawn: Discussion of Student Enrollment / Lottery” Policy
  - iii. Discussion: Affiliate possibility with Delta Sigma Theta (Mr. Daniel Diaz)
    1. This is sorority of woman who are interested in opening a charter school in the Miami Gardens area. Board Member Martinez met with the group at the Chapel Trail campus. The group has strong ties to the community. He states that he is further interested in reviewing an affiliate agreement.
    2. Adri Lima states that the next step for them is to submit their application. A decision needs to be made by Somerset if the application will include the affiliation information or if that will take place after the approval of the application.
    3. **APPROVED:** The Board unanimously approved to invite the ladies from Delta Sigma Theta to the attend and present at the next Strategic Planning Committee Meeting.
  - iv. Board Member Nominations:
    1. Ana Palacios, Nominated by David Concepcion
      - a. Board Member Isla states that she would like the opportunity to meet Ms. Palacios prior to nominating or electing her to serve on the Board.
      - b. **TABLED:** David Concepcion agreed to table this item until the board has the opportunity to meet Ms. Palacios.
    2. Todd German, Nominated by Lourdes Isla
      - a. Each of the board members states that they have had the opportunity to meet with Mr. German; Mr. German is present at today’s meeting.
      - b. **APPROVED:** The Board unanimously approved to nominate Mr. Todd German to serve on the Board. Mr. German’s election shall be formalized pending necessary security clearances.
      - c. **APPROVED:** The Board unanimously approved to appoint Mr. Todd German as Treasurer pending his election to the Board.
  - v. **APPROVED:** The Board unanimously approved the following Proposed Meeting Schedule for the remaining of the 2014-2015 school year:
    1. April/May
      - a. Committee Meeting: April 17<sup>th</sup> at 10:00 am
      - b. Board Meeting: May 1<sup>st</sup> at 12:00 pm (in Palm Beach County)
    2. May/June
      - a. Committee Meeting: May 29<sup>th</sup> at 10:00 am
      - b. Annual Board Meeting: June 12<sup>th</sup> at 12:00 pm (in Monroe County)
  - vi. Principal Sadesky addresses the Board regarding ongoing security and maintenance issues at Somerset Academy Village. She is requesting to have security cameras installed. The Board discusses and this campus is in a



transitional period. The lease is currently being negotiated and it is discussed to table this until it is clear what is happening with the lease and the longevity of the school at this site.

- vii. Principal Ruiz provides an overview of the recent NSLP audit. The audit was a perfect audit and special thanks are provided to Principal O'Sullivan, Principal Sadesky, and Principal Rey for their outstanding site visits.
- viii. **APPROVED:** The Board unanimously approved to authorize the Board Chair to execute the Amendment to the Charter School Contract between The School Board of Palm Beach County and Somerset Academy, Inc. on Behalf of Somerset Academy Canyons High School and Somerset Academy Canyons Middle School as described below:
  - 1. The Somerset Academy Canyons High School Charter contract currently allows 800 students in grades 9-12, (200 students per grade level); the Governing Board is requesting an amendment to the high school charter contract to add an additional 400 students (an additional 100 students per grade level) for a total of 1200 students in grades 9-12 in the high school.
  - 2. The Somerset Academy Canyons Middle School charter contract currently allows 600 students in grades 6-8, (200 students per grade level); the Governing Board is requesting an amendment to the middle school charter contract to add an additional 300 students (an additional 100 students per grade level) for a total of 900 students in grades 6-8 in the middle school.
  - 3. Between both the middle school and the high school, total requested enrollment for grades 6-12 would be a total of 2100 students for the campus; the certificate of occupancy for the facility has a stated Educational Occupant load of 2208, and exceeds the amount of the request.

#### 4. Consent Agenda

- a. **APPROVED:** The Board approved the minutes of the Somerset Academy, Inc. Board of Director's Meeting dated January 12, 2015 and February 27, 2015.
- b. **APPROVED:** The Board approved to adopt the financial report including:
  - i. Revised 2014 – 2015 Annual Budgets for the individual schools
  - ii. Monthly / Quarterly Financial Statements for the individual schools
- c. **APPROVED:** The Board approved the Out of State / Country Field Trip Requests
  - i. Somerset Neighborhood School is requesting permission for a 4<sup>th</sup> Grade overnight field trip to St. Augustine, FL (3/19-3/20) (Ms. Geyler Herrera)
  - ii. Somerset Academy in St. Lucie – Field Trip to Atlanta Aquarium
- d. **APPROVED:** The Board approved the out of field waiver(s) for instructional personnel with out of field assignments for the individual schools, as presented.
- e. **APPROVED:** The Board approved to receive and file the Civica – Somerset Academy Facilities Support Services for the period of December 2014 to January 2015.
- f. **APPROVED:** The Board approved to receive and file the Civica – Somerset Academy Facilities Support Services for the period of January 9, 2015 to February 23, 2015

#### 5. Announcements & Notifications

- a. Rolando provides an update to the Board regarding /Somerset Canyons.
- b. A Somerset Academy Foundation meeting will take place immediately following today's meeting.
  - i. **APPROVED:** The Board unanimously approved the below as the founding board members:
    - 1. David Concepcion
    - 2. Bernie Montero
    - 3. Suzette Ruiz
- c. National Charter School Conference – June 21-24 in New Orleans (<http://www.publiccharters.org/involved/conference-2015/>)

#### 6. Meeting adjourned

\*The minutes were adopted by the Board of Directors at a meeting held on May 1, 2015.



**Florida Charter School Meeting of the Board of Directors  
May 1, 2015**

**Board of Directors**

David Concepcion (Board Chair) (Present)  
Lourdes Isla Marrero (Vice-Chair) (Present)  
Ana Diaz (Secretary) (Present)  
Tony Morales (Student Alumni) (Present)  
Raul Martinez, Jr. (Parent) (Present)  
Jenny Esquijarosa (Parent) (Present)  
Louis Marin (Texas (Vice-Chair Texas) (Absent)  
George B. Ozuna (Texas) (Absent)  
Todd German (Board Nominee / Non-Voting) (Present)

**Board Counsel**

Charles Gibson, Esq. (Present)  
Eleni Pantaridis, Esq. (Present)

**Minutes**

**1. Opening Exercises**

- a. Call to Order
- b. Establish Quorum
- c. Special thanks to Board Member, Raul Martinez for his efforts assisting with the planning and development of the recent leadership workshop.
- d. Somerset Academy Canyons Bio-med program
  - i. Special thanks to Mr. Lassiter for his creation with the Bio-med program
  - ii. Overview of the Bio-med program & recent accomplishments
- e. Special thanks to members of the community who are present today which were essential in the opening of the school & special welcome to several founding parents who were present today.
- f. Danny Diaz informs the board and staff of the success of the event at SLAM on Wednesday for students wishing to enter into the legal field.
- g. Danny Diaz presents to the board on Everfi and Financial Education; Mr. Diaz welcomes representatives from Everfi and Ms. Amy Cook (Somerset Canyons teacher who currently uses the program).

**2. Public Comment**

- a. Ken Lassiter, resident of Palm Beach and Somerset Canyons SAC member, provides a brief background on his relationship with the school, expresses his concern with the lack of the budget on the school's website, addresses the board regarding adding a member on the board from Palm Beach county, discusses construction at the school, requests that the changes to the charters be described when this item comes up today.

**3. Action & Discussion Items**

- a. Finance and Strategic Planning Committee Report
  - i. **APPROVED:** The Board reviewed and unanimously approved to receive and adopt the Committee Minutes dated April 17, 2015; further approving to accept and authorize the following recommendations being made by the Committee:
    1. APPROVED the "Additional Classroom Project" at Somerset Academy Prep in Jacksonville.

2. APPROVED the kitchen project at Somerset Academy Prep in Jacksonville.
3. APPROVED the Escrow Agreement between Somerset Academy, Inc., the Lones Family Limited Partnership, and Holland & Knight, LLP (the "escrow Agent"), for the benefit of the Division of Environmental Resources management ("DERM") of Miami-Dade County's Department of Regulatory and Economic Resources.
4. APPROVED to formalize an agreement with the military with the assistance of Charles Gibson.

b. Facility Report

i. "West Delray" Site (Palm Beach, County)

1. **APPROVED:** The Board unanimously approved the Facility Lease Agreement between Florida Educational Properties Villages of Windsor, LLC and Somerset Academy, Inc. for the "Villages of Windsor" property located on the SE corner of Hypoluxo Road and Lyons Road in Lake Worth, Palm Beach County, Florida (Parcel #00-42-45-08-08-001-0000 | Legal Description: VILLAGES OF WINDSOR PL 3 PAR A K/A FUTURE PRIVATE CIVIC PAR). Further approving the Chair to execute lease agreement, as presented.
  - a. APPROVED to receive and file the needs assessment / demographics report as prepared by Richard Moreno.
  - b. APPROVED to receive and file the lease summary report as prepared by Charles Gibson & Collette Papa.
  - c. APPROVED to receive and file the independent appraisal / evaluation.

ii. Somerset Academy Bay – Mr. Gibson reviews the terms of the agreement and the purpose of the agreements. Reviews with the Board again, the escrow agreement for this site. The payment schedule shall be created by Somerset. Authorize the board chair to review all documents and the ability to make any changes for the benefit of Somerset.

1. **APPROVED:** The Board approved the Assignment of Purchase Agreement SCHOOL DEVELOPMENT HC LLC, a Florida limited liability company ("Assignor"), LONES FAMILY LIMITED PARTNERSHIP, Pinewood Acres School, Inc, and Lee S. Lones & W Judy C. ("Seller") and SOMERSET ACADEMY, INC with respect to certain real property located at 9500 SW 97<sup>th</sup> Avenue in Miami-Dade County, Florida.
2. **APPROVED:** The Board approved the Additional Agreement with landlord, as presented and described.

iii. Update: "International School of Broward" Site (Broward, County)

1. Victor Barroso updates the Board on this site; the school is interested in converting into a Somerset school; Richard Moreno updates on where we are with discussions; Alina Chester and Richard discuss the finances of the existing school; last year they had a surplus of approx. \$130k/ this year they will break even; favorable rent; building needs major improvements; Rolando estimates approx. \$40-\$50 per square foot to get the building to "Somerset standards" (approx. \$300k); site can hold 325 students; Richard states that this is not a long term facility; Victor Rodriguez compares this schools program with the program of the school he is Principal of in Dade County; he discusses his opinion of the program regarding enrollment (they are running two different programs); he recommends adding a Spanish track to the school to help with enrollment; Alberto Rodriguez re-addresses all of the items discussed now and feels that time may be our biggest obstacle; he further discusses how staff should be communicated with; Board Member Martinez asks if they are interested in this acquisition as per previous discussions; Richard states that they are in favor; Victor would like approval to move forward and approval for legal to approach the district on the reassignment; Board Member Isla states that she has visited the site and agrees that it needs work. She states her concern with the improvements costs necessary for the short term.
2. **TABLED:** The Board approved to table action on the "International School of Broward" at this time.

iv. Update: Affiliate / Partnership possibility with Delta Sigma Theta

1. Dr. Ruth informs the board that she met with the founders of Delta Sigma Theta; they are supposed to visit two of the Somerset schools; they are still discussing still if they want to be an affiliate or an actual Somerset school; David would like to invite them to the next board meeting; Charles Gibson recommends that they become an affiliate first; he feels that they would eventually turn into a Somerset school; he states that the sorority is very powerful in the county and country; Victor states that Somerset has never had an affiliate in their own "backyard"; Board Member Martinez states that he likes the idea of them starting off an affiliate as it gives them the ability to build their own foundation; Mr. Montero recommends that the board approve them becoming an affiliate; Board Member Isla states her concerns with them becoming an affiliate and getting the resources and then

leaving; Charles discusses a longer term affiliation agreement; Dr. Ruth agrees to create a stronger affiliation application.

- c. Somerset Charter School Applications
  - i. Update & Action: Currently Approved Applications
    - 1. **APPROVED** to request a one-year deferral for Somerset Prep Academy Sunset (Miami-Dade).
    - 2. **APPROVED** to request a one-year deferral for Somerset Academy High School Sunset (Miami-Dade).
    - 3. **APPROVED** to withdraw the Somerset Beach Academy Charter School application (Broward).
    - 4. **APPROVED** to withdraw the Somerset Key Academy Charter School (Broward).
    - 5. **APPROVED** to withdraw the Somerset Academy Pines Prep High School (Broward).
    - 6. **APPROVED** to request a second year deferral for Somerset Academy Lakes (Palm Beach) pending news of potential site, as discussed.
  - ii. Applications to be submitted May – August 2015
    - 1. Review of Revised Charter School Application Task List
    - 2. Review of Needs Assessment / Demographic Reports (Richard Moreno)
    - 3. **APPROVED**: The Board unanimously approved to continue moving forward on the submittal of the new charter school applications, as presented and discussed.
      - a. May 1<sup>st</sup> deadline early submittals included a K-8 in Miami-Dade, Indian River, and St. Lucie drafts.
- d. Financial Report
  - i. **APPROVED**: The Board reviewed and unanimously approved the following financial items:
    - 1. Revised 2014-2015 Annual Budgets for the individual schools
      - a. There are only a few variances since they were presented in March; they reflect all grants/loans which, as necessary.
    - 2. Monthly / Quarterly Financial Statements
    - 3. Intracompany Line of Credit Promissory Notes
      - a. Ana reviews this item which will require Board Chair signature
  - ii. Review of Notes for the June 30, 2015 Annual Audits (Action will need to be taken at the June meeting)
    - 1. The auditors have updated the notes on the financial statements. The reports are available in the Drop Box. All Principals, Board Members, and Academica staff are requested to review and send any comments to Ana ASAP. David asks that Academica send an email to everyone in mid-May reminding them of this item.
- e. **REMOVED**: Board Member Nomination: of Ana Palacios
  - i. David Concepcion requested to remove this item from the agenda.
- f. Principal Action & Discussion Items
  - i. **APPROVED**: The Board unanimously approved for Somerset Academy South Homestead Middle/High “Camera Proposal” for an amount not to exceed \$38,000.
- g. Other Items by Board Members, Staff, or ESP
  - i. **APPROVED**: The Board approved the consultant agreement between Somerset Academy, Inc. and Sherri Webber / La Von Group, Incorporated for the 2015-2016 school year for services related to and in support of efforts in USDA Child Nutrition Programs for \$18,750.
  - ii. **RATIFIED**: The Board unanimously approved to ratify the Amendment to the Charter School Contract between The School Board of Palm Beach County and Somerset Academy, Inc. on Behalf of Somerset Academy Canyons High School and Somerset Academy Canyons Middle School was approved by the school board.
  - iii. Reviewed & Discussed: Somerset Academy, Inc. Articulation Agreement
    - 1. Schedule “A” of Originating / Receiving Schools to be presented for approval at the June meeting
  - iv. Recommendation by Board Chair for travel agent service by Sojourn
    - 1. Adri will send their contact information to staff and board; she requests that employees copy their Principal when they are reaching out to the travel agent to verify approval.
  - v. Review of Education Service Provider (ESP) Survey Results

1. Danny Diaz reviews this item with the Board.

vi. **APPROVED:** The Board unanimously approved to appoint Ms. Layda Morales as the Principal of Somerset Academy South Homestead Elementary School; contingent upon successful outcome of Pinecrest Palms Academy M-DCPS Contract Review Committee.

1. Dr. Cruz has accepted a position with Pinecrest to open a new campus in Miami-Dade; she states that she would like to return to Somerset when the Palmetto Bay campus opens.

4. **Consent Agenda**

a. **APPROVED:** The Board approved the minutes of the Somerset Academy, Inc. Board of Director's Meeting dated March 13, 2015.

5. **Announcements & Notifications**

a. Upcoming Meetings

i. Committee Meeting: May 29<sup>th</sup> at 10:00 am

ii. Annual Board Meeting: June 12<sup>th</sup> at 12:00 pm at Key West Collegiate School in Monroe County (*Note: As with every meeting, each campus shall be established as a local meeting location to ensure greater public participation and accessibility*)

b. National Charter School Conference – June 21-24 in New Orleans  
(<http://www.publiccharters.org/involved/conference-2015/>)

c. Review of Somerset Academy High School Graduation Calendar

d. David reminds everyone that Allen Soto Junior is raising funds for the science program at the University of Florida; for more information please contact Erika Rains.

6. **Meeting Adjourned**

\*The minutes were adopted by the Board of Directors at a meeting held on June 12, 2015.



**Florida Charter School Meeting of the Board of Directors  
May 18, 2015**

**Board of Directors**

David Concepcion (Board Chair) (Present)  
Lourdes Isla Marrero (Vice-Chair)  
Ana Diaz (Secretary) (Present)  
Tony Morales (Student Alumni) (Absent)  
Raul Martinez, Jr. (Parent) (Absent)  
Jenny EsquiJarosa (Parent) (Present)  
Louis Marin (Texas (Vice-Chair Texas) (Absent)  
George B. Ozuna (Texas) (Absent)  
Todd German (Board Nominee / Non-Voting) (Present)

**Board Counsel**

Charles Gibson, Esq. (Absent)  
Eleni Pantaridis, Esq. (Absent)

**Minutes**

- 
1. **Opening Exercises**
    - a. Meeting called to order
    - b. A quorum was established
  
  2. **Public Comment**
    - a. There were no comments by the public at this time.
  
  3. **Action & Discussion Items**
    - a. **APPROVED:** The Board unanimously approved to request to begin contract negotiations immediately to open Somerset Academy Sunset K-8 August 2015 and for the school to be located at Folio # 30-4035-052-0010 (Sunset and 74<sup>th</sup> Avenue) (upon completion of construction) and 11155 SW 112th Avenue Miami, FL 33176 / #30-5007-069-0010.
  
  4. **Announcements & Notifications** (*None*)
  
  5. **Meeting adjourned**

\*The minutes were adopted by the Board of Directors at a meeting held on June 12, 2015.



**Florida Charter School Meeting of the Board of Directors  
June 12, 2015**

**Board of Directors**

David Concepcion (Board Chair) (Present)  
Lourdes Isla Marrero (Vice-Chair) (Present)  
Ana Diaz (Secretary) (Present)  
Tony Morales (Student Alumni) (Present)  
Raul Martinez, Jr. (Parent) (Present)  
Jenny Esquijarosa (Parent) (Absent)  
Louis Marin (Texas (Vice-Chair Texas) (Absent)  
George B. Ozuna (Texas) (Absent)  
Todd German (Present)

**Non-Voting Officers**

Bernie Montero, President  
Suzette Ruiz, Vice-President

**Board Counsel**

Charles Gibson, Esq.  
Eleni Pantaridis, Esq.

**Minutes**

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1. **Opening Exercises**
  - a. Call to Order
  - b. Establish Quorum
  - c. Special thanks to the Principal Cory Oliver and his Board of Directors for hosting today's meeting in Key West
  - d. **APPROVED:** The Board unanimously approved to formally elect Mr. Todd German to the Somerset Academy, Inc. Board of Directors.
  
2. **Public Comment**
  - a. There were no comments by the public.
  
3. **Consent Agenda**
  - a. **APPROVED:** The Board approved the minutes of the Somerset Academy, Inc. Board of Director's Meeting dated May 1, 2015.
  - b. **APPROVED:** The Board approved the minutes of the Somerset Academy, Inc. Board of Director's Meeting dated May 18, 2015.
  - c. **APPROVED:** The Board approved to amend "Commercial Lease Agreement" between Temple Beth El of Boca Raton and Somerset Academy, Inc. (for Somerset Academy Boca).
    - i. Adds four classrooms to the current facility, which will be used for the middle school; \$500 per month; no changes to current lease terms.
  - d. **APPROVED:** The Board approved to accept and adopt corrected addendum to Somerset Villages of Windsor Lease.
  - e. **APPROVED:** The Board approved for Somerset Academy East Prep to repair the playground for approximately \$12,000, as indicated on the safety inspection report by Broward County Public Schools.



- f. **APPROVED:** The Board approved for Somerset Virtual Academy to apply as a distance learning program with the Nevada Department of Education and to apply to have its virtual courses approved by the NDE.
- g. **APPROVED:** The Board approved Somerset Academy Davie's Title I status for the 2015-16 school year.
- h. **APPROVED:** The Board approved the Somerset College Prep Academy (St. Lucie) – Skyward Software Proposal.
- i. **APPROVED:** The Board approved for Somerset Academy Central to purchase a bus for \$12,500 with internal funds.
- j. **APPROVED:** The Board approved for Somerset Prep Academy (St. Lucie) to renew its Agreement for Food Services for one year with the School Board of St. Lucie County.
- k. **APPROVED:** The Board approved the Articulation Agreement(s) between the individual Somerset Academy schools, as indicated by the school Principals for the 2015-16 school year.
- l. **APPROVED:** The Board approved to reassign board approved kitchen equipment approvals for Somerset Academy Oaks and Somerset Academy South Homestead from Sysco South Florida to Dream Pro Consultants with no change in cost.
- m. **APPROVED:** The Board approved to ratify the approval of Layda Morales as Principal of Somerset Academy Elementary School (South Homestead).
- n. **APPROVED:** The Board approved to authorize Collette to negotiate the contract amendment language with The School Board of Broward County for the relocation of Somerset Academy Hollywood Elementary and Middle Schools.

#### 4. Action & Discussion Items

- a. Finance and Strategic Planning Committee Report
  - i. **APPROVED:** The Board reviewed and unanimously approved to receive the Committee Minutes dated May 29, 2015; further approving to accept and authorize the following recommendations being made by the Committee:
    1. Approval to withdraw the request to amend the Somerset Academy South Miami Elementary School charter contract.
    2. Approval to further pursue the "Traditional with EB5 Subordinated Debt Financing Option" as presented and discussed for the Somerset Academy Sunset site.
    3. Approval to retain independent appraiser to review lease terms and rates with regards to the St. Lucie site and present to the board prior to final lease approval.
    4. Approval to direct Richard Moreno and Alina Chester to prepare a budget based on lease terms and rates and forecasted enrollment counts for the St. Lucie site to present to the board prior to final lease approval.
    5. Approval to explore the possibility of the expansion at Somerset Academy Oaks and further requested that Richard Moreno review financing options for this project.
    6. Approval to begin discussions with SLAM regarding a possible affiliation agreement with regards to the DC and Sunset sites.
    7. Approval for Somerset Academy Silver Palms to purchase kitchen equipment from Toledo Restaurant Equipment for an amount not to exceed \$40,550.
    8. Approval for Somerset Academy Silver Palms to purchase furniture from Hertz Furniture for an amount not to exceed \$136,728.61.
    9. Approval for Somerset Academy Silver Palms to retain Synthetic Lawns of Miami to install artificial turf for approx. \$180,000.
    10. Tabled the approval of the Somerset SoHo Elementary Bathroom Renovation Project until lease negotiations are complete.
    11. Pre-approved the Somerset SoHo Elementary "Accordian Folding Door" project and agreed to recommend that the board authorize the Board Chair to provide final approval of the project immediately at the close of lease negotiations to avoid any further timing issues.
    12. Approval for Somerset Academy Central to purchase a "Modular for back of the school" for \$1500 per month.
    13. Approval for the Somerset Academy Central "Split Parking Lot Construction" project until such time the expiring lease is extended for a longer term.
    14. Tabled the approval for the Somerset East Prep "Wireless Infrastructure Project Upgrade" until lease negotiations are complete.
    15. Approval of the Somerset Academy Hollywood "Modular Removal" project for \$26,005.
    16. Tabled the approval for Somerset Academy Village to purchase security cameras, pending outcome of lease negotiations.

*The above item 4a was unanimously approved under one Motion by Raul Martinez; Second by Todd German*
- b. Facility / Operations Report
  - i. Update: Somerset Prep Academy Sunset
    1. **APPROVED:** The Board unanimously approved to reimburse Pinecrest Academy for expenses incurred (\$2,000) in site / security assessment, which was required for contract approval.

2. **APPROVED:** The Board unanimously approved to appoint Dr. Cristina Cruz as the Principal of Somerset Preparatory Academy Sunset.
  3. **APPROVED:** The Board unanimously approved to amend the schedule of schools in the ESP Agreement with Academica to include Somerset Prep Academy Sunset.
- c. **APPROVED:** The Board reviewed, discussed, and unanimously approved the Financial Report, including:
    - i. Adopted: Revised 2014-2015 Annual Budget
    - ii. Adopted: Proposed 2015-2016 Annual Budget
    - iii. Adopted: Financial Statements
    - iv. Received: Audit Notes for the period ending June 30, 2015
    - v. Discussed: Overnight sweep will be with Morgan Stanley
  - d. Principal Action & Discussion Items
    - i. **APPROVED:** The Board unanimously approved for Somerset Academy Village "Painting of Facility" pending the commencement of lease negotiations.
    - ii. **APPROVED:** The Board unanimously approved the purchase of Somerset Academy Village curriculum items:
      1. Elementary School ELA and Math Curriculum | Amount: \$37,000
      2. Updated Computers | Amount: \$23,000
      3. I-Ready Reading, Math, and Civics Intervention | Amount: \$10,500
      4. Middle School ELA Curriculum | Amount: \$11,000
      5. Middle School Math Curriculum | Amount: \$9,000
  - e. **APPROVED:** The Board unanimously approved the Slate of 2015 – 2016 Board of Directors
    - i. David Concepcion (Board Chair)
    - ii. Lourdes Isla Marrero (Vice-Chair)
    - iii. Ana Diaz (Secretary)
    - iv. Raul Martinez, Jr.
    - v. Tony Morales
    - vi. Jenny Esquijarosa
    - vii. Louis Marin (Texas (Vice-Chair Texas)
    - viii. George B. Ozuna
    - ix. Todd German (Treasurer)
  - f. Other Items by Board Members, Staff, or ESP
    - i. Review & Discuss: Educational Services Agreement with Doral College (Mr. Ryan Kairalla)
      1. Mr. Kairalls discusses the changes in the agreement.
      2. The Board would like this item to be further discussed at the Strategic Planning Committee Meeting.
    - ii. **APPROVED:** The Board reviewed, discussed, & unanimously approved to adopt the Somerset Academy, Inc. Travel Policies & Procedures.
    - iii. Reviewed & Received: Educational Service Provider (ESP) Survey Results
5. **Announcements & Notifications**
    - a. Two employees are being placed on administrative leave.
    - b. Delta Sigma Theta has expressed interest in becoming an affiliate school of Somerset. A special meeting will need to be called within the next two weeks for Somerset to approve the affiliation agreement, if that is Somerset's wish.
6. **Meeting adjourned**

\*The minutes were adopted by the Board of Directors at a meeting held on August 5, 2015.



**Florida Charter School Meeting of the Board of Directors  
June 19, 2015**

**Board of Directors**

David Concepcion (Board Chair) (Absent)  
Lourdes Isla Marrero (Vice-Chair) (Present)  
Ana Diaz (Secretary) (Present)  
Raul Martinez, Jr. (Parent) (Present)  
Tony Morales (Student Alumni) (Present)  
Jenny Esquijarosa (Parent) (Absent)  
Todd German (Present)

Louis Marin (Texas (Vice-Chair Texas) (Absent)  
George B. Ozuna (Texas) (Absent)

**Non-Voting Officers**

Bernie Montero, President (Absent)  
Suzette Ruiz, Vice-President (Present)

**Board Counsel**

Charles Gibson, Esq. (Absent)  
Eleni Pantaridis, Esq. (Absent)

**Minutes**

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**1. Opening Exercises**

- a. Call to Order at 1:49
- b. Establish Quorum

**2. Public Comment**

- a. There were no comments by the public.

**3. Action & Discussion Items**

- a. **APPROVED:** The Board discussed and unanimously approved to appoint Ms. Alina Lopez as the Principal of Somerset Academy Middle School (South Homestead) (#6013) and Somerset Academy High School (South Homestead) (#7034).

**4. Meeting adjourned**

\*The minutes were adopted by the Board of Directors at a meeting held on August 5, 2015.

3

## Student Enrollment

Definitions Quick Start Guide User Manual

### 56-ST. LUCIE

#### Students Enrolled by Subgroup

Applied filters: None

Year	2011-12	2012-13	2013-14	2014-15
	# of	# of	# of	# of
Grade Level	Students	Students	Students	Students
0-PK	586	549	566	599
00-KG	2,914	3,018	2,913	2,707
01-First	3,020	2,974	2,989	3,021
02-Second	3,005	2,919	2,952	3,074
03-Third	3,160	3,156	3,226	3,188
04-Fourth	2,848	2,808	2,785	3,008
05-Fifth	2,932	2,917	2,873	2,850
06-Sixth	3,082	3,052	2,929	2,968
07-Seventh	3,006	3,050	3,044	3,010
08-Eighth	2,954	2,955	3,048	3,120
09-Ninth	3,280	3,427	3,258	3,269
10-Tenth	3,266	3,110	3,326	3,309
11-Eleventh	2,938	3,017	2,860	3,108
12-Twelfth	2,453	2,689	2,706	2,843

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.

#### User Tips:

- 1) Use the left-hand navigation panel to select a district.
- 2) To expand data in the table, click the plus symbol.
- 3) To drill down to the next level of data in the table, click the down arrow. All graphs on the page will synchronize to selected values.
- 4) To export data: > right click on the graph/table > select export graph/table data > select the file type > click ok.

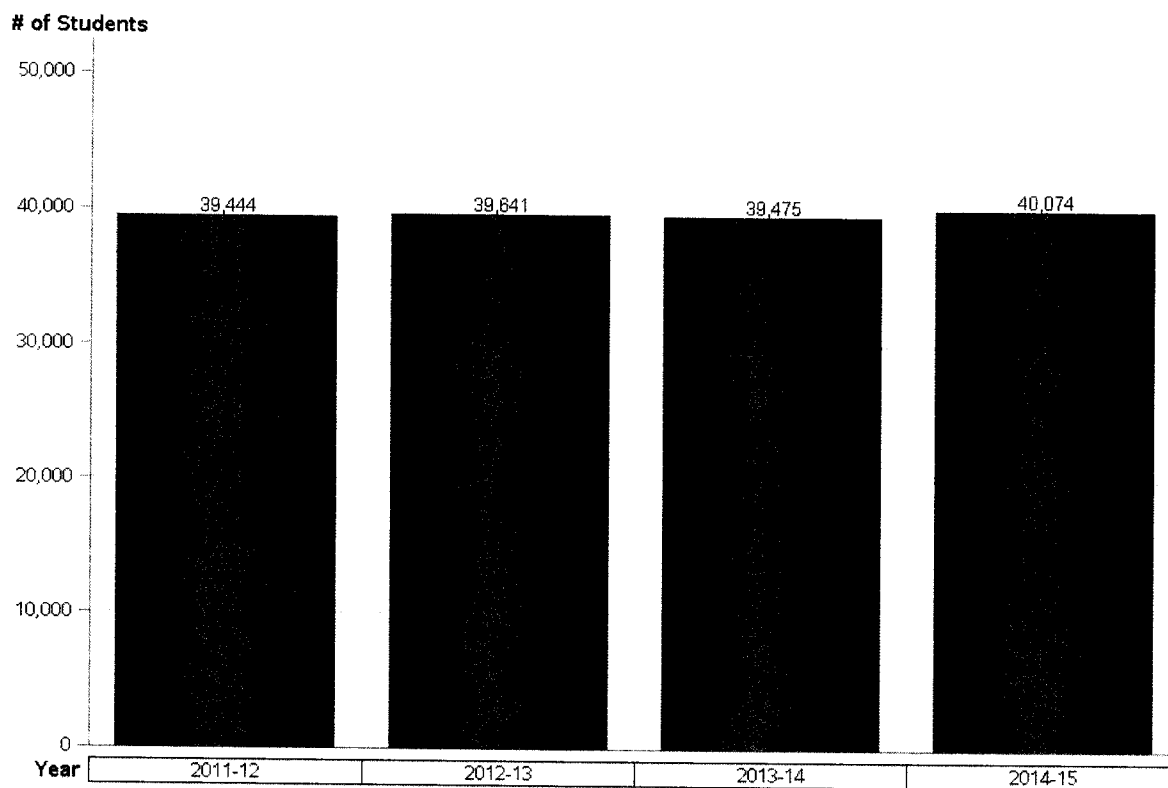
### Student Enrollment

[Definitions](#) [Quick Start Guide](#) [User Manual](#)

## 56-ST. LUCIE

### Students Enrolled by Year

Applied filters: None



# Student Enrollment

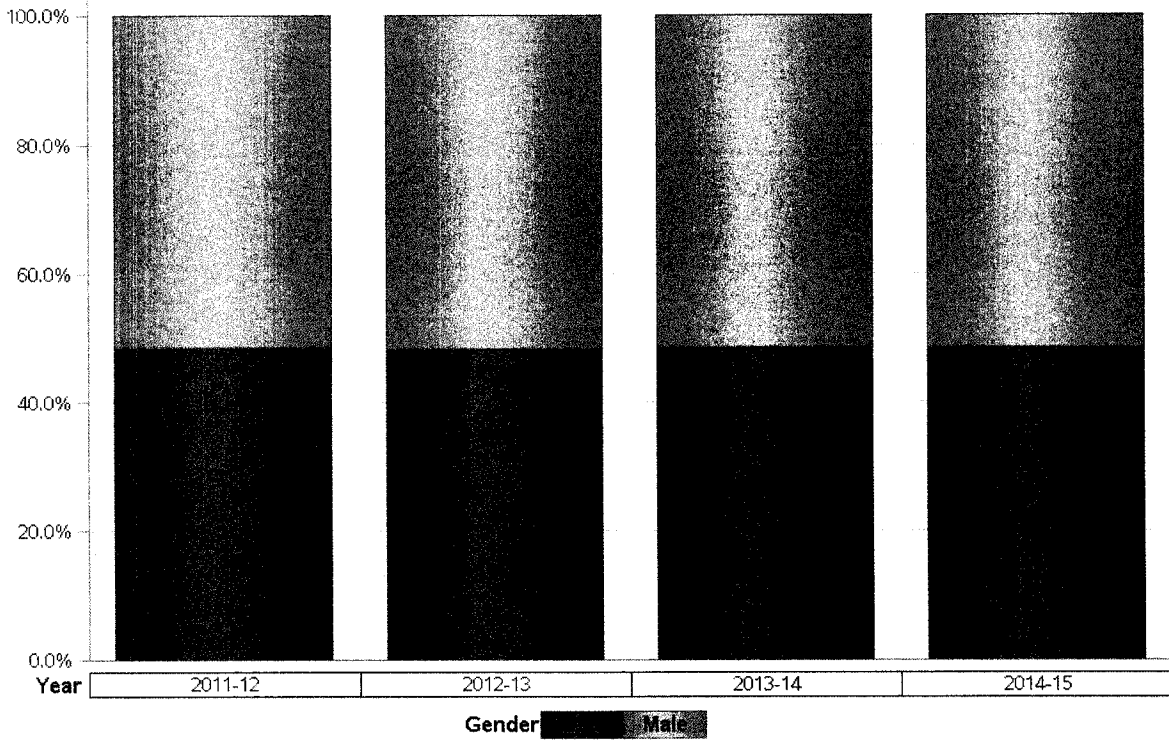
[Definitions](#) [Quick Start Guide](#) [User Manual](#)

## 56-ST. LUCIE

### Students Enrolled by Gender

Applied filters: None

% of Students by Gender



# Student Enrollment

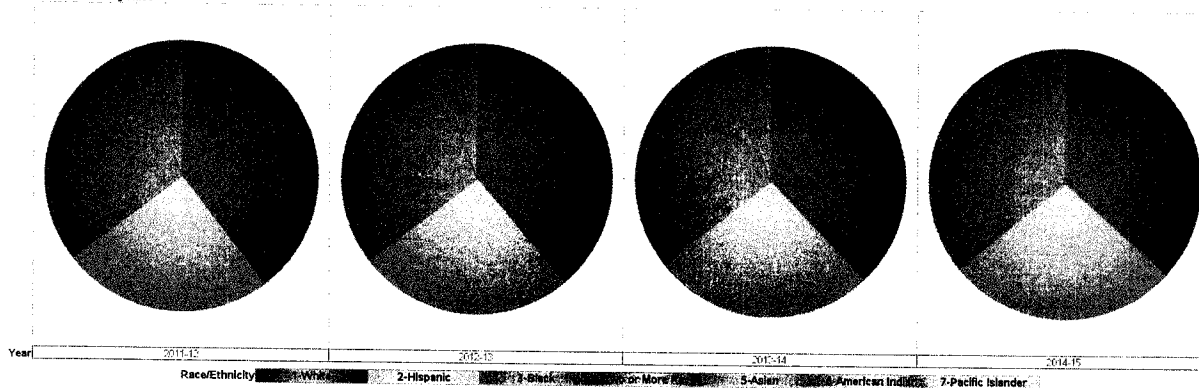
[Definitions](#) [Quick Start Guide](#) [User Manual](#)

## 56-ST. LUCIE

% Students Enrolled by Race/Ethnicity

Applied filters: None

% of Students by Race





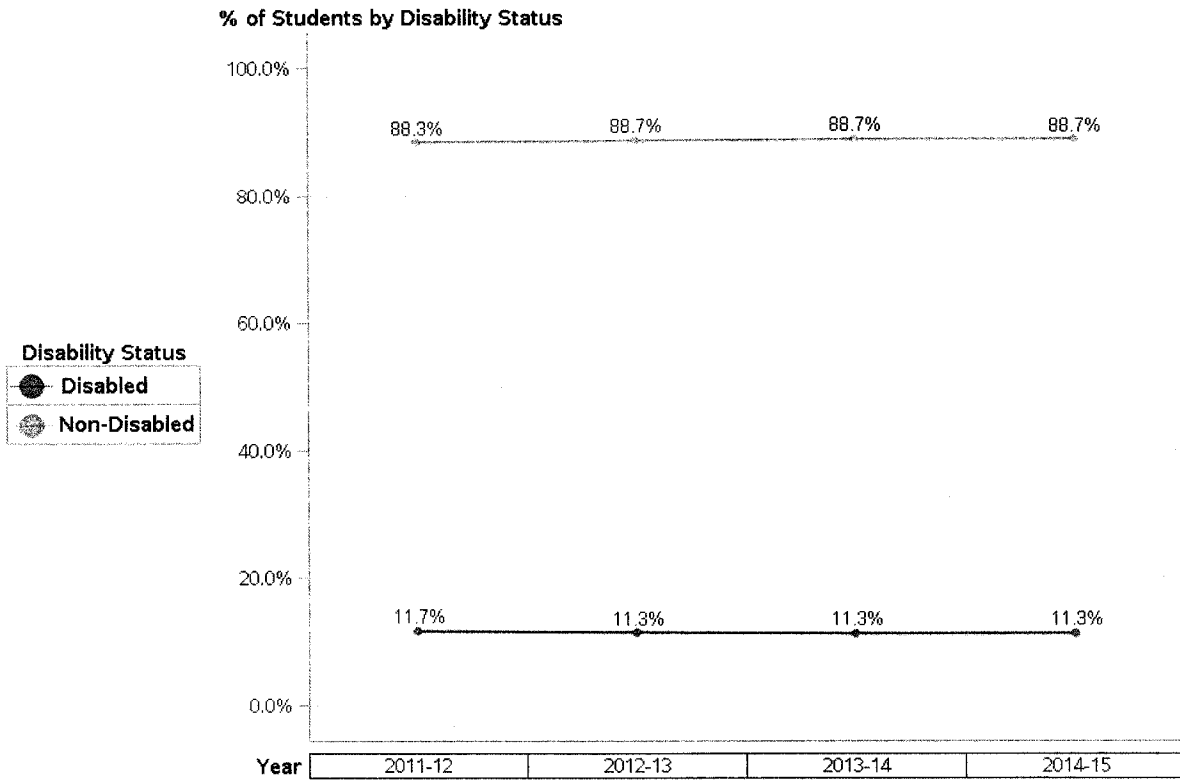
### Student Enrollment

[Definitions](#) [Quick Start Guide](#) [User Manual](#)

#### 56-ST. LUCIE

#### Students Enrolled by Disability Status

Applied filters: None



### Student Enrollment

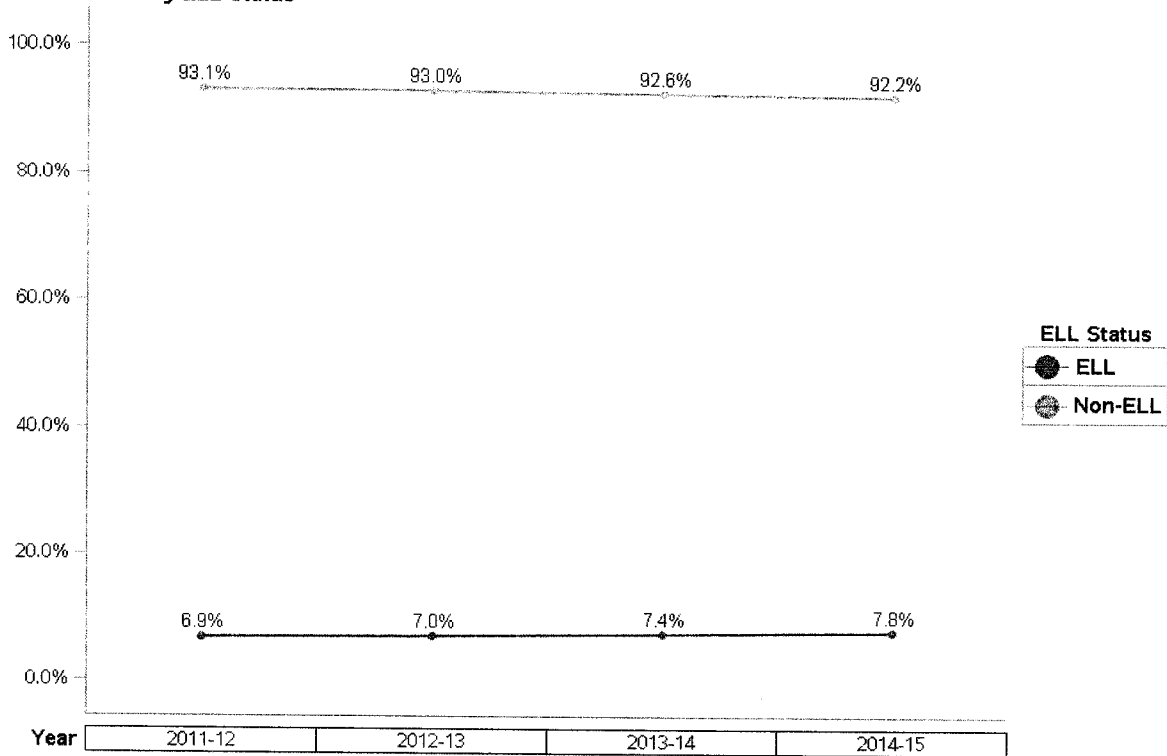
[Definitions](#) [Quick Start Guide](#) [User Manual](#)

## 56-ST. LUCIE

### Students Enrolled by ELL Status

Applied filters: None

% of Students by ELL Status



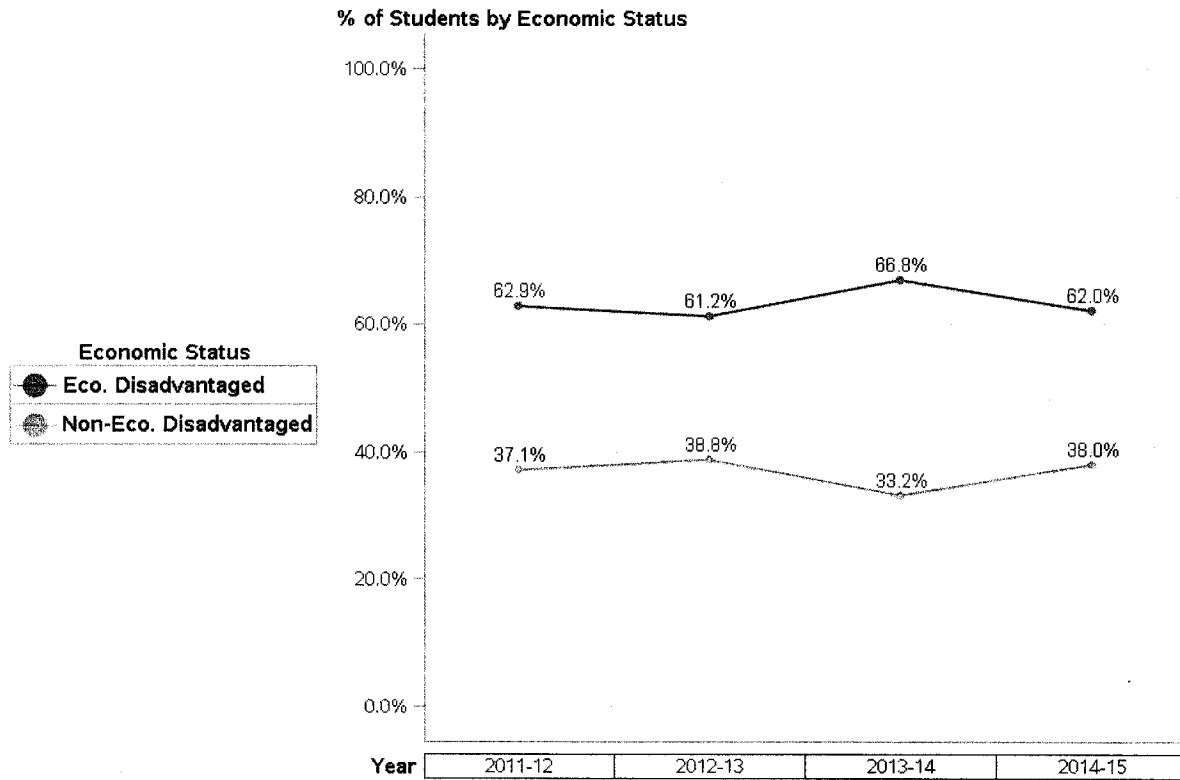
### Student Enrollment

Definitions Quick Start Guide User Manual

56-ST. LUCIE

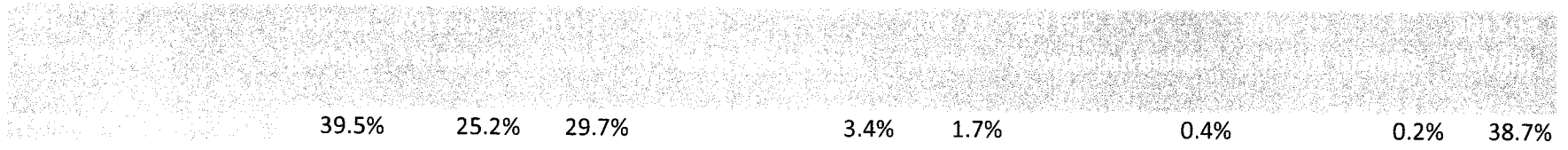
#### Students Enrolled by Economic Status

Applied filters: None



Enrollment

Applied filters: None



2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
26.0%	29.6%	3.4%	1.7%	0.4%	0.2%	37.7%	26.8%	29.8%		

3.5%

1.7%

0.3%

0.2%

36.5%

27.6%

30.1%

3.6%

1.7%

0.3% 0.2%

0.3%

0.2%



4



# Student Enrollment

Definitions Quick Start Guide User Manual

06-BROWARD

SOMERSET ACADEMY MIDDLE SCHOOL-5151

Students Enrolled by Grade Level

Applied filters: District equal to 06-BROWARD

Year	2011-12	2012-13	2013-14	2014-15
	# of	# of	# of	# of
	Students	Students	Students	Students
<b>Grade Level</b>				
<b>06-Sixth</b>	264	271	281	267
<b>07-Seventh</b>	290	293	288	283
<b>08-Eighth</b>	280	305	304	281

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.

User Tips:

- 1) To select a new district, select Data > Refresh Data.
- 2) Use the left-hand navigation panel to select a school.
- 3) To export data: > right click on the graph/table > select export graph/table data > select the file type > click ok.

# Student Enrollment

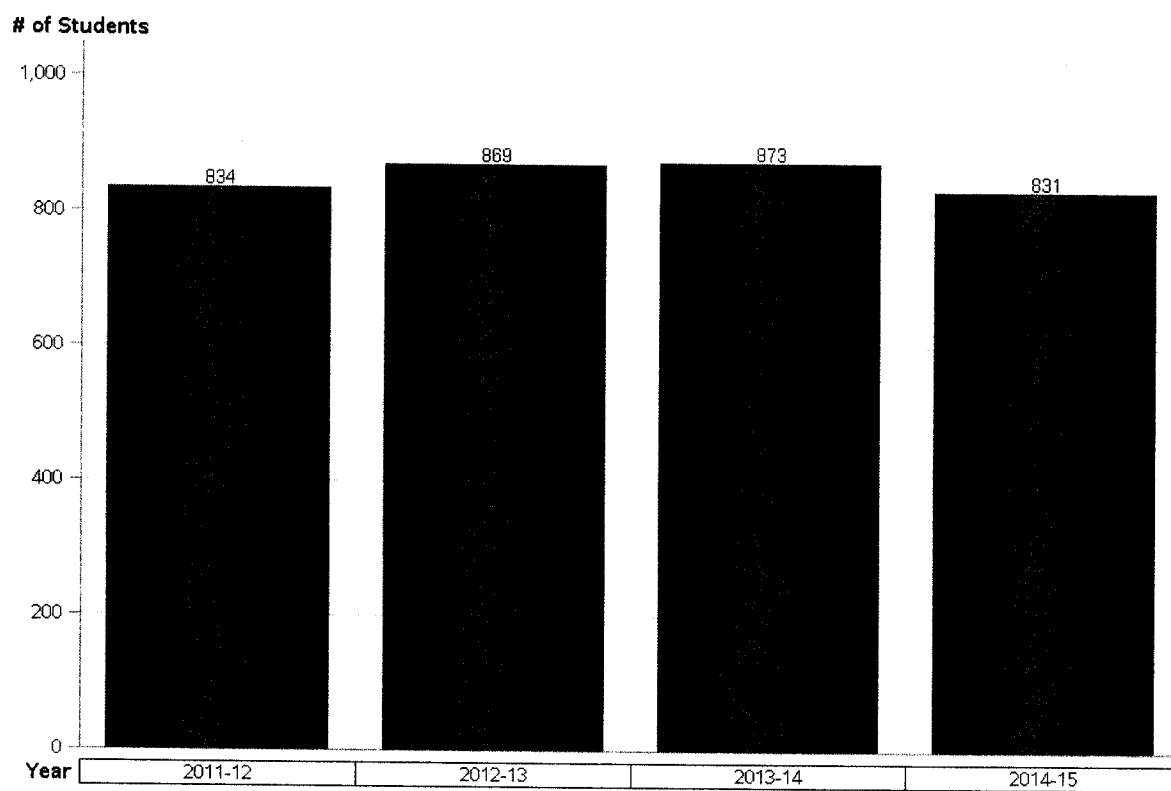
Definitions Quick Start Guide User Manual

06-BROWARD

SOMERSET ACADEMY MIDDLE SCHOOL-5151

Students Enrolled by Year

Applied filters: District equal to 06-BROWARD



# Student Enrollment

Definitions Quick Start Guide User Manual

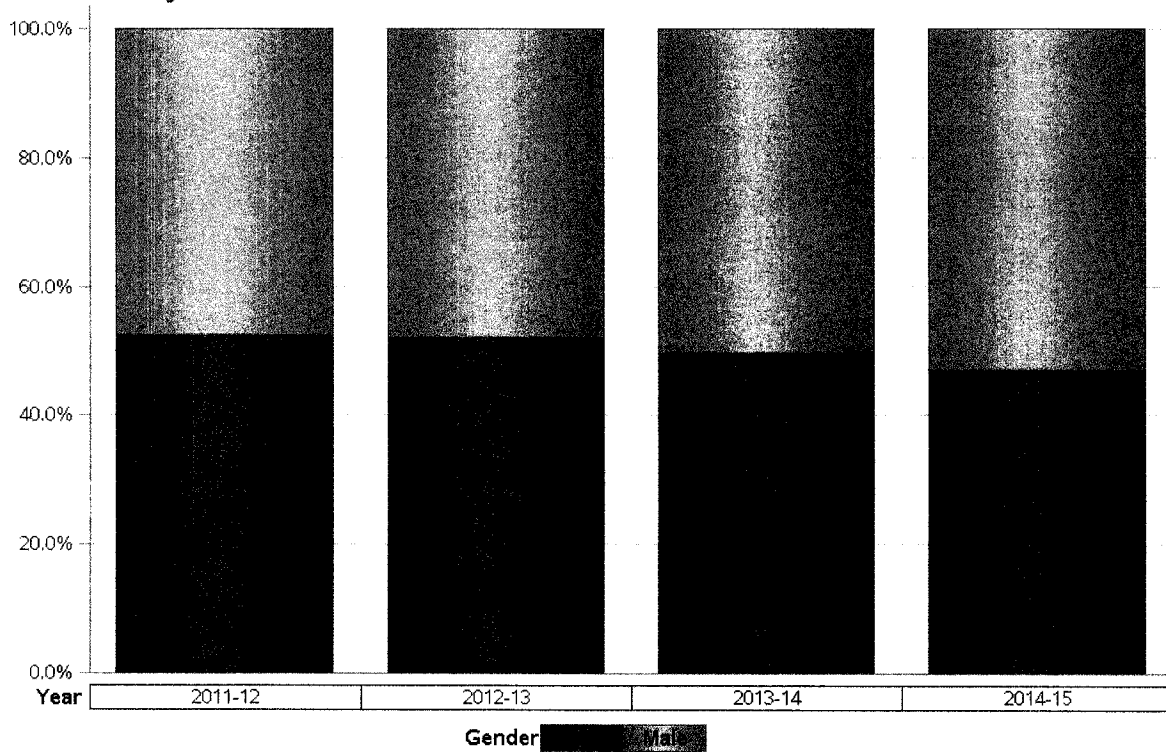
06-BROWARD

SOMERSET ACADEMY MIDDLE SCHOOL-5151

## Students Enrolled by Gender

Applied filters: District equal to 06-BROWARD

% of Students by Gender



# Student Enrollment

Definitions Quick Start Guide User Manual

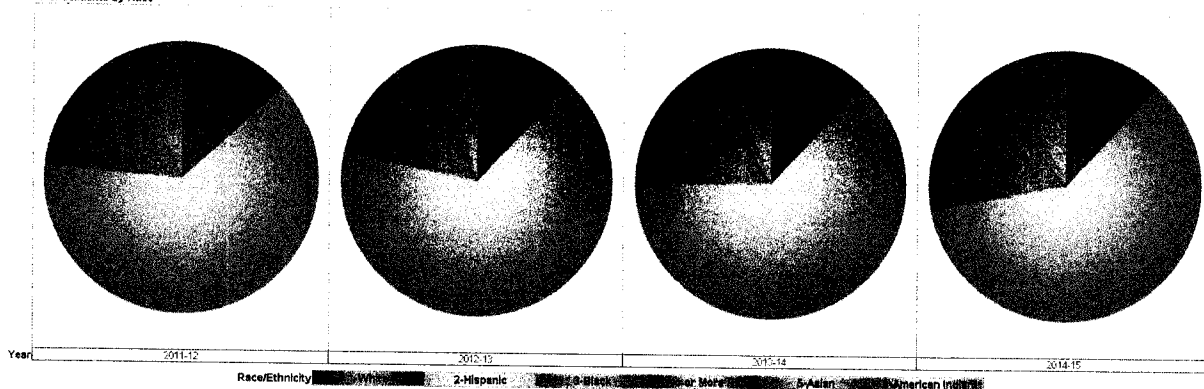
06-BROWARD

SOMERSET ACADEMY MIDDLE SCHOOL-5151

Students Enrolled by Race/Ethnicity

Applied filters: District equal to 06-BROWARD

% of Students by Race



# Student Enrollment

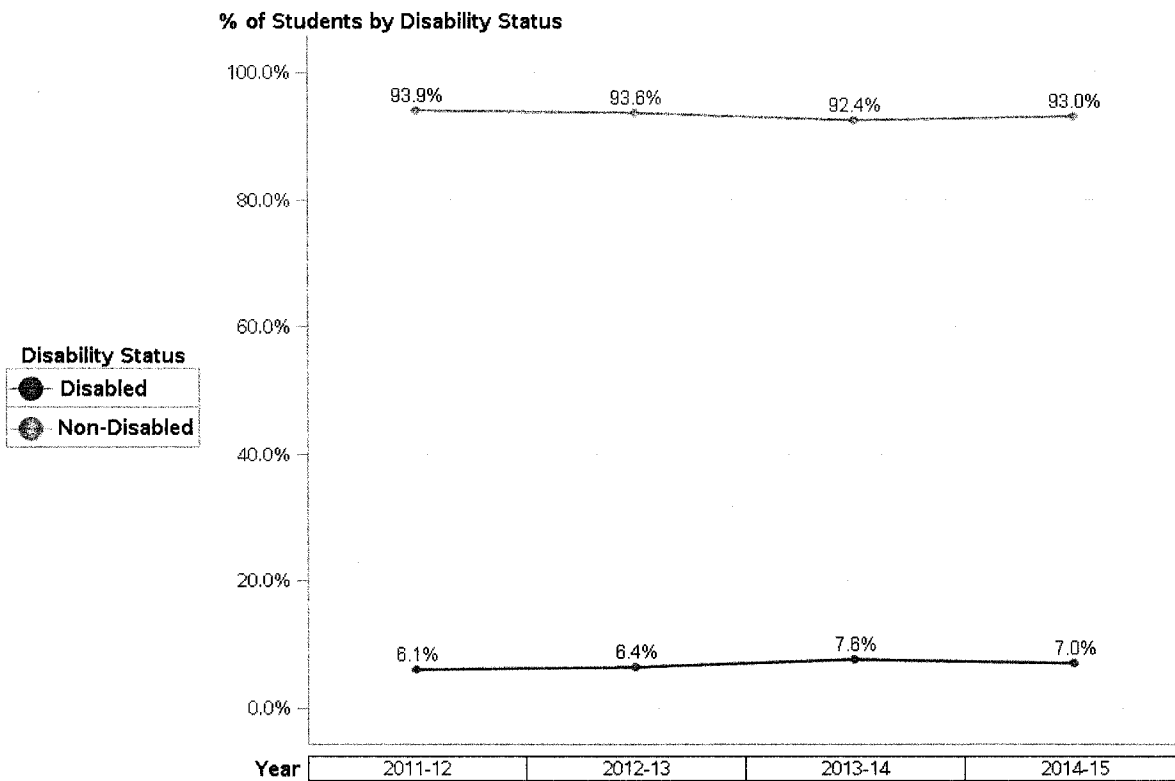
Definitions Quick Start Guide User Manual

06-BROWARD

SOMERSET ACADEMY MIDDLE SCHOOL-5151

## Students Enrolled by Disability Status

Applied filters: District equal to 06-BROWARD



# Student Enrollment

Definitions Quick Start Guide User Manual

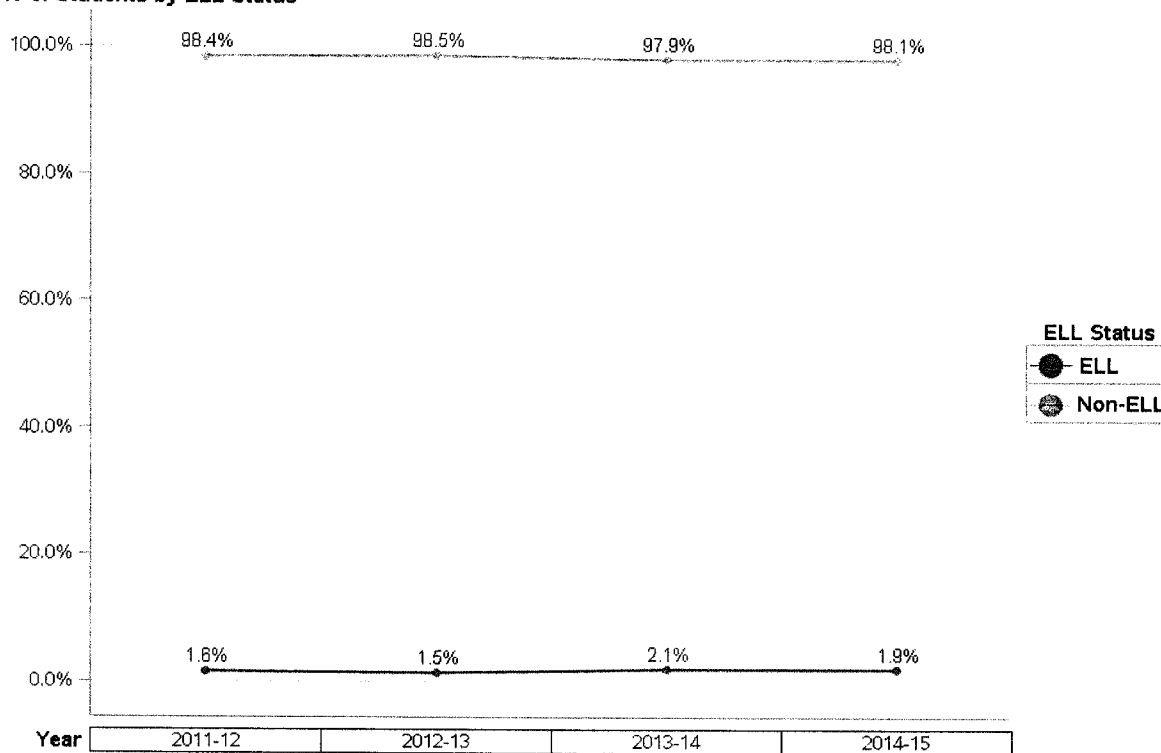
06-BROWARD

SOMERSET ACADEMY MIDDLE SCHOOL-5151

## Students Enrolled by ELL Status

Applied filters: District equal to 06-BROWARD

% of Students by ELL Status



# Student Enrollment

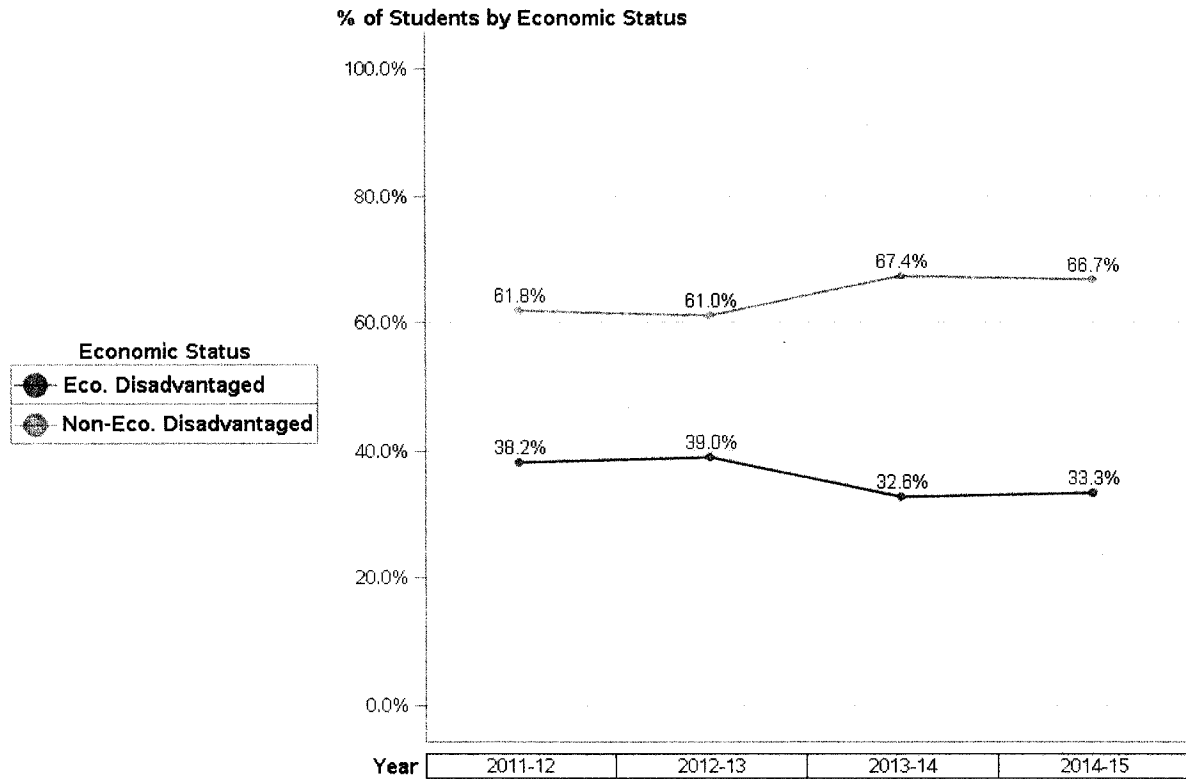
Definitions Quick Start Guide User Manual

06-BROWARD

SOMERSET ACADEMY MIDDLE SCHOOL-5151

## Students Enrolled by Economic Status

Applied filters: District equal to 06-BROWARD



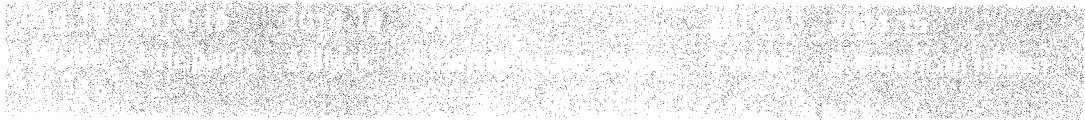
Enrollment

Applied filters: None

Category	2017	2018	2019	2020	2021	2022	2023	2024	2025	
Enrollment	13.1%	63.2%	17.3%	2.0%	4.3% **			11.7%	66.3%	14.3%



2012-13	2012-13	2012-13	2013-14	2013-14	2013-14	2013-14	2013-14	2013-14
4 Two or More Races	5 Asian	6 American Indian	1 White	2 Hispanic	3 Black	4 Two or More Races	5 Asian	6 American Indian
3.1%	4.3% **		11.7%	62.5%	15.9%		3.6%	5.6% **



11.7%

60.2%

17.4%

4.0%

6.3% \*\*

5

113 So.3d 72

District Court of Appeal of Florida,  
Fifth District.

SCHOOL BOARD OF SEMINOLE  
COUNTY, Florida, Appellant,

v.

RENAISSANCE CHARTER SCHOOL, INC., and  
Renaissance Charter School at Seminole, Appellees.

No. 5D12-2473. | April 26, 2013.  
| Rehearing Denied May 28, 2013.

### Synopsis

**Background:** Charter school applicant appealed county school board's denial of its application to open new charter school. The State Board of Education reversed the school board's decision, and school board appealed.

**Holdings:** The District Court of Appeal, Jacobus, J., held that:

[1] applicant failed to demonstrate by clear and convincing evidence that its proposed educational program met the statutory requirement that it substantially replicated that of an existing high-performance school, and

[2] State Board's interpretation of Charter School statute and its requirement that applicant substantially replicate an existing high performance school did not violate due process.

Reversed.

### Attorneys and Law Firms

\*73 Donna E. Blanton of Radey Thomas Yon & Clark, P.A., Tallahassee, and Ned N. Julian, Jr., Serita D. Beamon of Seminole County Schools, Sanford, for Appellant.

Edward J. Pozzuoli and Stephanie Alexander of Tripp Scott, P.A., Fort Lauderdale, for Appellees.

### Opinion

JACOBUS, J.

The School Board of Seminole County, Florida ("School Board") timely appeals an order of the Florida State Board

of Education ("State Board"). The order allows Renaissance Charter School, Inc., and Renaissance Charter School at Seminole (collectively "Renaissance") to operate a charter school in Seminole County over the objections of the School Board. We reverse.

On August 1, 2011, Renaissance filed an application with the School Board to open a new charter school in Seminole County in the fall of 2012. The proposed school was to be named the Renaissance Charter School at Seminole and was to serve grades K through 6 in its first year, grades K through 7 in its second year, and grades K through 8 thereafter. Renaissance hoped to open the school with 862 students and to grow to 1,415 students by its fifth year. The application was made pursuant to section 1002.331, Florida Statutes (2011), which allowed Renaissance to replicate a "high-performing" charter school already in operation. The high-performing charter school that Renaissance professed to be replicating was the North Broward County Academy of Excellence Middle School, a middle school which serves grades 6 through 8. The school was to be managed by Charter Schools USA, an "education service provider" ("ESP"), which manages approximately thirty schools in three states.

A workshop was held on the application, and the superintendent, Bill Vogel, completed a twenty-five page, State Board-required Florida Charter School Application Evaluation Instrument with respect to the application. *See Fla. Admin. Code R. 6A-6.0786.* Based on the criteria outlined in the instrument, the superintendent recommended the denial of Renaissance's application. The School Board later voted unanimously in favor of denial and the outcome was formally communicated to Renaissance in a letter dated October 6, 2011. The four-page letter stated the application had been denied because Renaissance's proposed program: 1) did not substantially replicate the educational program of the high-performing charter school; 2) did not provide an adequate financial plan; 3) failed to identify how it would meet the statutorily-defined purpose of meeting high standards of student achievement; 4) failed to show an arm's length relationship between the school's ESP, Charter Schools USA, and the governing board; and 5) did not have a sufficient plan for English language learners ("ELL").

\*74 Renaissance appealed the School Board's denial of its application to the State Board on November 7, 2011. The record provided to the State Board included the application, a copy of the letter from the School Board denying the application, and a video transcript of the school board

meeting. The School Board's response included all relevant documents, including a transcript of the workshop. At a hearing on the appeal, the State Board heard numerous charter school appeals. After cursory discussion and an agreement that the issues were essentially the same as involved in a prior appeal, the State Board unanimously "granted" Renaissance's appeal. The Commissioner of Education's final order memorializing the State Board's decision was entered on May 21, 2012. The reason given for reversing the School Board's decision was that it had "failed to show by clear and convincing evidence that the Charter Applicant's application did not materially comply with the requirements of Section 1002.33(6)(c) 3.b., Florida Statutes."

[1] The School Board appealed the State Board's order, requiring it to permit Renaissance to open and operate a charter school in Seminole County. Among the numerous reasons given to reverse the State Board's decision, we find one issue dispositive of the appeal. We agree with the School Board that Renaissance's proposed charter school's educational program did not "substantially replicate" that of the high-performing charter school being replicated—that of North Broward Academy of Excellence Middle School—and that the order granting Renaissance's application must therefore be reversed.

The "substantially replicates" requirement is contained in those provisions of the charter school statute which refer to "high-performing" charter schools. Schools identified as "high-performing" charter schools pursuant to section 1002.331, Florida Statutes, are given preferential treatment in the application process. They are entitled to submit an application to a sponsor<sup>1</sup> to establish and operate a new charter school that will "substantially replicate" its educational program in an existing school. The statute states:

(a) *A high-performing charter school may submit an application pursuant to s. 1002.33(6) in any school district in the state to establish and operate a new charter school that will substantially replicate its educational program.* An application submitted by a high-performing charter school must state that the application is being submitted pursuant to this paragraph and must include the verification letter provided by the Commissioner of Education pursuant to subsection (5). If the sponsor fails to act on the application within 60 days after receipt, the application is deemed approved and the procedure in s. 1002.33(6)(h) applies. If the sponsor denies the application, the

high-performing charter school may appeal pursuant to s. 1002.33(6).

(b) A high-performing charter school may not establish more than one charter school within the state under paragraph (a) in any year. A subsequent application to establish a charter school under paragraph (a) may not be submitted unless \*75 each charter school established in this manner achieves high-performing charter school status.

§ 1002.331(3)(a)-(b), Fla. Stat. (emphasis supplied).

One of the permitted reasons to deny an application is if the sponsor demonstrates by "clear and convincing evidence" that "[t]he proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools ..." § 1002.33(6)(b) 3.b.(III), Fla. Stat. The statute explains the requirement as follows:

An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

§ 1002.33(6)(b) 3.b., Fla. Stat.

The School Board found that the requirement had not been met because the application submitted by Renaissance sought to open a school for grades K through 8, while the school being replicated served only students in grades 6 through 8. The denial letter explained:

There are fundamental differences in the educational program (i.e., standards-based curriculum, standards-based instruction, standards-based assessments, professional development for teachers and administrators on instructional materials aligned to standards, etc.) between a middle school and an elementary school.

The State Board apparently rejected this reasoning, accepting Renaissance's argument that a new charter school does not have to "exactly match" the high-performing school upon which it is modeled and the school in this case meets the "substantially replicates" requirement, as the schools shared a substantially similar instruction model and the very same organizations, *i.e.*, the very same governing board and ESP.

[2] [3] The Legislature has delegated to the State Board the statutory power to hear an appeal from the denial of a high-performing charter school application. §§ 1002.33(6)(b)3.c. and 1002.33(6)(c) 3.b., Fla. Stat. The State Board's interpretation of the statute is entitled to great deference and this Court is required to defer to the State Board's interpretation unless it is clearly erroneous. *See Verizon Fla., Inc. v. Jacobs*, 810 So.2d 906, 908 (Fla.2002) ("An agency's interpretation of the statute it is charged with enforcing is entitled to great deference."); *Imhotep-Nguzo Saba Charter Sch. v. Dep't of Educ.*, 947 So.2d 1279, 1285 (Fla. 4th DCA 2007). However, we agree with the School Board that to be "substantially similar" within the meaning of the Florida Statutes, a charter school must have the same characteristics and be alike in substance or essentials to the school it is replicating. Common sense dictates that a middle school, which covers only grades 6 through 8, is materially different from a K through 8 school. As the superintendent noted in his denial letter, "[t]here is a substantial difference in the curriculum, teaching strategies, student learning rates, discipline, student management, emotional maturity, teaching focus, and other factors between a middle school and an elementary school."

Moreover, by allowing Renaissance to use a middle school to establish what is essentially two schools, *e.g.*, for which it elsewhere has two charters, and by allowing it to use the elementary portion of the school being replicated (North Broward \*76 Elementary) to establish yet another school (this one in Lake County), the State Board is allowing Renaissance to sidestep the limitations imposed by section 1002.331(3)(b), Florida Statutes, which states that "[a] high-performing charter school may not establish more than one charter school within the state under paragraph (a) in any year." The State Board's interpretation of the statute essentially doubles the pace at which high-performing charter schools can be replicated within the State.

Renaissance argues that North Broward Academy of Excellence Elementary and Middle Schools are actually one, big K through 8 school, noting that they are housed in the

same building and share a website. *See* <http://www.northbrowardcharter.org>. However, as noted by the School Board, these two schools are reported to the Department of Education as separate schools and operate under two separate charters sponsored by the School Board of Broward County. Each of the schools receives separate school grades, as shown by Renaissance in its brief to the School Board. Moreover, Renaissance apparently submitted *two* separate high-performing applications to two different county school districts in Florida in 2011 based on these schools. These submissions are inconsistent with Renaissance's current argument that North Broward Elementary and North Broward Middle are "one, big K-8 school."

[4] Review in this case has been hampered by deficiencies in the underlying statute. The Legislature has indicated a clear preference for encouraging alternative forms of education through the charter school statute. However, the statute as formulated has many shortcomings. The high-performing charter school provisions exemplify these deficiencies. For example, high-performing charter school applications can be denied by the sponsor only if the sponsor demonstrates one of five statutory factors by "clear and convincing" evidence, but the statute does not make clear in what forum a sponsor is to present "clear and convincing evidence" sufficient to deny the application and contains no express provisions for a hearing. § 1002.33(6)(b) 3.b., Fla. Stat. The State Board is then required to review the School Board's decision to determine whether the sponsor has shown, by clear and convincing evidence, one of the five reasons listed for denying the application, but there is no real record for the State Board to review with respect to high-performing charter schools. *See* § 1002.33(6)(c) 3.a., Fla. Stat. This Court's standard of review is also less than clear. In similar cases, courts normally review the State Board's decision to determine whether its factual findings are supported by competent, substantial evidence and whether it erroneously interpreted the law. *Spiral Tech Elementary Charter Sch. v. Sch. Bd. of Miami-Dade Cnty.*, 994 So.2d 455, 455 (Fla. 3d DCA 2008) (involving decision to terminate charter school under provision which allowed sponsor to decide not to renew charter, which required sponsor to articulate reasons in writing, and which allowed charter school to appeal to state's Department of Education). However, high-performing school applications involve a negative—the State Board must find the School Board failed to present clear and convincing evidence to deny the application. This Court's standard of review thus appears to involve the virtually incomprehensible standard of whether there is competent substantial evidence to

support the State Board's decision that there is an absence of clear and convincing evidence supporting the School Board's denial of the application. The statute also raises issues of due process by its failure \*77 to expressly provide for any form of evidentiary hearing or review.

The issues are less pronounced in this case, which involves the State Board's interpretation of the relevant statute and its requirement that the charter school applicant "substantially replicate" an existing school. We have no difficulty finding in this case that the School Board had before it "clear and convincing" evidence that the requirement had not been met, and that the State Board erred in interpreting the statute to include the replication involved in this case. We find no due process violation within the context of this case, in which no request for a formal hearing was ever made. The Administrative Procedure Act ("APA") plainly does not apply to proceedings before the State Board and, in view of the time limitation set forth in the statute, it is doubtful that the APA applies to proceedings before individual school boards. See *Sch. Bd. of Palm Beach Cnty. v. Survivors*

*Charter Sch., Inc.*, 3 So.3d 1220 (Fla.2009) (holding that charters schools were not entitled to hearing under APA when school board terminated charter under section 1002.33(8)(d), Florida Statutes; review of the charter school statute which provides for immediate termination of charter under emergency conditions did not require APA hearing that would prolong termination; interpretation was consistent with fact that legislature did not require APA hearing for non-emergency terminations and had set forth detailed statutory procedure). In view of the foregoing, we reverse the order of the State Board approving Renaissance's application.

REVERSED.

LAWSON and BERGER, JJ., concur.

**Parallel Citations**

293 Ed. Law Rep. 543, 38 Fla. L. Weekly D942

**Footnotes**

- 1 An application to open a charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of Florida § 1002.33(3)(a), Fla. Stat. Charter schools must have a public sponsor—either a district school board or a state university. § 1002.33(5)(a), Fla. Stat. The sponsor must perform a number of duties, including monitoring and reviewing the school and monitoring the revenues of the school. § 1002.33(5)(b), Fla. Stat.

End of Document

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other entity, enter the state whose law governs the organization's internal affairs (or the foreign country whose law governs for a foreign organization other than a corporation).

## Part I. Summary



**TIP** Because Part I generally reports information reported elsewhere on the form, **complete Part I after the other parts of the form are completed.** See *General Instructions, Section C. Sequencing List to Complete the Form and Schedules*, earlier.

Complete lines 3–5 and 7–22 by using applicable references made in Part I to other items.

**Line 1.** Describe the organization's mission or its most significant activities for the year, whichever the organization wishes to highlight, on the summary page.

**Line 2.** Check this box if the organization answered "Yes," to Part IV, line 31 or 32, and complete Schedule N (Form 990 or 990-EZ), Part I or Part II.

**Line 6.** Enter the number of **volunteers**, full-time and part-time, including volunteer members of the organization's governing body, who provided volunteer services to the organization during the reporting year. Organizations that do not keep track of this information in their books and records or report this information elsewhere (such as in annual reports or grant proposals) can provide a reasonable estimate, and can use any reasonable basis for determining this estimate. Organizations can, but are not required to, provide an explanation on Schedule O (Form 990 or 990-EZ) of how this number was determined, the number of hours those volunteers served during the tax year, and the types of services or benefits provided by the organization's volunteers.

**Line 7b.** If the organization is not required to file a Form 990-T for the tax year, enter "0." If the organization has not yet filed Form 990-T for the tax year, provide an estimate of the amount it expects to report on Form 990-T, line 34, when it is filed.

**Lines 8–19.** If this is an initial return, or if the organization filed Form 990-EZ or 990-PF in the prior year, leave the "Prior Year" column blank. Use the same lines from the 2013 Form 990 to determine what to report for prior year revenue and expense amounts.

**Line 16a.** Enter the total of (i) the fees for professional fundraising services reported in Part IX, column (A), line 11e, and (ii) the portion of the amount reported in Part IX, column (A), lines 5 and 6, that comprises fees for professional fundraising services paid to officers, directors, trustees, key employees, and disqualified persons, whether or not such persons are employees of the organization. Exclude the latter amount from Part I, line 15.

## Part II. Signature Block

The return must be signed by the current president, vice president, treasurer, assistant treasurer, chief accounting officer, or other corporate officer (such as a tax officer) who is authorized to sign as of the date this return is filed. A receiver, trustee, or assignee must sign any return he or she files for a corporation or association. See Regulations section 1.6012-3(b) (4). For a trust, the authorized trustee(s) must sign. The definition of "officer" for purposes of Part II is different from the definition of **officer** (see *Glossary*) used to determine which officers to report elsewhere on the form and schedules, and from the definition of **principal officer** for purposes of the Form 990 *Heading* (see *Glossary*).

## Paid Preparer

Generally, anyone who is paid to prepare the return must sign the return, list the preparer's taxpayer identification number (PTIN), and fill in the other blanks in the *Paid Preparer Use Only* area. An employee of the filing organization is not a paid preparer.

The paid preparer must:

- Sign the return in the space provided for the preparer's signature,
- Enter the preparer information, including the preparer's PTIN, and
- Give a copy of the return to the organization.

Any paid preparer can apply for and obtain a PTIN online at [www.irs.gov/ptin](http://www.irs.gov/ptin) or by filing Form W-12, *IRS Paid Preparer Tax Identification Number (PTIN) Application and Renewal*.



**CAUTION** Enter the paid preparer's PTIN, not his or her social security number (SSN), in the "PTIN" box in the paid preparer's block. The IRS will not redact the paid preparer's SSN if such SSN is entered on the paid preparer's block. Because Form 990 is a publicly disclosable document, any information entered in this block will be publicly disclosed (see Appendix D). For more information about applying for a PTIN online, visit the IRS website at [www.irs.gov/taxpros](http://www.irs.gov/taxpros).

**Note.** A paid preparer may sign original or amended returns by rubber stamp, mechanical device, or computer software program.

## Paid Preparer Authorization

On the last line of Part II, check "Yes" if the IRS can contact the paid preparer who signed the return to discuss the return. This authorization applies only to the individual whose signature appears in the *Paid Preparer Use Only* section of Form 990. It does not apply to the firm, if any, shown in that section.

By checking "Yes," to this box, the organization is authorizing the IRS to contact the paid preparer to answer any questions that arise during the processing of the return. The organization is also authorizing the paid preparer to:

- Give the IRS any information missing from the return,
- Call the IRS for information about processing the return, and
- Respond to certain IRS notices about math errors, offsets, and return preparation.

The organization is not authorizing the paid preparer to bind the organization to anything or otherwise represent the organization before the IRS.

The authorization will automatically end no later than the due date (excluding extensions) for filing of the organization's 2015 Form 990. If the organization wants to expand the paid preparer's authorization or revoke it before it ends, see Pub. 947, *Practice Before the IRS and Power of Attorney*.

Check "No" if the IRS should contact the organization or its principal officer listed in Item F of the *Heading* rather than the paid preparer.

## Part III. Statement of Program Service Accomplishments

Check the box in the heading of Part III if Schedule O (Form 990 or 990-EZ) contains any information pertaining to this part. Part III requires reporting regarding the organization's program service accomplishments. A program service is an activity of an organization that accomplishes its exempt purpose. Examples of program service accomplishments can include:

- A section 501(c)(3) organization's charitable activities such as a hospital's provision of charity care under its charity care policy,

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Questions for Somerset Governing Board Interview – August 27, 2015

**I. REPLICATION**

- On page 2 of the Application addressing the plan for replication it states that the proposed charter middle school will be using the “same education program, outreach and guidelines to manage and run the school”. It also states that “every Somerset school is unique in that it is intended to serve the immediate needs of the local community”. Explain how the Somerset Governing Board will ensure that that the proposed charter middle school in St. Lucie will be substantially similar to the High Performing Somerset Academy Charter Middle School within the Somerset culture of unique schools?
- The Application states that the Somerset Board, Academica, and business partners are involved with all Somerset Academy schools. The Application also states that the school leader of the proposed charter school will have access to the principal at Somerset Academy Charter Middle School. How will the governing board ensure that these resources are used effectively so that the program provided to students in the proposed charter middle school will substantially replicate the high performing middle school 06-5151?

**II. EDUCATIONAL PLAN:**

Section 1: Mission, Guiding Principles and Purpose

- Section 1 of the Application provides a broad overview of the purpose for the proposed charter middle school but does not address specifically how the school will offer an innovative educational program that goes beyond what is currently offered at each of the middle schools/grades programs in our school district?
- The Application describes using strong, technologically rich academic programs at the proposed charter middle school, yet there is no further detail regarding which programs this statement is referencing. Specifically, which technologically rich academic programs from the high performing charter school will be replicated at the proposed charter middle school?

Section 2: Target Population and Student Body

- On page 13, the Application provides a description of the admissions policy for the proposed charter middle school, including calculation of a 2.0 GPA equivalent as a prerequisite for admission. How is this substantially similar to the with the admissions policy applicable to the Somerset Academy Charter Middle School?
- On page 15, the Application states that the planned maximum enrollment is 375 students. Please describe how the Governing Board will ensure that the proposed charter school will provide a substantially similar educational program, including necessary resources, to that of

Somerset Academy Charter Middle School given that there were approximately 830 students enrolled in this school in 2015.

- On page 14 of the Application it states that the Governing Board may limit the enrollment process to target students who live within a reasonable distance of the school. What information will the Governing Board use in making this decision?

### Section 3: Educational Program Design

- On page 23 of the Application it states that “the school will follow some of the tenets that have made the School (Somerset Academy Charter Middle School) successful”. What steps will the Governing Board take to hold the proposed charter school accountable for ensuring that the educational program will be substantially similar to Somerset Academy Charter Middle School.
- The Application states on page 10 that the Somerset Academy has been able to implement unique and innovative strategies however the Application does not provide any detailed information regarding what, specifically, has been implemented that is unique and innovative. Please describe the specific strategies that have been successfully implemented at Somerset Academy Charter Middle School and how these strategies will be replicated at the proposed charter middle school.

### Section 4: Curriculum

- Page 3 of the Application states that the school will align its curriculum with Somerset Academy Charter Middle School. However in the Curriculum section the Application names several programs that “may” be used in the proposed school but does not specifically identify what programs will be used. Please describe how the governing board will ensure that the curriculum implemented at the proposed charter middle school is substantially similar to the Somerset Academy Charter Middle School.
- The Application states that the curriculum used will be approved by FDOE – however later discusses the implementation of the College Board’s Springboard program. This program is not included on the list of approved curriculum in FDOE’s most recent publication. Please review how this curriculum was vetted by the Governing Board as appropriate for use by the school? Is this curriculum resource used at Somerset Academy Charter Middle School? If so, how?

### Section 5: Student Performance, Assessment and Evaluation

- Throughout this section there is the stated expectation that student academic performance will meet or exceed state or district averages. Yet the high performing Somerset Academy Charter Middle School student performance has repeatedly exceeded both the state and the district average in all subject areas tested. Please explain the rationale behind setting lower student performance expectations for the proposed charter middle school if the educational program implemented at both schools is substantially similar?

Section 6: Exceptional Students

- The information provided in the Application is not clear regarding how the needs of students with various disabilities will be met at the proposed school. Please describe the Governing Board's expectation as to the range of services that will be provided to serve students of all ability levels at the proposed charter school, including students with disabilities?
- Please provide detail as to how "the collaborative linkage" is anticipated to work with respect to the responsibilities that exist for providing FAPE for children with disabilities?

Section 8: School Climate and Discipline

- Page 140 of the Application references a Discipline Committee for the school whose membership is comprised of 3 faculty members, Principal, Vice Principal and a Board Member. Since the staffing plan for year one identifies a half-time principal and no vice principal who will serve on this committee for the first year of the school's operation?

**III. ORGANIZATIONAL PLAN**

Section 9: Governance

- The Applications states that one of the governing board's duties is to exercise continuing oversight over charter school operations but provides no further detail as to the specific activities it will implement in order to fulfill this responsibility. Specifically, what activities, reports, and frequencies will be used by the governing board to exercise continuing oversight of operations for the proposed charter school and provide assurance to the Governing Board that the school is substantially similar to Somerset Academy Charter Middle School?
- Explain how the process for a parent to resolve disputes with the school as outlined on page 153 will be implemented, including how a parent is informed of the process, and the specific actions a parent would be required to take in moving through each step of the process as outlined in the Application (e.g. contacting the ESP, the Board Appointed Parent Liaison and the Governing Board)
- How will this information be provided to parents?

Section 11: Education Service Provider

- The Application states that the Board analyzed data regarding several ESPs currently working with charter schools in Florida and concluded that Academica offers the most competitive price and proven track record of success. Please provide more detail regarding the specific activities that were conducted by the Governing Board in selecting Academica as the ESP for the proposed charter school, including the different factors used to determine competitive pricing for the package of services provided, and the different factors that were used to determine a track record of success.

- The Application states that the ESP will provide data to the governing board for periodic and annual evaluation of their performance.
  - What kinds of data are provided?
  - How does the governing board use this data to determine progress and areas of improvement if needed?
  - What standards are used to assess the ESP's performance and how were they determined by the governing board?
  - What is the process the governing board has used when Academica's performance is found in need of improvement as related to its performance in existing schools governed by Somerset, Inc.
  - What additional information or services will be required of the ESP to ensure that the program provided at the proposed charter school is substantively similar to the high performing charter school proposed for replication?
  
- The budget plan outlined in Section 17 includes \$450 per student as the fee for ESP services which include Instructional Services (\$115) General Administration management (\$225) and Fiscal Services (\$110) . These services may include, but are not limited to the list of services provided in paragraph 4 of the sample contract provided in Appendix C. How does the governing board determine which services will be provided to the school and where are those services specified? Does the governing board have the option to choose which group of services it will "purchase"?

Section 13: Student Recruitment and Enrollment

- Describe the activities that will be used to recruit students to apply for the proposed charter middle school, and the role the governing board will take in recruiting students?

**IV. BUSINESS PLAN**

Section 14: Facilities

- On page 15, the Application states that the applicant is currently working with the city of PSL on a facility/proposed site plan. What is the status of this plan?
  
- The lease for facilities is budgeted at \$900 per student station which the Application states is comparable to several other charter schools in the state. What information was used to determine comparability within St. Lucie County?
  
- With regard to the backup facilities plan specified in the Application, what assurances does the governing board have that the current school facility can accommodate a potential student enrollment of 650 students (assuming continued enrollment of 100 students per year at Somerset College Preparatory Academy and a maximum enrollment of 250 students for year 1 at the proposed charter school?) What information has the governing board obtained to insure that the current location can accommodate as many as 14 portable classrooms?

Section 17: Budget

- The curriculum described in Section 4 lists several curriculum resources and tools yet the budget does not appear to include the costs of these materials. Examples include National Geographic Hampton Brown Edge, Glencoe Reader, Study Island, Scholastic Reader, Jamestown, Read XL, Wilson Reading Program, and Springboard. Where in the budget for year one are the costs associated with the implementation of these resources included (e.g. cost of curriculum, training, technological support if computer based, etc)?
- The expenditures budget in year one funds a half time position of principal and states that the assistant principal from the high school will be available as needed. Is this administrative staffing plan substantially similar to the plan in place at Somerset Academy Charter Middle School? If not, what controls and procedures will the Governing Board require of the proposed charter middle school to ensure the educational program is implemented as described in the Application and substantially similar to Somerset Academy Charter Middle School?
- The Application describes using strong, technologically rich academic programs at the proposed charter middle school. Where are these costs planned for in the school's proposed budget submitted in Appendix F?

#### Section 18: Management and Oversight

- The administrative staffing budget for the first year of the proposed charter funds one half-time position of a principal, and a half-time registrar's position. Given the very limited staff the first year what specific actions will the governing board take to insure that strong internal controls are in place to safeguard the school's assets separate from the charter high school?
- In the information included in Addendum C *Schools Previously Operated by Management Company* the most recent year-end fund balance (2014) for the Somerset Academy Charter Middle School is 7%. Comparatively, the year-end fund balance for Somerset College Preparatory Academy is 2%. What assurances can the Governing Board provide regarding the financial viability of the proposed school?

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Remaining Questions Unanswered at the Governing Board Interview. Per her email below, we have until the end of the day Tuesday. Respond with your comments and I'll compile it into a word doc to send back. And let me know if any of my responses are unacceptable. And if you are a board member responding, please remember to either only respond to me, or to remove the other board members, if you hit reply all. Thanks, all.

#### Remaining Questions for Somerset Governing Board Interview

##### Section 11: Education Service Provider

- The Application states that the Board analyzed data regarding several ESPs currently working with charter schools in Florida and concluded that Academica offers the most competitive price and proven track record of success. Please provide more detail regarding the specific activities that were conducted by the Governing Board in selecting Academica as the ESP for the proposed charter school, including the different factors used to determine competitive pricing for the package of services provided, and the different factors that were used to determine a track record of success.

The Board of Somerset Schools Inc. is familiar with most of the various ESPs serving the state of Florida. The board has had a very strong partnership with our current ESP and as this new charter is a duplication of one of our highly performing schools, it is only logical to use the same ESP for both schools.

As to pricing, our current ESP charges a flat fee per FTE. This fee hasn't changed in many years. The other ESPs we are familiar with tend to charge on a percentage basis, thus as state FTE funding goes up, so does the amount charged by those ESPs.

ESP's, like any vendor are retained on an annual contract basis. We are currently extremely pleased with our ESP so there is no need to spend much energy in searching for other options. If the situation ever changes, the board will act accordingly.

- The Application states that the ESP will provide data to the governing board for periodic and annual evaluation of their performance.
  - o What kinds of data are provided? Surveys/analysis of the governing board. Surveys/analysis of principals and admin. Stakeholder surveys/analysis.
  - o How does the governing board use this data to determine progress and areas of improvement if needed? Performance report card-Hermes Ortiz, the Somerset Data Analyst, provides the board with comprehensive student assessment data analysis that highlights schools overall progress towards mastery of the standards. The data also identifies areas of weakness so that the board can provide and monitor supports as necessary. The purpose of having educational experts on the board is to ensure that the schools are utilizing the most effective academic resources available to them.
- What standards are used to assess the ESP's performance and how were they determined by the governing board? Evaluation. The board will conduct a performance evaluation of the ESP on an annual basis to measure the service levels provided by the organization. The evaluation is grouped by area or specialty of service provided by the ESP and using a rating scale ranging from 1 (unsatisfactory) to 5 (highly effective). The Boards reviews this evaluation as a means of determining service improvement, satisfaction with services and ESP contract renewal.

- o What is the process the governing board has used when Academica's performance is found in need of improvement as related to its performance in existing schools governed by Somerset, Inc. School principals are expected to report any needs for improvement that are related to services provided by the ESP to the Board.
- o What additional information or services will be required of the ESP to ensure that the program provided at the proposed charter school is substantively similar to the high performing charter school proposed for replication? The Board's expectation is that the Principal of the replicated school work collaboratively with the Principal of the new school to ensure substantial similarity in the replication school.
- The budget plan outlined in Section 17 includes \$450 per student as the fee for ESP services which include Instructional Services (\$115) General Administration management (\$225) and Fiscal Services (\$110) . These services may include, but are not limited to the list of services provided in paragraph 4 of the sample contract provided in Appendix C. How does the governing board determine which services will be provided to the school and where are those services specified? Does the governing board have the option to choose which group of services it will "purchase"?
  - o No. This breakdown is just the way it is budgeted for.

Section 13: Student Recruitment and Enrollment

- Describe the activities that will be used to recruit students to apply for the proposed charter middle school, and the role the governing board will take in recruiting students?
  - o Word of mouth, direct mailers, social media, direct outreach to local elementary schools as permitted, outreach to local churches, representation at community events, etc. The governing board will approve the marketing budget and has already approved the marketing process as it is applicable to all Somerset schools.

**I. BUSINESS PLAN**

Section 14: Facilities

- On page 15, the Application states that the applicant is currently working with the city of PSL on a facility/proposed site plan. What is the status of this plan?
  - o Approved and moving forward. Currently waiting on the gopher tortoises to be relocated.
- The lease for facilities is budgeted at \$900 per student station which the Application states is comparable to several other charter schools in the state. What information was used to determine comparability within St. Lucie County?
  - o Information used to determine comparability is fair market value, experience and current per student station costs at 0712. This is significantly less than \$900 per student station, so this budget projection is extremely conservative.
- With regard to the backup facilities plan specified in the Application, what assurances does the governing board have that the current school facility can accommodate a potential student enrollment of 650 students (assuming continued enrollment of 100 students per year at Somerset College Preparatory Academy and a maximum enrollment of 250 students for year 1 at the proposed charter school?) What information has the governing board

obtained to insure that the current location can accommodate as many as 14 portable classrooms?

- 1. The backup facilities plan will not be needed as the proposed site has already been secured and approved. However, the current lease for 0712 includes an option to extend on a year-to-year basis, as needed. There is also language in the current lease that permits the addition of portable classrooms.

Section 18: Management and Oversight

- The administrative staffing budget for the first year of the proposed charter funds one half-time position of a principal, and a half-time registrar's position. Given the very limited staff the first year what specific actions will the governing board take to insure that strong internal controls are in place to safeguard the school's assets separate from the charter high school?
  - 1. There will be separate MSID numbers, operational accounts, internal accounts, etc. This model is used throughout Somerset schools and has repeatedly yielded clean audits.
- In the information included in Addendum C Schools Previously Operated by Management Company the most recent year-end fund balance (2014) for the Somerset Academy Charter Middle School is 7%. Comparatively, the year-end fund balance for Somerset College Preparatory Academy is 2%. What assurances can the Governing Board provide regarding the financial viability of the proposed school?
  - 1. The assurances the governing board can provide include the Building Hope loan letter, an 18 year track record, and the fact that no school governed by Somerset has ever been placed in a financial state of emergency. Further, the school leader of 0712 will be the same leader of the middle school, and her budget management performance has ensured financial viability of 0712.

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o The application failed to show how the proposed school would improve student learning and academic achievement and encourage the use of innovative learning methods as required by law. (Sec. 1002.33(2)(b), Fla. Stat.)

—Innovative learning methods and strategies are clearly outlined and listed on **pages 10, 11, 23, 30, 36, and 37 of the Application**. **Page 82** of the Application mentions examples of **innovative lesson plan activities**. Further, Somerset Board Members Ana Diaz and Lourdes Isla addressed the innovation and uniqueness of the program on page 8 of the transcripts from the Governing Board Interview conducted by the District Staff on August 27. Sarah Fye, Curriculum Specialist for #5151 further addressed innovation, as is evident on pages 11-14,

o There is no clear plan for serving students with disabilities at the proposed school or for serving students who have more than minimal disabilities as required by law. (Sec. 1002.33(10)(f), Fla. Stat.)

—Servicing students with disabilities is discussed in great detail on **pages 31-39** of the transcripts from the Governing Board Interview conducted by the District Staff on August 27. **Page 43** of the Application addressed instructional minutes for ESE students. **Page 68** addresses Federal Compliance with ESE law. **Pages 102-127** of the Application clearly outlines an evaluation and assessment plan, needs assessment, IEP and EP development, RTI processes, and every other aspect of ESE related services. Even transportation for ESE students is addressed on **page 182** of the Application. Other ESE related contracted service needs are addressed on **page 188** of the Application.

o There is no clear plan or commitment for providing school bus transportation for all eligible students as required by law. (Sec. 1002.33(20)(c), Fla. Stat.)

—**Page 116** of the Application references providing transportation. **Pages 181-182** of the Application clearly defines the procedures the proposed school intends to implement to assess need for transportation, and even identifies a transportation vendor (A&S Transportation) in the event that transportation is deemed necessary to meet the needs of our projected student body. However, as the District is aware, as a charter school, we are not required to provide transportation. The proposed school clearly states that it will not allow transportation to be a barrier to access on **page 181**.

o The proposed school is not substantially similar to the school to be replicated as required by law. (Sec. 1002.33(6)(a)3.b.(III), Fla. Stat.)

—Throughout the Application and at the Governing Board Interview conducted by the District Staff on August 27, replication of #5151 was discussed. Repeatedly in the Application, the applicant states that the proposed school will “mirror” #5151: **pages 1, 10, 20, 28, 40-41, 52, 59, 82 and 121**. Strategies for replicating #5151 are outlined and discussed in the Application on **pages 2-4, 10, 22-24, 29-30, 37-68 and 125**.

o The staff at the school to be replicated will not be significantly involved with the proposed school as required by law. (Sec. 1002.33(6)(b)3.b., Fla. Stat.)

—The staff at #5151 will absolutely be significantly involved with the proposed school, as is evident by the Somerset Board and Somerset President's responses at the Governing Board Interview conducted by the District Staff on August 27. This is addressed on **pages 10-11 of the transcripts**. Further, the sharing of resources among Somerset, Inc is discussed on pages 17-18. President Montero talks about supporting the new school on **page 24** of the transcripts. He further addresses the ongoing relationship between the replicated school and proposed school on pages 30-31.

o The proposed school's financial management practices do not comply with law because:

§ There is no clear plan describing how the Governing Board can effectively manage the school;

-- Effective governance by the Governing Board is described specifically on **pages 143, 144, 154 and 167**: the governing board of directors will have the responsibility for the activities and affairs of the corporation, including management of the school and for providing continuing oversight of school operations. All corporate powers and functions shall be exercised by the Governing Board. The Governing Board is committed to the mission of the school and is cognizant of its responsibility to effectively and properly manage public funds. The institution and its board of directors have over a decade of experience in charter school operations and management and oversight of public funds. The Somerset Academy, Inc. Governing Board is the ultimate policy-making body with the responsibility of operation and oversight of the school including but not limited to academic direction, curriculum, and budgetary functions. Somerset Academy, Inc. is the same governing board that oversees and manages the High Performing school to be replicated. It has done so successfully for over a decade. Furthermore, as described on **page 10, 30, and throughout the application**, the school will be part of the Somerset Academy, Inc. system, which has yielded over 40 high performing charter school programs in grades K-12 throughout the state of Florida and nationwide.

§ The Governing Board does not have an arms-length business relationship with the for-profit ESP and has delegated too much of the day to day operations to the ESP;

-- The Governing Board has an arms-length business relationship with the ESP. As described on **pages 154 and 167**, The Governing Board will ensure that an "arm's length" performance-based relationship exists between the governing board and the ESP. The ESP is hired by the Board of the non-profit organization that governs the charter school to perform specific duties, at the discretion of the Board. The ESP does not manage the day-to-day operations of a school, but rather provides "back office" support for the Board through a team of individuals with expertise in the areas of business, law, facilities, quality assurance, strategic planning and development, and

governmental compliance. The ESP does **NOT** handle the day to day operations of the school. As described on **page 154** of the application, the Principal, as the instructional leader, will be responsible for all aspects of day-to-day administration of the school within the scope of the board's operating policy and in compliance with district, state, and federal guidelines for the school's operation. The principal will make all school-based decisions, establishing and implementing procedures for the day-to-day operations of the school including procedures for curriculum and instruction, classroom management, discipline, faculty and staff evaluation, data analysis, testing, support services, parental communication, professional development, discipline, community outreach, oversight of facilities and internal financial controls, etc.

§ The proposed budget does not include funds to pay for the staffing and operational plan outlined in the application which means that many of the educational and operational services proposed cannot be provided;

-- The proposed budget includes the funds necessary to pay for the staffing and operational plan outlined in the application. The positions budgeted for in the Staffing Plan are found in the instructional and operational section of the budget on **pages 310 and 316**. These positions are sufficient to provide educational and operational services proposed for the projected student population.

The budget was created to cover basic operating costs for the school and to show viability at the most conservative budget level. It does not assume grants or loans. As a replication of a High-performing school, the school expects to apply and receive a start-up grant. As a backup, Somerset has a letter of Commitment from BuildingHope, a non-profit lender, to assure that the school would have startup and necessary funds if a grant is not awarded for any unforeseen reason. The Lender Commitment Letter, including range of loan and terms, is included in the application under Appendix H.

Further, as is evident from **pages 51-54** of the transcripts from the Governing Board Interview conducted by the District Staff on August 27, Somerset, Inc has the funds and the willingness to assist financially whenever needed.

§ There is no viable back up plan for the facilities if the construction of the new facilities are not completed prior to the start of school. (Sec. 1002.33(6)(a)3.b.(V), Fla. Stat.)

—Back up facility questions were answered at the Governing Board Interview conducted by the District Staff on August 27, as is evident from **pages 48-49** of the transcripts. Further, **pages 178-180** of the Application outline the plan for facilities. While we do have a backup plan, neither a plan, nor a backup plan for facilities is required by statute for an approvable application.