

Before the Florida State Board of Education

In re: Denial of Somerset Academy Middle School Vero Beach
High Performing Replication Application 2015

Notice of Appeal

Somerset Academy, Inc.,
APPLICANT/APPELLANT

v.

School District of Indian River County,
APPELLEE

I. Names and Addresses of Parties

Appellant:	Somerset Academy, Inc. David Concepcion, Board Chair Bernardo Montero, President 6340 Sunset Drive Miami, FL 33143
Counsel for Appellant:	Collette D. Papa, Esq. 6340 Sunset Drive Miami, FL 33143 Telephone: 305-669-2906
School Board:	School District of Indian River County Mark J. Rendell Superintendent 1990 25th Street Vero Beach, FL 32960
Counsel for School Board:	Suzanne D'Agresta, Esq. School Board Attorney 1990 25th Street Vero Beach, FL 32960
Date of Action:	October 13, 2015
Date of Denial Letter:	October 18, 2015
Receipt of Denial Letter:	October 21, 2015

JURISDICTION: Somerset Academy Inc. (the "Applicant") filed a new charter school application for Somerset Academy Middle School Vero Beach (the "School") with the School District of Indian River County (the "District" or "Sponsor") on July 31, 2015. The Charter School Application submitted by Somerset Academy Inc., was submitted as a replication of Somerset Academy Charter Middle School South Miami Campus (SoMi), a verified high-performing charter school. Pursuant to 1002.331, (3)(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 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).

Pages 1-9; 27-29 of the Application detail the high-performing status of Somerset Academy. It is clearly stated that the current application is being submitted by Somerset Academy pursuant to 1002.331 to establish and operate a new charter school that will substantially replicate the SoMi educational program (App, 1). The next several pages of the application are dedicated to an in-depth review of Somerset Academy's qualifications as a high-performing charter and how the proposed school will replicate an existing school design (App, 1-9).

Pursuant to F.S. 1002.33(6)(b)3.a., "A sponsor shall by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date." At no time (neither prior to the application's submission, nor concurrent to the submittal of the application, nor during the review process) did Applicant ever agree in writing to postpone the vote on the application to a specific date. The first correspondence received by Applicant from Sponsor, attached hereto as Exhibit 5, was sent on Wednesday, August 5, 2015, and acknowledges receipt of the application as of Friday, July 31, 2015. Sponsor makes no request to postpone the vote on the application, and does not ask if Applicant will agree to a waiver of the 60-day statutory review period as is common-practice in many other Sponsoring Districts in this state (see Ex. 5-1). Absent written mutual agreement to postpone the vote on the application, Sponsor's 60-day review period expired on September 29, 2015. In its correspondence to Applicant on August 18, 2015, Sponsor included a "Charter School Application Timeline" as an attachment, and states that "we truly only have the 60 days this year," indicating to Applicant that Sponsor is taking action on the Application within the 60-day statutory review period," (EX. 5-2). Sponsor goes on to say, "[w]e (Sponsor) have scheduled...sessions as follows," and lists several meetings at which it "hope[s] representatives from Somerset can attend," (EX. 5-2) Looking at

Sponsor's Initial Timeline, it is clearly seen that the School Board meeting to vote on the application was scheduled for October 6, 2015, a full 7 days past the expiration of Sponsors review period for this application. Of particular importance, is Sponsor's continuing failure to request or obtain written mutual agreement to postpone the vote on the application. Statements made by Sponsor indicate Sponsor is adhering to the 60-day review period and Applicant relied on these statements. It is also clear that Sponsor had no intention to act on the application within the statutory period. It is less clear why Sponsor did not request or obtain agreement to postpone the vote to a specific date. Sponsor will argue that they obtained consent through later electronic correspondence with representatives of Applicant and did so by attaching a revised Charter School Application Timeline which changes the date of the School Board meeting to October 13, 2015. In correspondence sent to Applicant on August 28, and due to a pending storm, Sponsor unilaterally changed the dates of the meeting schedule and rescheduled the interviews. Sponsor does not request a waiver of the 60-day review period or obtain agreement to postpone the vote to a later (specific) date. IN correspondence sent to Applicant on August 31, Sponsor attaches a revised schedule for Applicant's "review and approval", (Ex. 5-6). Though Applicant responds to questions specifically regarding the interview dates, and in correspondence to the Sponsor on September 1, confirms in writing Applicants assent to the 15th as an Interview date, Applicant never acknowledges receipt of the revised schedule, and never "approves" it, (5-7). The statute is clear that the application must be reviewed within the 60-day timeframe, "unless sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date." Pursuant to § 1002.331(3)(a), where the sponsor fails to act on a high-performing charter school application within 60 days after receipt (emphasis supplied), the application is deemed approved and the procedure governing the issuance of charter contracts (Section 1002.33(6)(h) F.S.) applies. Sponsor failed to obtain agreement from Applicant to exceed the 60-day statutory review period, and thus the application is deemed approved. After reviewing the record on appeal, it is Applicant's position that the failure of the District to act on Somerset Academy's high-performing application within the required 60-day statutory deadline resulted in approval of the application on September 29, 2015 by operation of Florida Law. Sponsors subsequent remedial measure to act on the application by denying the application on October 13, 2015, a full two weeks past the 60-day deadline, is void and ineffective, and could not operate to reverse the approval of an application which, by law, was already deemed approved. For the reasons set forth herein, we respectfully request that the State Board remand the application to the School District of Indian River County with instructions that the high-performing charter school application is deemed approved since the 60-day time period for review has lapsed, and with further instructions to immediately issue and

approve a Charter contract for Somerset Academy's high-performing charter school without further delay as same is presently overdue to the school. Since this is a high performing appeal which was not reviewed in the applicable review period, the application is deemed approved and the statute does not provide for an appeal to the State Board of Education. In the alternative, and in order to preserve its appellate rights, Applicant addresses the merits of the Sponsor's subsequent remedial denial:

The Application ("App") submitted by Somerset, (the "Applicant"), pursuant to Sections 1002.331(3)(a); 1002.33(6)(b)3.b., F.S., is a replication of Somerset Academy Charter Middle School South Miami, a high-performing charter school ("SoMi"). Pages 1-9 and 27-29 of the App details the high-performing status of Somerset, and the system's ability to effectuate this replication. It is clear the App is submitted by Somerset pursuant to 1002.331 to establish and operate a new charter school which will substantially replicate Somerset's educational program, specifically, the existing Somi. (App, 1). 9 pages of the App are dedicated to review of Somerset's high-performing qualifications, and how Applicant replicates the existing school design. (App, 1-9). Sec 1002.331, F.S. states: "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."

The App bases the proposed school's replication on substantial similarities in several areas including educational model and governance by the same organization. Somi is co-located on the same property as Somerset's high-performing middle School. The proposed school will be an elementary school co-located on the same campus as the proposed Somerset middle school. A substantial replication is not a carbon copy, nor should it be. The 5th DCA held: "[T]o be 'substantially similar' within the meaning of Florida Statutes, a charter school must have the same characteristics and be alike in substance or essentials to the school it is replicating." The proposed school is substantially similar to the existing school in that the proposed school consists of the essential characteristics of the existing school, and is alike in substance/important concepts to the existing school. Throughout App, and the Interview, Applicant discusses replication of SoMi, highlighting characteristics of the proposed school and the shared similarities, (See App at 2, 1-5, 11, 14, 26-28, 30-32). Strategies for replication of the existing school, including: the same research-based educational concepts; the same curriculum as the existing program; adopting and implementing common policies and procedures as the existing program, are documented throughout the App and the Interview, (See App, at 3-4, 10-11, 13, 14, 18, 22-25, 27-29, 29-30; See Also Interview at 29-31). Applicant details additional strategies for replication

of Somi's design including the following: Sections of the App: 3, implementing the same core values and beliefs as Somi and its existing programs; 9 and 11, utilizing team of experts with ownership of Somerset educational program as consultants to continuously provide training; 8, adopted uniform/common Somerset expectations of student behavior and parental involvement; 18, policies for financial management and oversight used at Somi and ALL Somerset's, (App, 4,27). This evidences Applicant's substantial similarity to Somi. Applicant includes detailed and specific evidence of proposed school's replication methods of SoMi's educational design and Somerset's model, (App, 1-9). Applicant states its commitment to work with administration and staff of SoMi to align and mirror all areas including: Somerset Reading Coach PLC Dialogues, Math and Science PLC Dialogues, the school instructional calendar (so long as it aligns with SDIRC's requirements), educational trainings and PDs, parent nights, newsletter, extra-curricular activities, character education program and curriculum, etc., (App, 2). Applicant includes further evidence of replication of the educational design of SoMi's and Somerset's brand by committing to maintain Somerset's underlying purpose of Academic Excellence with a push towards Secondary (and even College and Career) Readiness, with "push and pull", unique to SoMi and Somerset schools, (App, 2). The proposed school will replicate SoMi's commitment to develop bilingual students who are culturally aware, pluralistic and thereby have a global edge, (App, 2). As stated, the proposed school will feature technology-rich classrooms, be staffed with highly qualified teachers, and provide an environment where students will acquire skills essential to their future development, just as SoMi does. In addition, Applicant includes the following commitments in order to demonstrate replication of SoMi's educational program: Involve SoMi's leadership team in the App and planning processes of the school; Assign administrator or designated representative from SoMi as a mentor to proposed school principal, to assist with planning and program implementation; Appoint SoMi administrator to interview committee that will select the proposed school principal; Guarantee proposed school will meet all five AdvancEd/Southern Association Colleges and Schools-Council on Accreditation and School Improvement (SACS-CASI) Standards for schools; and Ensure support is provided from not only the replicated school but also from all Somerset schools within the entire network, (App, 3). As stated in the Application and in the Interview, Applicant will implement best practices and curriculum at SoMi to ensure complete replication and continuity, however, will align these best practices with the requirements and curriculum of the Sponsor to ensure a smooth transition for students, meet the needs of the community, comply with State law, FLDOE rule and the Charter, (App, 20).

Sponsor alleges Applicant does not explain how it replicates SoMi and further alleges Applicant does not provide information to highlight SoMi's education program or show how it is innovative. Ample evidence of Applicant's educational program is provided throughout the App, specifically, pages 20-29 evidencing how Applicant provides information in reference to instructional techniques incorporated throughout the curriculum in order to maximize learning and successful attainment of learning objectives. These educational goals and the detailed program, clearly implement the mission of SoMi and Somerset Academy Inc. at the proposed school. The annual calendar and instructional time, including the coursework required by the state of Florida for all elementary school students, is an integral part of the Educational Program Design for the proposed school, as is the current practice at SoMi. (App, 20). Beginning on Page 20 of the App is a copy of SoMi's daily schedule and SoMi's daily routines for replication in the proposed school, (App 20-21). As stated in the App and the Interview, Applicant will utilize these and incorporate Sponsor requirements to ensure success of the proposed school, (App, 20). In addition, Applicant includes an extremely detailed account of the educational program and how it will be replicated at the proposed school (App, 20-29).

Many methods of the program philosophy "High Expectations/High Achievement" are described in detail including: differentiated instruction and standards based instruction, direct instruction, scaffolding cooperative learning, Inquiry-based learning, etc. as the primary instructional methods, (App, 23). The proposed school will implement the tenets that have made SoMi successful: a standards-based curriculum with proven teaching strategies and high expectations will benefit students through a systemic approach for teaching the Language Arts and Mathematics Florida Standards (LAFS and MAFS) and the respective Next Generation Sunshine State Standards for other subject areas, as applicable, (App, 10). Pages 23- 25; and 26 contain a detailed explanation of the specific instructional techniques employed at SoMi and how these techniques align with Somerset's mission and which are incorporated throughout the proposed school's curriculum in order to replicate SoMi's high-quality. These include: Personalized Instruction, Target Tutoring, Professional Learning Communities, Vertical Planning, Department meetings, Leadership meetings, Counselors, Cooperative Learning, Academic Excellence and Leadership Development, "Pull and Push" Methods, Home Learning, Vertical and Horizontal Alignment, Community Partnerships, Parental involvement, Service Learning, among others. (App, 23-25, 26). Applicant states that the proposed school will implement the same principles as SoMi and that the proposed school's educational program is in direct alignment with the school's mission, which supports and facilitates its implementation, (App, 25).

Applicant has clearly included all required components of the Model application and has more than demonstrated its ability to replicate and be true to the SoMi and Somerset program while adhering to State Law, applicable rules and its charter contract. It is evident that the Sponsor believes Somerset's capacity to replicate is not credible, even though Somerset as an institution has successfully replicated its model more than 40 times; Somerset has an 18-year history of successful operations and is collectively an "A" district among its schools, and has achieved increased performance network-wide. There is no evidence to the contrary. Sponsor's allegations are baseless; the App must be approved. Sponsor contends Applicant cannot be a replication since Somerset takes pride in each of its schools' ability to adapt to its demographics, citing nuances in areas of the education plan and curriculum, and since Somerset's schools serve different populations and have students with different needs. There is no "one size fits all" prescription of replication as Sponsor suggests, alleging the Education Plan states the proposed school will align its practices with the Sponsor and not SoMi. It must first be said that having some unique elements to school design does not frustrate replication or substantial similarities clearly evident between the schools. All Somerset schools share a common philosophy of student expectations, code of excellence, an expectation of parental commitment, and collaborative management infrastructure derived from its first school, Somerset Neighborhood, (App, 1). All Somerset programs have replicated this paradigm of school design and management practices, including Somi and the proposed school and it supports the organizations capacity to replicate the model in the present application, (App, 1). Every Somerset school is intended to serve the immediate needs of its local community, and fostering community is a key component to the Somerset model, (See generally App, at 22-23, 25, 29, 31, 34, 41, 43, 55, 61). Community is a common thread interwoven throughout the curriculum component, and is unique to the Somerset system (App 31, 34, 41, 43, 55, 61). To further ensure fidelity of the curriculum and the educational program replication, the governing board oversees network best practices and replication strategies, ensuring its schools, including the proposed school adhere, (App, 2). These strategies include, but are not limited to: fidelity of instructional programming; implementation of appropriate grade/subject level pacing guides and focus calendars utilized by SoMi; verifying the fidelity of curriculum implementation through co-teaching, modeling and mentoring; ensuring the proposed school utilizes the same data-driven continuous improvement methods as SoMi; engaging in professional development for the implementation of curriculum; ensuring the proposed school implements the same curriculum, materials, and scheduling process as SoMi which are in alignment with the Sponsor's requirements, etc, (App, 2-3). The proposed school will implement best practices utilized at SoMi and will align these with the requirements and curriculum of the Sponsor, (App, 3). This is consistent with the Somerset

model state-wide and is confirmed by Board Members at the Interview where it is stated that it is important to implement the policies and procedures of the Sponsoring District, and in addition, the proposed school will integrate Somerset's best practices into this to enhance the overall program (Interview, 29). Upon application, SoMi stated to its Sponsor that it would adopt certain policies of the Sponsor, including the Reading Plan, the Code of Conduct, Pacing Guides, Student Progression Plan, State or District approved textbooks (i.e. curriculum), and ESE Policies. In the present application, the proposed school indicates many of the same. Where both applications indicate the intention to adopt the local jurisdiction's policies and/or State-adopted programs in order for the school to more adequately serve the local population, this IS a direct replication. As is aptly stated in the Interview by the Governing Board, the curriculum is written based on Florida Standards, and adopting materials that ensure mastery of the Florida Standards, ensures this is a direct replication, (Interview, 30-31). Moreover, the proposed school includes sample schedules and daily routines from SoMi, and indicates its commitment to align these to the Sponsor's requirements, (App, 20-22). Applicant includes a detailed description of the SoMi model which will be implemented at the proposed school indicating the curriculum is centered on cognitive science research in mathematics and an emphasis on meaning and understanding in reading, as well as remediation when necessary, (App, 30). Curriculum is more than just a textbook, a pacing-guide, or a Digital Classroom Plan. Somerset's curriculum, and thus the Applicant's curriculum, requires students to interact with one-another and to apply the written text in the real world, (App, 31). The curriculum plan, in use at SoMi, and to be replicated at the proposed school, is detailed at pages 30-64. Somerset's (i.e. SoMi's and Applicant's) curriculum is focused on college preparedness and aims to instill a pre-college mindset from elementary, (App, 30). As stated in the application, the curriculum of both schools meets high standards of student achievement by delivering curriculum with an emphasis on mastery of benchmarks aligned to the Florida Standards in ELA and Mathematics, literacy standards for science and social sciences and the Florida NG-SSS, as applicable to course and grade level, (App, 30). Students at SoMi, and thus in the proposed school, receive a core curriculum of English/language arts (ELA), mathematics, social studies, science and electives in fine arts, physical education, and world languages, in this case Mandarin and Spanish, (App, 30). Somerset has developed strategies that have enabled the words to jump off the page and have made its curriculum come to life. These curriculum techniques and strategies, which are Somerset-specific and not district-based, are found in great detail at pages 30-32 and include: Interdisciplinary Connections, Vertical and Horizontal Teaming, Differentiated Instruction, Scaffolding, Cooperative Learning; and Community-based learning. The curriculum reflects high-quality instruction and implements research-based strategies, innovations and

activities facilitating achievement, (App, 30). The adoption of basic Sponsor policies, including the Student Progression Plan, which are State adopted, does not frustrate replication, and makes for smooth transitions between charter and sponsor schools and vice-versa. In the same way, adoption of Sponsor's Digital Classroom Plan, does not defeat replication. These are single components of the broader Somerset Curriculum, and are generally district-specific boiler-plate policies.

Sponsor criticizes Applicant for serving a different student population than the existing school, and ensuring that the school's services are tailored to meet the needs of its population, and attempts to use this as a failure of the App, (75). Sponsor states the application is not a replication since the existing school had too few numbers of students with disabilities (SWD) to report while the Applicant projects an estimated 12% SWD attending the charter school. This contention is nothing more than a red herring and apparent evidence of Sponsors pretext for denial. Applicant projected an estimated 12% of the anticipated student population may be SWD, and based this on the average SWD population in Indian River County, compared to the estimated 10% SWD projections used by SoMi, which reflected the average SWD population in Miami-Dade County. In replicating the Somerset model, both the proposed school and SoMi strive to reflect diversity, as well as ESE/ELL populations reflective of the surrounding public schools. Here again, Sponsor misunderstands replication. The App clearly states Somerset's intent to serve the needs of the community where the proposed school will be located, and will take into consideration the best practices for the local demographic, (App, 75). SoMi does this, and the proposed school replicates this concept. Applicant's admissions policies are non-discriminatory in all respects, and are designed to reach the entire community, (App, 75). The School's demographics should be reflective of the community it serves, (App, 75). It is expected that geographic differences in the proposed locations will result in a different student population in the literal sense, however, this does not change the common strategies used to serve these demographics. While the resulting populations may be unique, Somerset's and SoMi's mission, vision, and values will be implemented with fidelity in every aspect of the proposed school, and the Somerset philosophy is evident throughout. To suggest populations of 2 schools nearly 150 miles apart should have identical populations, or else not be substantial replications, is not only nonsensical, but runs afoul of Somerset's Admission policy which is in compliance with federal and state anti-discrimination laws and the Florida Educational Equity Act, (App, 123). Applicant details the admissions process, including enrollment preferences and limited enrollment categories, and includes the data which informed Somerset's enrollment projections, (App, 123, 124). Applicant also includes a full plan for student recruitment and enrollment, including students with disabilities, (App, 75). Somerset understands the demographic of the area, informed its research and developed

projections based on the area data, the data most relevant in projecting the proposed school's target population. It would be of little help for the proposed school to base its projections on real time data and demographics of jurisdictions located 150 miles or more from where the proposed school will operate when there is no chance it will serve these students. Instead, Applicant wisely informs its projections using data from the County and the District Schools where it will operate giving Applicant a more realistic goal given the student population it will serve. Sponsor apparently disagrees with Somerset's business decision which is based on sound principles, thorough research, and its own expertise having successfully operated 57 charter schools, 48 in Florida. This pretext for denial is pure conjecture and bias, and not a reason upon which a legal denial may be based.ⁱⁱ

Sponsor takes a dual view on replication and finds "cause" to deny Applicant's high-performing application irrespective of Applicant's response. On the one hand, Sponsor alleges that the proposed school cannot be a replication if Applicant adopts any part of the Sponsor's policies, and therefore denies the application. This seems to indicate that Sponsor believes, that in the case of a replication, the policies and procedures of another School District prevail over its own. In this case, Sponsor suggests Applicant should submit a charter school application to operate a charter school in Indian River County operated under Miami-Dade County Public School Policy and Procedure. Applicant rejects this argument. On the other hand, Sponsor, highlights Applicant's replication and/or adoption of Sponsor's policies and procedures. During the Interview, Sponsor questioned Applicant regarding Applicant's ability to "replicate" or adopt Sponsor's policies and/or best practices, stating at pages 9 and 11, "Some of the things we're doing in our school system don't appear to be replicated in the application... How would you go about replicating what we're doing...?," (Interview, 9,11). Sponsor later commends Applicant for, "wanting to adopt and implement the Sponsor's policies and procedures with respect to serving students with disabilities," (Interview, 42). Sponsor further questions curriculum, "Some of the curriculum listed is no longer used in the District that you have listed in your Application. Do you plan to utilize the same curriculums as the District...?," (Interview, 29). But here, Sponsor echoes one of the underlying concepts of this replication: Both the proposed school and SoMi adopt District materials. Sponsor states, "Your application indicates that you will adopt our District's instruction materials and curriculum pacing guides. However, the school you are replicating currently integrates the curriculum developed by Miami-Dade..." (Interview, 30). The Applicant has met all aspects of the model application, and meets the statutory and legal intent of replication. It is clear that Somerset is replicating substantially the same program, modeled after its currently operating high-performing dual-language school. All elements of the App speak to

Somerset's model and how it is implemented at SoMi and how it will be implemented at the proposed school. The instant application clearly meets the requirements. A denial on these grounds is unjust, improper and without cause.

Sponsor alleges that the App does not "on its face" comply with all civil rights requirements and therefore fails to meet the statutory requirement described in section 1002.33(9)(a)-(f), Florida Statutes. Somerset is in compliance with all civil rights requirements. Sponsor alleges the App fails to address its desegregation order or otherwise offer a student/staff recruitment plan which will "achieve a racial/ethnic balance reflective of the community." Sponsors 1994 Desegregation Order requires that **"The percentage of minority students assigned to individual schools should be consistent with the percentage of minority students represented in the school district."** Further, the Order states that **"The School District will allocate student populations at each school in proportion to the percentage distribution of minority students system-wide within a range of plus or minus 9%."** Denise Sharpton et al v. The Board of Public Instruction of Indian River County, Florida, Case No.: 64-721-Civ-Atkins. At the time of the Order, Sponsor's minority percentage of students was 17%. Currently, Sponsor's racial makeup is 57.36% White, 16.31% Black, 0.25% Native American, 0.27% Asian, 2.15% from other races, and 3.30% from two or more races. 21.24% of the student populations were Hispanic/Latino of any race. By comparison, as a network, Applicant serves 84% minority students and 59% qualify for free and reduced lunch, (App, 17).

Applicant is cognizant of its responsibility in this regard. In an Open Letter sent to all Charter Schools by the Office of Civil Rights, Charter schools were reminded of their civil rights obligations. "Like all public schools", the letter said "charter schools cannot discriminate in admissions on the basis of race, color, national origin, or disability status," (Ex. 6,3) The letter also pointed out the need to be mindful of the rights of children and parents in the community when publicizing the school due to the fact that students choose to attend a charter school and are not simply assigned to attend a charter school (Ex. 6, 3). In a school district subject to a desegregation plan the charter school must be operated in a manner consistent with that desegregation plan. Applicant acknowledges this obligation multiple times over throughout the Application and during the Interview. (See App, 17, 122; See Also Interview 8, 11, 12). In some instances, it may also be necessary for a charter school to seek a modification of the school district's desegregation plan or order from the court or administrative entity requiring the desegregation plan, particularly where the Charter School has little to no effect on the School District's compliance levels. (Ex. 6, 4). However, such would not be the case here, as Somerset is confident in its ability to meet or exceed the requirements of the Order and in fact is confident that Somerset's statistics would be a positive addition. Sponsor further alleges that Applicant does not address a

targeted population. At the time the App was submitted and the interview conducted, a site had not been identified, nor is there any requirement in the law that the site be identified at the time of application. Accordingly, it was impossible to provide the targeted geographic area with specificity, except that the school will openly market enrollment to the entire district as is done in all Somerset schools (App, 122). The *target population*, however, contrary to Sponsor's assertion is included in the App, as well as a detailed marketing plan, (122-124). As stated in the App, the proposed school expects its student population to be reflective of Indian River County, with a higher minority rate than the traditional public schools, (App, 123). Applicant's marketing efforts, detailed in the App, include, but are not limited to the following: a multi-media campaign (print, broadcast, online, minority and community periodicals) to inform about the school, its programs and enrollment period; promotional flyers and brochures to be distributed to community groups/churches to find hard-to-reach families; posting information in local public facilities such as post offices, community centers, libraries, grocery stores; printing materials in multiple languages; distributing press releases and/or public service announcements; running ads in local newspapers; hosting open house events; establishing partnerships with local community groups, etc., (App, 123-124). Sponsor states the Student Recruitment Plan will not recruit a population reflective of the community and will not comply with the Desegregation Order. Following Sponsor's rationale, Applicant would only comply with the Order if it states in the App that it will focus 16% of its recruitment efforts toward Blacks, 57% percent toward Whites and the remaining percentage toward the remaining ethnic groups. This misses the point of non-discriminatory practices altogether. Flawed reasoning such as this may be a contributing factor as to why the order remains in place. Nevertheless, Sponsor has determined Applicant's failure before Applicant has begun, and in doing so institutes a prior restraint on Somerset's rights to operate a charter school. With due respect to Sponsor, Applicant operates 60 charter schools in 6 Florida School Districts and has schools in Texas, DC, and Nevada. 5 of the 6 Florida Districts where Somerset operates, had Desegregation Orders at one time; all have since reached Unitary Status. Somerset has seen both sides of this process multiple times, and in varying areas of our State, and has more experience than Sponsor in this regard. Somerset enjoys a rich cultural diversity and is proud to represent this in its staff, its students, and its educational design throughout the entire Somerset system of schools. Somerset is offended by the accusatory statements suggesting it would not recruit to the demographics reflective of the county, or otherwise comply with the Order. An order to desegregate, this one in particular, is more than just student percentages. At the Interview, Sponsor hyper-focuses on just this aspect, and neglects the components of the Order with which Somerset, as an institution, already complies. It should be stated that in the Interview, Sponsor states its percentage of compliance

inaccurately, stating Sponsor is required to achieve between 9% and 27% of ***African-American*** students in each school. Pursuant to the Order, Sponsor is required to achieve between 9% and 27% of **minority** students in each school. As a network in Florida, Somerset serves 84% minority students and 59% qualify for free and reduced lunch, (App,16). To further address the Order, a majority of Somerset's teachers are also minorities, ensuring the ratio of Somerset's minority teachers is in line with the ratio of minority students. Applicant includes its teacher recruitment efforts at page 97, which is in line with the student marketing plan. The Applicant commits to expending considerable effort in recruitment and the interview process to hire the most qualified candidates that cumulatively represent the diverse racial/ethnic background of the community, and in line with the ration of minority students, (App, 122, 123). Moreover, the leadership in the Somerset system is a reflection of the diversity in Somerset's hiring practices: more than 55% of Principals alone throughout the Somerset system (not limited to Miami-Dade as implicated by the Sponsor) are minorities. In addition, both the President and Vice-President of Somerset, as well as 8 of the 9 seated Governing Board members and the General Counsel are all minorities. Regarding minority student achievement, Somerset has high expectations of student achievement for **all** of its students irrespective of minority status. All students are held to high standards of achievement. Transportation is, in fact, addressed in the application and the interview, and even though Applicant includes transportation in its Application, and budgets for it, and further discusses it with the Sponsor, Sponsor questions Applicant's veracity regarding Transportation. Of particular note, Sponsor states during the Interview, "We did make an assumption that you had no intent to provide transportation, because there's no transportation being provided at the school being replicated. You explained that's a geographic piece and you do have intent to provide transportation... And [transportation is] in the budget. Well, if it's in the budget, you don't have to spend your budget. You may put it in the budget and not spend it," (Ex. Interview, 84). This statement alone is clear and convincing evidence of Sponsor's pretext for denial. Sponsor had no intention of approving this application, irrespective of how the Applicant responded to any of Sponsors questions. Here, Applicant budgeted \$95,000 for 2 busses and explained this to Sponsor during the Interview (Ex. Interview, 68). Understanding that Transportation needs vary by region, all Sponsor needed to do was look one County over to the Somerset Charter High School currently operating in St. Lucie County where Transportation is provided. Instead, Sponsor assumed the information in the Application was incorrect, and the amounts in the Budget were false as they "did not have to be spent". This is not only an unreasonable assertion, it is inflammatory and prejudicial.

Given Applicant's ability to attract minority students, Applicant is confident that it will be able to meet or exceed the demands of the Desegregation Order. Somerset has operated in more than one county that has been under Desegregation, and these counties have since reached Unitary Status. In the event targeted efforts are required in order to meet areas of the Desegregation Order, Somerset will implement all efforts necessary in coordination with Sponsor in order to effectuate compliance on a continual basis pursuant to law. However, as an open-enrollment school, a true approach cannot be determined until initial applications are received. Notwithstanding, Applicant has consistently stated throughout this process that it will comply with the Desegregation Order. Sponsor alleges that during the Interview, Applicant stated charter schools were restricted in complying with the Desegregation Order. This is patently untrue. The discussion of Desegregation is memorialized in the transcripts at pages 7-11. Upon review, it is clear Applicant made no such comments. In fact, throughout its response, Applicant, on numerous occasions, indicated its willingness to comply with the Desegregation Order. Sponsor attempts to cite newspaper articles as evidence that Applicant will not comply with civil rights laws. Such articles are not fact and should not be considered in an application review. Sponsor's allegations are red herring and are not supported by fact. Sponsor's newspaper reference reveals its desperation to find any reason to deny this high performing application. Notwithstanding, SoMi has not violated any state or federal civil rights laws. The City of South Miami's "investigation", mentioned in the news article was the personal and political attack by the Mayor and certain commissioners in order to garner support from parents whose children did not gain admittance through the SoMi's approved lottery process. This is tangential to the Application process and had no bearing on Sponsor's review of the Application. This is not cause for denial. Again, Sponsor could have contacted the local district, M-DCPS, with any concerns. Sponsor instead makes false assumptions, and conveniently fails to provide any information of its conversations with MDCPS or the resultant findings.

Somerset can certainly understand Sponsor's sensitivity surrounding the Desegregation Order, given the Order's recent attention, (SEE EX.7). However, Somerset respectfully requests that it not be judged by the actions or inactions of others, but only by the actions of Somerset itself. In this respect, and despite the musings of one small South Florida City, Somerset has an impeccable record. Somerset operates in multiple districts who have been under desegregation and have successfully navigated same. In each instance, Somerset has complied. Given this, and Somerset's reputation, there is no reason to believe it would do anything less than comply with this Sponsor's Order as well. Given the opportunity, Somerset would foster the same model and employ the same strategies to its school in Indian River County. Sponsor institutes a prior restraint of sorts on

Somerset's enrollment practices. There is no evidence suggesting Somerset would not comply with the Order in any way. Pursuant to the attached report, all of the sponsored Charter Schools appear to be in compliance. It is Sponsor's traditional Public Schools that appear to be having difficulties with the stated percentages. System wide, Somerset does not have any concern with meeting this Order. Our Leadership Leads by Example and this starts from the top and trickles down. The top Leadership of Somerset is 90% minority; its administration is over 60% minority; and its students are 84% minority. Somerset has reached unitary status. Somerset has no concern with implementing a Desegregation Order and reaching Unitary Status once again.

Financial Management Practices: The Sponsor alleges the App "on its face" does not contain a balanced financial plan. A high-performing charter school is required to submit an annual financial plan for each year requested by the charter for operation of the school for up to 5 years, and provide anticipated fund balances based on revenue projections and a spending plan based on projected revenues and expenses. Applicant sets forth such data in the Exhibits to the App, where each year is shown in the budgets, budget narratives, and budget detail, and contains additional detail on anticipated fund balances and projected revenues and expenses, (App, Budget) A description of controls that will safeguard finances and projected enrollment trends, also required by statute, is provided (App, 139,127.). These include procedures in which "The Governing Board shall annually adopt and maintain an operating budget, retain the services of a certified public accountant or auditor for the annual independent financial audit and review, and will approve the audit report, including audit findings and recommendations," (App,139). Applicant has submitted a budget which fully complies with the statute, and there is no good cause to deny this application.ⁱⁱⁱ

Sponsor alleges the proposed budget does not include funds to pay for the staffing and operational plan outlined in the application and that many of the educational and operational services proposed cannot be provided. However, the positions budgeted for in the Staffing Plan are found in the instructional and operational section of the budget. These positions are sufficient to provide educational and operational services proposed for the projected population. The budget detail states multiple times "Salaries in the staffing plan are for Full Time Equivalent (FTE) instruction positions. Individuals may be utilized for other functions." It is common practice for staff in a start-up school to "wear multiple hats" and hold dual roles in administrative and operational duties until FTE is sufficient to support additional staff. The budget and staffing plan is sufficient and meets the needs of school operations. The budget was created to cover basic operating costs for the school and to show viability at the most conservative budget level, without assuming grants or loans. As a replication of a High-performing school, applicant expects to

apply and receive a start-up grant. As contingency, Somerset received a letter of Commitment from BuildingHope, a non-profit lender, to assure the proposed school would have sufficient funding in the event a grant is not awarded. The Lender Commitment Letter, including a range of loans and terms, is included in the App in its Appendix. In addition, Sponsor complains about the \$14,000 allocation to the food service worker characterizing it as \$77.77 in labor per day. To put this in perspective, and as clarified in the Interview, the cafeteria worker is part-time, working in this capacity only 5-hours a day, 180-days a year. This equates to \$15 an hour. (See generally Interview 72-75). This is a replication of SoMi, who operates with only one cafeteria worker, with assistants who volunteer, (Interview, 74). Sponsor says this is not a realistic assessment of the cost to provide this service to students. As stated in the interview, as a charter school, since you get less funding, you have to be more efficient and conservative, (Interview, 74). Sponsor cannot see how this is realistic, but Applicant sees anything more than this as wasteful. Applicant is unsure which aspects of the Somerset model Sponsor will allow it to replicate since Sponsor has used both replication and alleged "non-replication" as cause for denial, or whether Sponsor means to allow Applicant to replicate at all.

Sponsor alleges the budgeted cost for technology services is not realistic to acquire the products/services technology described. There are 3 separate line items in the budget for technology: \$75 per student for Supplemental instructional materials (CIRP/SIRP and Technology) for an anticipated amount of \$23,625.00; \$110 per student for Digital Education Content Materials on a Leased basis for an anticipated amount of \$34,650.00; and \$1800 per classroom for Computer/Equipment for Instruction also on a leased basis for an anticipated amount of \$ 30,600.00. These rates are seen in the appendix to the App in the Budget Detail and the Budget Monthly's, and was explained in the Interview at pg.14-16. As the budget analyst explained, on an equipment lease of \$30,000, it equates, in average to about \$90,000 worth of equipment, more than sufficient for 315 students. The cumulative fee covers laptop carts for the classrooms and instructional material and the Digital content, (ie textbooks and software). This is realistic and is modeled after SoMi's plan which is currently in operation, and is healthy, vibrant, and meets the needs of the students. Sponsor's apparent disbelief in Somerset's business model is not cause for denial. Applicant has included all required elements of the budget in the Application and has properly budgeted for these in the Budget itself with realistic projections modeled after tried-and-true methods of high-performing schools.

Sponsor alleges Applicant does not provide a description of how finances will be handled or any assurances the Governing Board will control school finances. The App details financial policies and procedures at pages 139-143 The Governing Board will annually adopt and maintain an operating budget, quarterly or monthly financial statements as required which include a

balance sheet and statement of revenue, expenditures and changes in fund balance; retain services of a certified public accountant/auditor for independent financial audit, and will review and approve the audit report, including audit findings and recommendations; report to all applicable legal agencies including Sponsor, and oversee the principal in any delegated financial matters, (App, 132, 134). In addition, internal accounting procedures to ensure financial controls are detailed at pages 133-134, and are in accordance with federal, state, and local laws and in-line with industry standards and best practices. Procedures are in place for General accounting, Internal accounting procedures, receivables, bank statements, wire transfers, Internal Revenue Collection, Capital Expenditures, Operational Checking Accounts, Authorized Check Signors. While the ESP coordinates these services and policies at the request of the Governing Board, the Governing Board retains all authority over all decisions. The ESP Agreement, attached hereto as part of the App, states that the Board must have "complete autonomy and control" and Service Provider must obtain "review and approval" of the Board. While the ESP may be assisting with checks, paying bills and serving as a liaison between the board and the accounting firm, all this is done in accordance with board policy and procedure, and with the review and approval of the board. Any action done by the ESP on behalf of the Board is subject to the ultimate control of the board. These services are included as part of the ESP fee as the ESP has an internal accounting department to service the ESP's client schools. (App, appendix c). The annual audit is paid for by the school to the auditor separately as this is an independent audit. The ESP does not approve its own payments. This was confirmed by the Governing Board in the Interview multiple times. The board also stated that the records are independently reviewed by an auditor and this is something the audit would note. Somerset does not have material findings in its audit, and its organization is in a healthy position. All schools ended the year in a positive position. Sponsor failed to demonstrate by clear and convincing evidence that Applicant would not exercise proper financial management and oversight of the School and comply with the Florida Statutes.

Somerset Academy is a highly experienced Applicant with an impressive record of success in not only its number of approved applications with similar budgets and financial plans, but continuing success in its existing schools. The budgets and financial plans were developed using statistical data collected from a decade worth of operations in Somerset's successfully operating schools, and specifically those in alignment with the proposed school's elementary school program. The methodology used to prepare the budget forecast and financial plans is reliable. Every one of the charter schools that developed budgets using this system yielded a budget surplus this past year. The proposed school will implement the same best practices and

quality standards that have proven effective throughout the Somerset system, including SoMi. There is no cause to deny this Application.

Sponsor alleges the application is generic in scope and nature did not detail how it will meet the guiding principles or defined purposes of a charter school, is not innovative, does not offer something different, and does not replicate Somi's mission. Applicant states the guiding principles and purposes and discusses each individually and in detail, (App, 10-14). Applicant identifies each principle/ purpose individually, and for each, articulates several specific, measurable, realistic, and attainable strategies which relate directly to the school's operations and which are currently in place at the existing school. The uniform mission, vision, and purpose of the Somerset network and all its schools is detailed, and includes Somerset's core principles and beliefs, (App, 10). Somerset identifies student learning and achievement as paramount, measured by other stated core principles including data assessments to drive curriculum and educational focus; standards-based curriculum; high expectations; proven teacher training and mentoring, (App, 5). Contrary to Sponsors assertion, governing board member Diaz discusses in the Interview, individual testing of students for proficiency in foreign language. Ms. Pestana stated that there is no District testing or formal testing instrument. As Ms. Diaz explained, these instruments are provided with the textbooks and, in addition, the classroom teacher implements testing, (ex. Interview, pg 28,29). As this is an elementary school, one can imagine the students are not quite yet prepared for AP or College Board level testing. This is a distractor and is not cause for denial of a high performing application. Somerset objects to the Sponsors statement that the mission and vision do not align with the dual language of the school. SoMi is more than a foreign language class, and Sponsor's characterization of it as such is insulting to the advancements SoMi has made and the students who have worked so hard. SoMi's model is in alignment with not only the vision of the school, but the vision of Somerset Academy Inc., and it is SoMi's goal to prepare its students for a bilingual culture and its success is evidenced by the High-Performing status the school has obtained. The application does include data demonstrating effective educational programming. First, please reference the high-performing letter issued by the Commissioner of Education verifying that SoMi is a High-Performing School delivering a high-quality education. Next, please reference the list of High-performing Somerset Schools at page 1 of the Application and the Somerset Report Card at pages 5-8. These records speak for themselves regarding the effective educational programming offered by Somerset. Finally, Somerset Academy Inc was awarded SACS CASI/ AdvancED accreditation because Somerset has demonstrated that it has the proper

systems in place to ensure that its schools have the highest levels of academic rigor and the proper level of oversight in place, and was the first charter school entity to achieve this.

F.S. § 1002.33(7) applies to approved charter applications entering the contract phase and does not govern the application process. Sections, 1002.33(7)(a)(2) specifically states, "The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards." As a high-performing replication, these allegations are not cause for denial. Nevertheless, Applicant has provided a response which fully answers to the model application. The focus of the curriculum, its instructional methods and techniques are addressed fully in the application, the Interview, and the replication section of this appeal. The technology aspect of this concern has been previously addressed as well. Applicant has included curriculum standards in the App. Curriculum is described fully and in great detail, (App, 30-51) and instructional methods are detailed as well, (App, 13, 64,69).

Specifically referencing Somi, Applicant outlines its plan and includes a litany of methods in which the school will meet and exceed high standards of achievement, including, among other reasons: implementing a rigorous curriculum; curricula specifically designed to meet student needs through data-driven differentiated instructional model; and indicates that all of these methods are employed by Somi, (App, 30-32). In addition, Applicant, includes the following high standards for students replicated from Somi: Providing a vigorous, educational program; Delivering a dynamic school curriculum, including emphasis given to student-centered instruction towards student mastery of the Florida Standards; complement and enhance classroom studies through premium curricular and technology infused extra-curricular programs, Employing mechanisms to continuously monitor, evaluate, and improve curriculum to achieve continuous student improvement year to year, Utilizing strong technologically rich academic programs and tools to assist and increase a multisensory learning experience, (App, 22-23. Applicant lists instructional techniques, utilized with success at Somi that "will be incorporated throughout the curriculum in order to maximize learning and successful attainment of learning objectives and replicate quality" on pages 23-25. "Instructional strategies utilized at SoMi and other Somerset schools that will yield the greatest results" at the proposed school are listed on pages 27-28. Applicant details specific curriculum being used at Somi and offered at the proposed school. Methods of delivery curriculum are described on pages 30-32. Additional evidence of Applicant's understanding and implementation of curriculum

based on Somi's replicated model are the processes in place to support delivery of the curriculum and includes, but is not limited to, discussion of the following: continuous review of the curriculum to ensure a year's worth of learning; research based instructional practices, staff development through implementation of PLC; afterschool, lunch, and Saturday tutoring for remediation and acceleration; Support for Curriculum Delivery; Instructional Strategies to be utilized throughout all subject areas; Integration of Technology; etc. It is clear by the above, that Applicant meets the standard required pertaining to Florida Standards. There is no good cause to deny a charter school application where the application has met all the statutory elements^{iv}. The inclusion of this as a reason for denial, is unwarranted, and without supporting evidence. This does not constitute clear and convincing evidence of non-compliance with any statutory requirement. Application should be approved.

Somerset has developed a multi-tiered system of management, assessment, instruction, and professional development that integrates technology within curriculum to achieve increased performance over all student populations and sub-groups, (App, 22). Sponsor believes there are educational opportunities already provided within the School District and states at the School Board meeting that they just "don't need another School," (Ex. Board Meeting, 19). This demonstrates Sponsor's impetus for denial: Sponsor does want a high-performing charter school.

Exceptional Students is Section 1002.33(16)(a)(3), F.S., "a charter school shall be in compliance with...those statutes pertaining to the provision of services to students with disabilities." As a high-performing replication, these allegations are not statutory reasons for denial of a high-performing application. Moreover, allegations regarding Student Recruitment and Enrollment are not statutory cause for denial of a high-performing application. Therefore, the application may not be denied as to allegations regarding enrollment. Sponsor lacks actual evidence to support its assertion that Applicant failed to meet these standards. Sponsor failed to include concerns to which Applicant can respond. The overview includes only a generic statement that the admissions process may not be in accordance with law because of a lack of specificity as to how applications from students with disabilities will be handled and does not reference sections of law or the App. However, the application process does not take into account a potential student's disability status, and does not request a student's disability status as part of the application process, thereby allowing every student who applies an equal opportunity to enroll in the school, (App, 15). Sponsor has not articulated a basis for denial on these grounds.

Sponsor did not have clear and convincing evidence to find Applicant did not meet the standard with respect to Transportation. As a high-performing replication, the allegations regarding Transportation are not a statutory cause for denial

of a high-performing application. Consistent with Section 1002.33(20)(c), F.S. Transportation shall be provided by Applicant consistent with requirements of subpart I.E. of chapter 1006 and s. 1012.45. Applicant may provide transportation through an agreement or contract with Sponsor, a private provider, or parents. Applicant and Sponsor shall cooperate in making arrangements that ensure transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter. Somerset intends to provide transportation pursuant to law, and will provide transportation necessary to ensure that it is not a barrier to access as stated in the application. Applicant will assess needs annually during application and enrollment of students through the use of enrollment surveys, registration packets, and parent transportation agreements, all in accordance with applicable law, (App, 16-17). Transportation (App, 15-17), and the procedures the proposed school intends to implement to assess transportation needs are included, (App, 130-131) Applicant states: "if the parent advises the School that there is a hardship, and he/she is unable to provide the transportation, the School will provide transportation within a defined reasonable distance (App, 17). Applicant is not suggesting that parents go to extensive lengths to "prove" a hardship; rather Applicant is requesting only that parents inform the school that transportation is needed and arrangements will then be made. In the same way that students must meet eligibility requirements for free and reduced lunch, so too must students meet eligibility requirements for transportation. The law does not require Applicant to provide transportation to all students residing within a reasonable distance, nor does the law give Sponsor authority to determine what "reasonable distance" means. The reasonable distance provision allows charter schools to establish a transportation zone that sets an outer boundary or radius beyond which a charter school is not required to provide regular transportation. In the instant case, the budget provides transportation costs in the amount of \$95,000.00, (Interview, 68). This was confirmed by the Sponsor and the Applicant in the Interview, however, Sponsor stated it didn't believe Applicant would use that budgeted amount for transportation. Applicant projected 40% of its student population will be transported, provided for 2 busses, (Interview, 68). Applicant did not object to contracting directly with the Sponsor pursuant to law (Interview, 70). This is not cause for denial. **CONCLUSION/RELIEF:** For the numerous reasons outlined above. This appeal should be granted, and Sponsors denial should be overturned and remanded with instructions that Sponsor approve the Application.

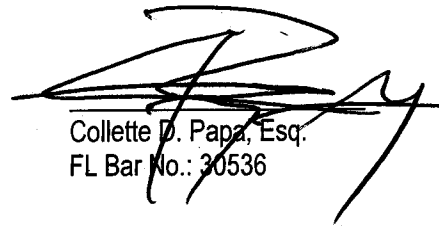
ⁱ See School Bd of Seminole County v. Renaissance Charter School, Inc., 113 So.3d 72 (Fla. 5th DCA 2013)

ⁱⁱ See School Board of Osceola County v. UCP of Central Florida, 905 So. 2d 909.

ⁱⁱⁱ See note ii above; See Also School Board of Volusia County v. Academies of Excellence, Inc., 974 So.2d 1186, 1191.

^{iv} There is no good cause to deny a charter school application where the application has met all the statutory elements. See School Board of Osceola County v. UCP of Central Florida, 905 So.2d 909 ; See Also School Board of Volusia County v. Academies of Excellence, Inc., 974 So.2d 1186, 1191.

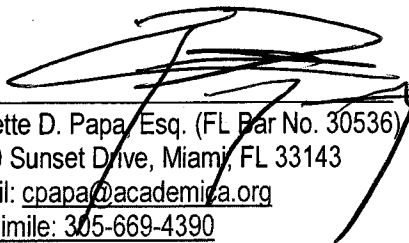
Respectfully Submitted,



Collette D. Papa, Esq.
FL Bar No.: 30536

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing instrument has been furnished this 20th day of November, 2015 by hand delivery delivery to: Cathy Schroeder, Agency Clerk, FLDOE and to Mark J. Rendell, Superintendent, and to Suzanne D'Agresta, Counsel for Sponsor.



Collette D. Papa, Esq. (FL Bar No. 30536)
6340 Sunset Drive, Miami, FL 33143
Email: cpapa@academica.org
Facsimile: 305-669-4390

Appendix to Notice of Appeal

Exhibit 1. Charter School Application

Exhibit 2. Denial Letter

Exhibit 3. Official Transcripts – Somerset Board Interview (9-15-15)

Exhibit 4. Official Transcripts – School Board Meeting (10-13-15)

Exhibit 5. Correspondence from Michael Ferrentino

Exhibit 6. OCR, Dear Colleague Letter to Charter Schools (May 14, 2014)

**Exhibit 7. ACLU Civil Rights Complaint against SDIRC
re: 1994 modification of Desegregation Order**

Exhibit 8. Caselaw

1

Somerset Academy Middle School Vero Beach

MODEL FLORIDA CHARTER SCHOOL APPLICATION
High Performing Replications

Submitted Pursuant to Section 1002.331, Florida Statutes





Executive Summary

The application before you is submitted by Somerset Academy, Inc. to open Somerset Academy Middle School Vero Beach in the School District of Indian River County. The school plans to serve students in grades 6-8 beginning with 235 students in the first year of operation with a maximum enrollment of 300 students.

The application being submitted is a High Performing Replication Pursuant to Section 1002.331, Florida Statutes of Somerset Academy Charter Middle School South Miami Campus, MSID#: 13-6053 (*Please see Appendix F –High Performing School verification letter*). Currently, Somerset Academy Inc. operates 50 charter schools in Florida, sixteen of which are high performing schools as designated by the Florida Department of Education, having met all criteria specified in F.S. 1002.331.

The mission at Somerset Academy Vero Beach is to bilingually foster student achievement by providing a technologically, innovative and challenging educational environment; to develop high academic standards; to instill a sense of compassion and understanding for others, facilitated by a highly qualified staff.

Similar to the school to be replicated, students will be expected to perform at or above grade level availing success in middle school and preparing them for high school studies. Somerset Academy Charter Middle School South Miami has just completed its 5th year of operation, serving 152 students in grades 6-8. The school has earned a letter grade of "A" since inception, based on the points it received under the State of Florida Accountability Program. SoMi ranked among the top five highest performing public middle schools in all of Miami-Dade County.

The school to be replicated offers language programs in Spanish and Mandarin, as well as the latest classroom technology, including Promethean Boards and laptop computers (which the school has budgeted for). The School will replicate the commitment to develop bilingual students who are culturally aware, pluralistic and thereby have a global edge. The School will also feature technology-rich classrooms, be staffed with highly qualified teachers, thus providing an enriching learning environment where children can flourish as individuals while acquiring knowledge and skills essential to their future development.

The School will not discriminate on the basis of race, religion, or national or ethnic origin in the admission of students and will implement a diverse enrollment and marketing plan in order to achieve racial/ethnic balances reflective of the surrounding public schools.

Thank you for your consideration. We look forward to working with the School District of Indian River County.

David Concepcion, Board Chair
Somerset Academy, Inc.

APPLICATION COVER SHEET

NAME OF PROPOSED CHARTER SCHOOL: Somerset Academy Middle School Vero Beach

Name of HP school submitting Application*: Somerset Academy Charter Middle School South Miami Campus
MSID#: 13-6053

NAME OF NONPROFIT ORGANIZATION/MUNICIPALITY UNDER WHICH CHARTER WILL BE ORGANIZED OR OPERATED: Somerset Academy, Inc.

Provide the name of the person who will serve as the **primary contact** for this Application. The primary contact should serve as the contact for follow-up, interviews, and all notices regarding this Application.

NAME OF CONTACT PERSON: Adriana Lima/cc David Concepcion

TITLE/RELATIONSHIP TO NONPROFIT: Board Authorized Representative/Board Chair

MAILING ADDRESS: c/o 6340 Sunset Drive, Miami, FL 33143

PRIMARY TELEPHONE: 305 878 9993 ALTERNATE TELEPHONE: () _____

E-MAIL ADDRESS: adri5283@gmail.com / cc: dconcepcionfl@gmail.com

NAME OF EDUCATION SERVICE PROVIDER (if any): Academica

NAME OF PARTNER/PARENT ORGANIZATION (if any): N/A

Projected School Opening Date: 2016-2017

School Year	Grade Levels	Total Projected Student Enrollment	Student Enrollment Capacity (if known)
First Year	6-8	Up to 235	Up to 235
Second Year	6-8	Up to 300	Up to 300
Third Year	6-8	Up to 300	Up to 300
Fourth Year	6-8	Up to 300	Up to 300
Fifth Year	6-8	Up to 300	Up to 300

I certify that I have the authority to submit this application and that all information contained herein is complete and accurate, realizing that any misrepresentation could result in disqualification from the application process or revocation after award. I understand that incomplete applications will not be considered. The person named as the contact person for the application is so authorized to serve as the primary contact for this application on behalf of the applicant.

* High Performing letter from Commissioner of Education must be included.

Signature

David Concepcion
Printed Name

Board Chair
Title

7/27/15
Date

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PLICATION

A. Provide a list of every High-Performing Charter School that is operated by the governing board submitting this application, including grade-levels served by each school.

The charter school application before you is being submitted by the Somerset Academy, Inc. Governing Board of Directors for Somerset Academy Middle School Vero Beach. Currently, Somerset Academy Inc. operates 50 charter schools in Florida, sixteen of which are high performing schools as designated by the Florida Department of Education, having met all criteria specified in F.S. 1002.331.

Somerset Academy, Inc High Performing Charter Schools						
MSID	DISTRICT ID	DISTRICT NAME	SCHOOL CODE	SCHOOL NAME	GRADE LEVEL	DATE EFFECTIVE
065141	6	BROWARD	5141	SOMERSET ACADEMY	K-5	7/29/11
065221	6	BROWARD	5221	SOMERSET ACADEMY CHARTER HIGH	9-12	7/29/11
065211	6	BROWARD	5211	SOMERSET ACADEMY DAVIE CHARTER	K-5	7/29/11
065391	6	BROWARD	5391	SOMERSET ACADEMY EAST PREPARATORY	K-6	9/5/13
065405	6	BROWARD	5405	SOMERSET ACADEMY ELEMENTARY (MIRAMAR CAMPUS)	K-5	7/29/11
065406	6	BROWARD	5406	SOMERSET ACADEMY MIDDLE (MIRAMAR CAMPUS)	6-8	7/29/11
065151	6	BROWARD	5151	SOMERSET ACADEMY MIDDLE SCHOOL	6-8	7/29/11
065021	6	BROWARD	5021	SOMERSET NEIGHBORHOOD SCHOOL	K-5	10/6/14
130332	13	DADE	332	SOMERSET ACADEMY (SILVER PALMS)	K-8	7/29/11
134012	13	DADE	4012	SOMERSET ACADEMY AT SILVER PALMS	K-5	10/6/14
130520	13	DADE	520	SOMERSET ACADEMY CHARTER	K-5	7/29/11
137042	13	DADE	7042	SOMERSET ACADEMY CHARTER HIGH SCHOOL	9-12	7/29/11
136004	13	DADE	6004	SOMERSET ACADEMY CHARTER MIDDLE SCHOOL	6-8	7/29/11
136013	13	DADE	6013	SOMERSET ACADEMY CHARTER MIDDLE SCHOOL (SOUTH HOMESTEAD)	6-8	10/8/12
136053	13	DADE	6053	SOMERSET ACADEMY CHARTER MIDDLE SCHOOL SOUTH MIAMI CAMPUS	6-8	9/5/13
132007	13	DADE	2007	SOMERSET ACADEMY ELEMENTARY SCHOOL SOUTH MIAMI CAMPUS	K-5	9/5/13

B. Describe how the educational program proposed by the applicant is a substantial replication of the applicant school or one of the applicant's high-performing charter schools.

In general, all Somerset Academy schools share a common philosophy/expectation of student excellence; an expectation of parental commitment; and a collaborative management infrastructure, among other things, which was established at the inception of the Somerset model and has yielded success for the Somerset schools. These factors support the organization's capacity to replicate the model and the Somerset Academy middle school design. Specifically, Somerset Academy Vero Beach will be a direct replication of the High Performing School, Somerset Academy Charter Middle School South Miami Campus, MSID#: 136053 (Please see Appendix

F - High Performing School verification letter)

Similar to the school to be replicated, Somerset students will be expected to perform at or above grade level availing success in middle school and preparing them for high school studies. Somerset Academy Charter Middle School South Miami has just completed its 5th year of operation, serving 152 students in grades 6-8. The school has earned a letter grade of "A" since inception, based on the points it received under the State of Florida Accountability Program.

The school to be replicated offers language programs in Spanish and Mandarin, as well as the latest classroom technology, including Promethean Boards and laptop computers. The School will replicate the commitment to develop bilingual students who are culturally aware, pluralistic and thereby have a global edge. The School will also feature technology-rich classrooms, be staffed with highly qualified teachers, thus providing an enriching learning environment where children can flourish as individuals while acquiring knowledge and skills essential to their future development. As a replicated school, Somerset will work with the administration and staff at the replicated school in an effort to align and mirror all areas including, but not limited to: Somerset Reading Coach PLC Dialogues, Math and Science PLC Dialogues, the school instructional calendar (so long as it aligns with SDIRC's requirements), educational trainings and PDs, parent nights, newsletter, extra-curricular activities, character education program and curriculum, etc.

Moreover, Somerset will maintain Somerset's underlying purpose, which is Academic Excellence with a push towards Secondary (and even College and Career) Readiness. The emphasis of the Somerset framework is a "push and pull" method of preparing students to maximize upon their potential, wherein students are pushed to pursue the most rigorous and challenging academic program they can handle, while students who are struggling and/or underachieving are pulled out for remediation through an intensive tutoring program and taught using supportive learning strategies. As a result, students will be better prepared for success in college preparation coursework. These and other Somerset "best practices", explained herein this application, and which are established pillars of the Somerset Academy, Inc. trademark, are derived from over 17 years of experience with innovative board members, parents and educators working together with a common purpose.

Furthermore, to ensure the educational program proposed by the applicant will be a substantial replication of the aforementioned HP school, the governing board will ensure Somerset will replicate the best practices of the replicated school, including but not limited to:

- ensuring fidelity of instructional programming, and utilizes appropriate grade/subject level pacing guides and focus calendars utilized by Somerset Academy Charter Middle South Miami Campus;
- meeting periodically by grade level and/or subject to plan and share best practices and creating lesson plans to be submitted to department heads for review;
- utilizing the common board configuration - outlining the objectives, agenda, essential questions, and home learning assignments for each class;
- verifying the fidelity of curriculum implementation through co-teaching, modeling, and mentoring;
- ensuring teachers are on task and effective, utilizing various processes such as: Formal observations conducted at least once a year, classroom, walkthroughs conducted daily, and ongoing review of student performance data and results as a means to inform instruction;
- using qualitative and quantitative data to inform and guide instructional planning and practices aligned with Language Arts and Mathematics Florida Standards (LAFS and MAFS) and the respective Next Generation Sunshine State Standards for other subject areas, as applicable;
- using numerous data results from state summative assessments – and collecting, disaggregating and compiling Data Binders to use for data charts;

- ensuring the School engages in the same student data-driven continuous improvement methodology that is utilized at the school to be replicated;
- engaging in professional development for implementation of curriculum;
- implementing the same cornerstone elements: high expectations (through a push and pull philosophy); project based learning; targeted tutoring; and parental involvement through EESAC and an active PTSA;
- recruiting faculty and staff (including international faculty, whenever possible) that are committed to deliver a rigorous curriculum, support multicultural and bilingual education, and maintain a differentiated instructional approach to ensure student success;
- ensuring Somerset implements the same curriculum, materials, and scheduling process that is utilized at the replicated school, as is reflected herein this application, which are in alignment with SDIRC requirements;
- providing access to supervised study time and tutoring after school (and possibly on Saturdays as well) to accelerate student progress; and
- availing access and offering supports for students who wish to pursue an advanced academic program.

Somerset will implement the above mentioned best practices utilized at Somerset Academy Charter Middle School South Miami and will align such best practices with the requirements and curriculum of the School District of Indian River County.

Additionally, in order to accurately reflect and commit to replicating the educational programming at Somerset, which is being implemented at the HP school to be replicated; the applicant has committed to employ the following actions:

- Involve the HP school's leadership team in the application and planning processes of the school;
- Assign administrator or designated representative from the High Performing School Site as a mentor to the Somerset principal, to assist with planning and first, and second year implementation of the program. The mentor will be available to meet with the principal frequently and on an as-needed basis for support, mentoring, and coaching services via teleconference, video conference, on-site visits, etc.
- Appoint the HP School site administrator to the interview committee that will select the Somerset principal;
- Guarantee Somerset meets all five AdvancEd/Southern Association Colleges and Schools-Council on Accreditation and School Improvement (SACS-CASI) Standards for schools; and
- Ensure support is provided from not only the replicated school but also from all Somerset schools within the entire network wherein all other leaders serve as mentors to new administrators and everyone shares ownership and accountability in maintaining the thriving, financially viable and academically high performing network of charter schools.

C. Describe how the organization or individuals involved in the operation of the proposed school are significantly involved in the operation of the replicated school.

Over the past seventeen years, Somerset Academy stakeholders have become an accomplished and established team, with a proven track record of academic and financial success that guarantees the human and financial resources to increase, sustain, and ensure the quality and performance of its schools. Each of the current schools benefits from the support and scrutiny of several entities including the governing board, sponsoring local school district, and an outside educational service and support firm, to name a few.

The Somerset Board has the responsibility for the affairs and management of all Somerset schools (including both the HP school to be replicated and the proposed School discussed herein the application) and will provide continuing oversight of all Somerset school operations across Florida, Washington D.C., Texas and Nevada. The school principal, hired by the Board, will be responsible for all aspects of school operations within the scope of operating policy and budgetary approval by the Governing Board. The Governing Board of the School is the ultimate policy-making body that determines the academic direction, approves curriculum, and oversees operation of all Somerset schools. The board of the proposed School is comprised of the same individuals responsible for the existing HP School to be replicated as well as all other successful Somerset schools, thus, they have ownership of the program and the experience to ensure the existing HP school model is replicated with fidelity.

The strategies the governing board has identified for replication of the existing HP School design include, but are not limited to, the following:

- Implement the same core values, and beliefs of the existing program;
- Adopt the same and proven research-based educational concept and utilizing the same curriculum strategies from the existing program;
- Utilize existing stakeholders as sort of consultants, to continuously provide training to Somerset administrators, faculty and staff;
- Adopt common expectations of student behavior and parental involvement;
- Adopt common Professional Policies and Standards for staff;
- Implement the policies for financial management and oversight proven effective in the existing school and amongst all Somerset schools; and
- Provide ongoing communication, training, and support for the school's changing operational needs.

Additionally, the President of Somerset Academy, will oversee and support the business, operations and educational programming of the Somerset schools. The president also reports on all aspects of school operations and makes recommendations to the Board. The President is not a member of the Board, has no vote on the Board, however is responsible for implementing the Somerset Academy, Inc. Strategic Plan. The President will have a supportive role in the operation of Somerset overseeing the business, operation and educational programming of the School, providing necessary support if necessary and overseeing that the proposed school implements the Somerset educational program with fidelity.

Furthermore, the educational leadership and on-site management of Somerset schools are delivered through the school Principal. The business and facilities coordination and support services are delivered through Academica, a contracted Education Service Provider. As stated previously, an administrator Somerset Academy Charter Middle South Miami Campus will serve as a mentor leader and assist the new principal in the implementation of the school. The School leader will also benefit from the professional and business support and services of Academica, freeing the principal from many administrative and compliance duties, which would otherwise have to be shouldered internally, thereby allowing him/her to serve as the instructional leader of the school. With a staff of trained professionals, Academica will ensure Somerset is professionally supported and operated in accordance with the requirements of sponsor contracts and the requirements of all State and Federal laws, as well as local municipal ordinances applicable to its operations or facilities.

Also, Somerset Academy holds "Principal Chats" and workshops which serve as a support network of school administrators experienced in "the Somerset way." This group collectively ensures continuous improvement of not only their respective school sites, but also of the Somerset system of schools. A lead principal is selected by Somerset colleague principals, and this person will also be involved in the operation of Somerset, as an additional

support and mentor, providing curriculum and instruction support to the new school principal.

The involvement of the aforementioned individuals in the Somerset system and specifically in both schools, demonstrates great capacity and competence to support the operation and the implementation of the High Performing replication at the proposed Somerset Academy Vero Beach.

Somerset Academy, Inc. School's Report Card (Inception - 2013-2014 SY)

School	School ID	Year	Grade	Sum Points Earned	Meeting High Standards in Reading	Meeting High Standards in Math	Meeting High Standards in Writing	Meeting High Standards in Science	Free/Red Lunch	Minority Rate
Somerset Academy Charter	0520	2013-14	B	572	85	82	55	69	59	97
		2012-13	A	569	80	83	61	71	49	95
		2011-12	A	608	80	83	96	61	57	94
		2010-11	A	603	91	90	75	66	54	91
		2009-10	A	625	85	88	91	61	45	91
		2008-09	B	583	86	87	87	55	43	90
		2007-08	A	604	82	86	86	51	43	86
		2006-07	A	589	81	79	88	52	44	89
		2005-06	A	461	84	75	88	N/A	43	89
Somerset Academy Charter Elementary School (South Homestead)	0339	2013-14	B	502	60	62	21	57	76	88
		2012-13	B	516	58	53	77	73	73	85
		2011-12	B	502	66	61	77	56	73	85
		2010-11	A	645	74	82	87	50	67	85
		2009-10	D	422	61	54	83	34	61	82
Somerset Academy Elementary School South Miami Campus	2007	2013-14	A	758	91	86	65	80	16	89
		2012-13	A	616	84	86	67	73	15	87
		2011-12	A	668	89	89	92	74	14	85
		2010-11	A	693	91	93	88	80	14	70
		2009-10	N/A	594	91	91	93	79	12	81
Somerset Arts Academy	2012	2013-14	C	486	71	71	62	40	62	70
		2012-13	C	492	66	70	48	47	30	68
		2011-12	B	509	67	56	89	57	52	65
		2010-11	A	558	78	79	81	50	33	65
		2009-10	N/A	495	82	84	89	50	48	67
Somerset Academy-Elementary, Eagle Campus	1251	2013-14	C	435	53	42	52	12	52	96
		2012-13	B	503	65	67	55	44	41	94
		2011-12	A	580	69	52	93	62	32	94
		2010-11	N/A	480	69	75	67	41	30	96
Somerset Academy	5141	2013-14	A	583	82	79	68	69	31	90
		2012-13	A	556	75	77	84	60	36	90
		2011-12	A	584	77	72	92	56	35	90
		2010-11	A	566	83	86	86	61	31	91
		2009-10	B	536	86	84	97	53	37	91
		2008-09	A	601	85	86	96	53	19	87
		2007-08	A	568	81	80	91	51	15	86

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		2006-07	A	580	82	78	93	56	14	82
		2005-06	A	431	82	76	76	N/A	13	80
		2004-05	A	451	81	76	85	N/A	15	76
		2003-04	A	418	75	71	90	N/A	13	72
		2002-03	B	403	73	68	81	N/A	9	68
Somerset Academy Davie Charter	5211	2013-14	A	537	78	78	50	53	45	57
		2012-13	A	561	86	83	50	76	36	60
		2011-12	A	588	80	80	83	63	40	61
		2010-11	A	661	94	92	90	75	42	59
		2009-10	A	625	92	92	82	63	45	60
		2008-09	A	656	90	90	96	56	99	62
Somerset Academy East Preparatory	5391	2013-14	A	604	61	73	33	88	78	96
		2012-13	A	572	64	61	69	71	80	96
		2011-12	A	533	56	54	72	71	82	97
		2010-11	A	552	63	72	81	67	73	96
		2009-10	C	487	68	59	84	29	69	95
Somerset Academy Elementary (Miramar Campus)	5405	2013-14	A	631	86	84	86	71	57	93
		2012-13	A	605	77	82	70	61	63	93
		2011-12	A	642	73	80	97	64	62	93
		2010-11	A	593	86	85	96	53	55	91
		2009-10	A	579	81	81	94	59	61	93
		2008-09	A	565	81	78	84	43	57	94
		2007-08	A	582	75	75	88	55	43	93
		2006-07	B	502	77	77	100	48	39	91
Somerset Pines Academy	5030	2013-14	B	572	57	46	58	42	65	61
		2012-13	C	438	55	46	56	38	59	58
		2011-12	C	488	63	52	59	51	64	61
		2010-11	C	463	73	75	68	51	63	62
Somerset Academy Charter School at North Lauderdale	5003	2013-14	D	410	39	29	33	27	97	96
		2012-13	C	533	48	42	50	45	91	95
		2011-12	C	542	48	37	75	34	85	96
		2010-11	D	417	51	52	69	19	81	94
Somerset Village Academy	5004	2013-14	C	458	50	49	29	46	94	90
		2012-13	C	447	40	45	50	29	89	89
		2011-12	C	467	35	37	83	27	83	85
		2010-11	C	453	66	61	67	24	81	80
Somerset Academy (Silver Palms)	0332	2013-14	A	628	67	74	50	43	81	94
		2012-13	A	623	67	67	61	43	84	94
		2011-12	A	619	62	55	89	42	82	94
Somerset Academy at Silver Palms	4012	2013-14	A	618	82	83	64	54	82	97
		2012-13	B	495	63	57	51	32	85	96
		2011-12	A	541	60	53	74	50	82	96
Somerset Grace Academy	5008	2013-14	A	744	89	91	94	92	10	77
		2012-13	N/A	618	84	78	77	53	4	71

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Somerset Academy (Pompano)	5387	2013-14	F	358	36	22	61	51	81	86	
Somerset Neighborhood School	5021	2013-14	A	531	71	70	46	56	75	98	
		2012-13	B	495	67	59	40	56	66	98	
		2011-12	A	525	62	58	87	39	60	95	
		2010-11									
		2009-10	N/A	452	69	75	81	35	66	71	
Somerset Academy Pompano	5388	2013-14	F	383	33	34	52	17	79	78	
		2012-13	N/A	193	29	24	36	30	78	82	
Somerset Academy	5501	2013-14	F	216	25	15	5	22	55	92	
Somerset Academy Boca East	3413	2013-14	B	498	75	64	58	56	24	50	
Somerset Academy Bay	5062	2013-14	A	593	84	76	84	79	12	83	
Somerset Academy Middle (Miramar Campus)	5406	2013-14	A	672	78	83	60	50	65	95	
		2012-13	A	623	76	79	62	42	68	93	
		2011-12	A	696	68	84	90	51	67	94	
		2010-11	A	642	82	88	97	62	55	91	
		2009-10	A	605	77	76	96	46	59	92	
		2008-09	A	610	73	78	100	60	54	89	
		2007-08	A	534	72	64	95	43	46	93	
Somerset Academy Middle School	5151	2013-14	A	691	78	79	77	66	33	88	
		2012-13	A	674	79	78	74	68	32	89	
		2011-12	A	688	76	76	95	70	38	86	
		2010-11	A	604	83	81	93	61	27	86	
		2009-10	A	606	80	80	93	67	28	79	
		2008-09	A	580	76	80	96	52	21	81	
		2007-08	A	563	74	74	97	52	16	78	
		2006-07	A	539	72	68	94	43	20	79	
		2005-06	A	464	70	71	91	N/A	17	79	
		2004-05	B	409	60	65	93	N/A	18	80	
		2003-04	A	413	61	61	87	N/A	9	76	
2002-03	A	442	66	68	95	N/A	15	72			
Somerset Academy Village Charter Middle School	5002	2013-14	C	551	44	45	38	46	91	91	
		2012-13	D	399	43	39	30	37	87	93	
		2011-12	C	439	42	34	75	27	84	82	
		2010-11	C	438	50	39	90	49	87	80	
Somerset Charter Middle School	5441	2013-14	A	608	61	52	66	39	73	98	
		2012-13	C	497	54	45	52	35	69	98	
		2011-12	B	548	50	49	88	33	67	96	
		2010-11	A	544	74	52	90	49	79	97	
Somerset Academy Charter Middle School	6004	2013-14	A	724	79	88	64	78	67	91	
		2012-13	A	670	75	80	48	54	50	92	
		2011-12	A	702	77	73	95	77	54	89	
		2010-11	A	575	81	77	79	76	46	87	

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		2009-10	A	618	83	84	85	45	37	87
		2008-09	A	587	74	75	94	37	46	90
		2007-08	A	557	68	71	95	38	46	90
		2006-07	B	504	77	62	90	34	36	89
		2005-06	A	485	81	74	88	N/A	32	89
		2004-05	D	282	29	18	81	N/A	50	92
		1998-99								
Somerset Academy Charter Middle School (South Homestead)	6013	2013-14	A	619	60	59	60	46	78	84
		2012-13	A	604	66	56	40	60	75	82
		2011-12	B	560	58	47	85	39	72	76
		2010-11	A	591	70	72	89	63	65	77
		2009-10	A	552	67	66	94	15	53	77
		2008-09	N/A	693	90	90	94	39	86	93
Somerset Academy Middle Country Palms	6043	2013-14	A	669	88	77	54	50	64	75
		2012-13	C	491	68	53	51	47	24	63
		2011-12	N/A	418	39	33	77	45	61	61
		2010-11								
		2009-10	N/A	397	55	0	89	39	27	100
		2008-09	N/A	451	60	40	94	39	64	100
Somerset Academy Charter Middle School South Miami	6053	2013-14	A	758	91	86	65	80	8	79
		2012-13	A	697	86	76	80	66	18	83
		2011-12	A	656	85	70	100	63	15	82
		2010-11	A	645	93	89	84	47	8	82
		2009-10	N/A	647	91	100	89	39	8	67
Somerset Academy-Middle, Eagle Campus	1261	2013-14	B	560	61	52	73	23	49	93
		2012-13	A	615	59	57	63	17	36	94
		2011-12	B	579	51	50	96	17	35	94
		2010-11	A	558	66	63	86	36	31	92
Somerset Academy at Silver Palms	4012	2013-14	B	579	72	70	66	58	23	36
		2012-13	B	445	63	57	51	32	85	96
		2011-12	A	541	60	53	74	50	82	96
Somerset Academy Boca Middle School	4041	2013-14	A	577	77	73	66	53	22	61
Somerset Academy Hollywood Middle School	5419	2013-14	A	535	62	54	65	50	80	80
Somerset Academy Pomapano Middle	5413	2013-14	B	508	55	50	65	50	96	91
Somerset Academy Bay Middle School	6128	2013-14	A	593	84	76	84	79	16	84
Somerset Academy Charter High	5221	2013-14	A	644	73	84	80	88	40	87
		2012-13	A	605	68	79	79	76	36	85
		2011-12	A	591	63	77	94	N/A	43	83
		2010-11	A	532	59	86	80	41	36	81
		2009-10	A	556	57	85	91	34	36	85
		2008-09	A	529	48	85	83	22	26	82

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		2007-08	B	495	50	76	84	17	20	83
		2006-07	C	444	35	66	93	33	21	83
		2005-06	B	408	47	74	94	N/A	19	83
		2004-05	C	351	35	69	82	N/A	17	85
		2003-04	N/A	383	35	71	84	N/A	14	79
Somerset Arts Conservatory	5396	2013-14	A	653	86	90	93	87	39	80
		2012-13	A	690	78	92	91	94	37	82
		2011-12	A	628	78	95	100	N/A	47	82
		2010-11	A	629	75	91	100	62	36	87
		2009-10	A	582	79	88	96	25	22	90
		2008-09	N/A	608	67	96	88	39	15	81
Somerset Academy Charter High School	7042	2013-14	A	593	66	81	63	82	78	93
		2012-13	A	580	67	71	71	80	80	94
		2011-12	A	591	46	73	88	N/A	82	95
		2010-11	A	541	37	93	75	43	81	94
		2009-10	A	538	51	83	87	46	72	94
		2008-09	B	508	49	77	85	33	76	94
		2007-08								
		2006-07	A	594	64	93	83	30	29	90
Somerset Academy Charter High School (Miramar Campus)	5007	2013-14	B	536	50	65	70	67	76	97
		2012-13	B	463	46	52	71	35	73	97
		2011-12	A	461	50	48	95	N/A	54	94
Somerset Academy Charter High at North Lauderdale	5006	2013-14	F	409	36	46	58	51	97	96
		2012-13	B	513	34	55	45	56	80	94
		2011-12	F	387	25	26	70	N/A	73	95
Somerset Academy Charter High School (South Homestead)	7034	2013-14	C	461	48	46	76	60	75	80
		2012-13	N/A	567	52	69	62	76	78	76
		2011-12	N/A	467	42	64	85	N/A	70	85
Somerset Academy Charter High	7038	2013-14	A	618	73	92	64	79	73	90
		2012-13								
		2011-12								
		2010-11								
		2009-10	N/A	524	38	77	85	34	80	85
Somerset Eagle High School	1381	2013-14	F	317	24	42	67	24	57	95
		2012-13	N/A	554	20	82	69	69	45	86
Somerset Academy Canyons High School	4013	2013-14	B	556	69	87	74	71	27	55
College Preparatory Academy of the Treasure Coast	0712	2013-14	A	581	60	80	56	60	45	53
		2012-13	C	483	45	62	52	63	58	63

II. EDUCATIONAL PLAN

Section 1: Mission, Guiding Principles and Purpose

A. Provide the mission statement for the proposed charter school.

The mission statement should, in a few concise sentences, indicate what the school intends to do, for whom and to what degree. A school's mission statement provides the foundation for the entire application.

The vision of Somerset Academy, Inc

Somerset Academy is dedicated to providing equitable, high-quality education for all students.

Somerset Academy, Inc. promotes a culture that maximizes student achievement and fosters the development of accountable, 21st century learners in a safe and enriching environment.

To ensure the applicant will continue to achieve the Somerset vision and mission, the School will implement the following:

The mission at Somerset Academy Middle School Vero Beach is to bilingually foster student achievement by providing a technologically, innovative and challenging educational environment; to develop high academic standards; to instill a sense of compassion and understanding for others, facilitated by a highly qualified staff.

B. Describe how the school will utilize the guiding principles found in section 1002.33(2)(a), F.S.

In accordance with the law, charter schools shall be guided by the following principles:

- *Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.*

In accordance with charter legislation, the school will meet high standards of student achievement through implementation of the strategies addressed throughout this application, and summarized as follows:

- Providing a highly rigorous curriculum, infused with effective, proven teaching strategies, that incorporate the Language Arts and Mathematics Florida Standards (LAFS and MAFS) and the respective Next Generation Sunshine State Standards for other subject areas, as applicable with research-based, print/literacy-rich, and technology-infused curriculum initiatives that encourage success for every student;
- Setting clear and measurable expectations for student success while providing ample opportunities for students to have ownership of the learning process;
- Implementing quantitative and qualitative mechanisms to monitor, assess, restructure and improve curriculum and instruction to achieve continuous student improvement annually;
- Providing opportunities for active and genuine involvement of stakeholders (including students, families, teachers, staff, and community partners) within the School in an effort to create richer learning communities that hold all stakeholders accountable for the program's success.

It is anticipated that a standards-based curriculum, proven teaching strategies, and high expectations will benefit students through a systemic approach for teaching the Language Arts and Mathematics Florida Standards (LAFS and MAFS) and the respective Next Generation Sunshine State Standards for other subject areas, as applicable.

Students will earn a positive achievement record as evidenced by student's success on Florida Standards Assessment, other standardized assessments as applicable.

The establishment of the School will provide parents flexibility to choose among, not only diverse educational opportunities within the public school system, but also a high-quality educational option as evidenced by the proven track record of other Somerset schools, including the HP replication school, yielding positive learning outcomes for those students whose parents choose to enroll them.

- *Promote enhanced academic success and financial efficiency by aligning responsibility and accountability.*

The school promotes financial efficiency and will be accountable to its students, their families and other stakeholders, providing a quality education in a responsible, cost-efficient manner. In order to align the plan for academic success with financial efficiency, the School will gather pertinent data relative to its specific student body in opening year and thereafter. Student information will be utilized to establish baseline data on each student for an assessment of academic progress and curriculum provided. The student performance and academic achievement data will be utilized to perpetually set goals that ensure and target continuous student improvement. Baseline data will also be used to determine if each student is reading on grade level. Further data will then be used to determine or benchmark each student's gain in reading for every year spent in the School. The School will provide all parents with sufficient information and data on whether their child is reading at grade level and whether the child gains at least a year's worth of learning in a year's time.

Upon accessing data from the state's accountability reports, the School will measure its own progress in meeting the needs of its student population. On an annual basis, the school will gather varied data to develop a *School Improvement Plan* (SIP) as a method of accountability. This plan will detail specific annual measureable goals (AMO) and respective strategies to achieve academic success, and ensure fiscal efficiency (including discussion by various stakeholders to make budget projections and conduct evaluation of all programming efforts, through the SIP document planning process). As a means for aligning responsibility for student's academic success to financial efficiency, the academic programs that are utilized at the School will be re-evaluated, after the appropriate implementation timeframe, and prior to any contract renewals. Additionally, the school's administration will discuss with the governing board their findings as to whether or not there exists a positive yield of student achievement for the respective investment.

Among other stakeholders, the School will be accountable to its students and their families and will provide a quality education in a cost efficient and responsible manner. By determining and communicating specific responsibilities to its stakeholders - governing board, staff, students, and parents - the SIP plan will serve as a viable vehicle of continuous school-wide academic and financial success.

- *Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school.*

The School's students will participate in the statewide assessment program created under s. 1008.22. The school will thereby provide parents with assessment results on a yearly basis for each year their child participates in the state assessment including standards assessment and any other district-based examinations. The Department of Education reports student assessment data pursuant to s. 1008.34(3)(c) and the School will, in turn, report the information to each parent of a student at the charter school, the parent of a child on a waiting list for the charter

school, the district, and the governing board of the charter school as well as publish school results on the School website.

The School will also provide its parents with student performance results from the Interim Assessments with specific information regarding their child's progress and learning gains. This means of communication informs parents whether or not their child is reading at grade level and whether or not their child is gaining a year's worth of learning for each year spent at the School.

Through detailed assessment of academic performance using standardized test scores and other assessments the School will:

- Identify students who are below grade level, at grade level, or above grade level; and communicate this to parents through interim progress reports and parent conferences.
- Identify those students not making adequate progress and institute applicable measures for improvement and communicate the intervention strategies and progress of those interventions as described in Sections 1-5 herein; and
- Report student progress throughout the academic school year via a standards-based means of grade assignment for report cards.

Communication regarding student progress will also occur through interim progress reports and report cards. The school will also host parent conferences, open house meetings, parental workshops, as well as coordinate other appropriate methods of communication with parents/guardians, as necessary.

C. Describe how the school will meet the prescribed purposes for charter schools found in section 1002.33(2)(b), F.S.

In accordance with the law, charter schools shall fulfill the following purposes:

- *Improve student learning and academic achievement.*

Within a quality-learning environment, the School will utilize a continuous improvement methodology, wherein student assessment results will offer opportunities for differentiated and targeted instruction, leading to consistent and increased student performance and achievement outcomes.

The School will facilitate a rigorous middle school preparatory curriculum with a wide range of educational resources within a safe learning environment raising the academic achievement of all its students. To meet this goal, the school commits to:

- Implement a continuous improvement methodology wherein student assessment results offer opportunities for differentiated and targeted instruction tailored to students' individual needs, ensuring consistent increased student achievement outcomes;
- Expect and encourage that all students will realize their highest academic potential, especially in the core subjects of language arts, mathematics, science, Social Studies and increase mastery in a second language, providing the means for these students to reach their potential;
- Match or surpass the average student academic performance of similar neighboring public schools in all required public accountability tests; and
- Seek out, establish, and maintain sound, mutually beneficial partnerships to encourage and provide a wide array of educational experiences for students to enjoy continued learning opportunities and find relevance in the "real-world" and beyond the immediate classroom.

Further, this academic plan provides a single, comprehensive plan to improve the academic performance of students. Its use requires the ongoing collection and analysis of student performance data, setting of priorities for program improvements, rigorous use of effective solution strategies, and ongoing monitoring of results. The plan will provide a structured means to improve teaching and learning to meet state content and performance standards, and it is anticipated that the proposed school will be highly effective in improving student learning and academic achievement, as has been the case in the success of its Somerset "sister schools".

- *Increase learning opportunities for all students, with a special emphasis on low-performing students and reading.*

Reading proficiency is a fundamental need and the basis for assimilation and mastery of all other curriculum to be implemented. Thus, it is of the highest importance to the School and a main focus of the curriculum. As such, the School will utilize the SDIRC Comprehensive Research-Based Reading Plan (CRRP), each teacher will be required to follow the plan and implement with fidelity.

One of the most important aspects of ensuring the success of low performing students is monitoring their academic progress. Once students have been identified as needing multiple levels of intervention following the RtI/MTSS Process and based on the Florida Continuous Improvement Model, instruction shall be modified to address areas of need.

Similar to the school to be replicated, the School will use differentiated instruction and other appropriate measures for targeted instruction, and those students who are not performing at grade level will participate in a data chat to discuss their progress and monitor their growth, as well as participate in individualized goal setting based upon individual student learning needs as evidenced by their individual student performance on annual standardized assessments. Said data will be used on a regular basis to monitor the implementation of reading programs and will include:

- FAIR-FS Assessments
- In-program assessment data (CIRP and SIRP)
- Teacher-made assessments
- District Benchmark Exams
- Differentiated targeted instruction in the six essential components of reading instruction: oral language, phonological awareness, phonics, vocabulary, fluency, and comprehension.

Furthermore, teachers and staff will have training in, and access to, instructional materials to reinforce language arts skills, as has been proven successful at the school to be replicated. Teachers and staff will have training in and access to instructional materials to reinforce literacy skills in all courses. Some of these reinforcements include: Structured Independent Reading, Reciprocal Teaching, Vocabulary Development, CRISS (Creating Independence through Student-owned Strategies), Cooperative Groups, and Graphic Organizers, to name a few. Readers will be placed in appropriate courses when identified to have reading deficiencies.

Intensive Reading - All students who score below required proficiency levels on the FSA for English/Language Arts or are otherwise identified as having deficiencies will receive remediation as specified therein the Sponsor's CRRP. Furthermore, the School commits to readjust guidelines for Intensive Reading placement and/or other such remediation to be implemented, as needed and based on future guidance from the FLDOE/Sponsor.

Moreover, like the school to be replicated, the School's curriculum will serve students of all ability levels and aim for mastery of the Florida Standards and applicable NGSSS, as applicable, for all students. Using data from Florida

Standards Assessments (or other state/district mandated assessments), EOC results, as applicable, and other state and district assessments, the School will measure its own collective progress in meeting the needs of its student population. The school will annually develop measurable learning objectives over the major subject areas, to target student learning and development needs in its annual *School Improvement Plan (SIP)*. Florida Standards and all applicable NGSSS, as adopted that are not mastered will be identified, and appropriate measures for remediation will be instituted. Students in need of remediation and students with special learning needs will have access to supervised study time and tutoring after school (and possibly on Saturdays, as well) to accelerate their progress. In addition, students performing at grade level will be offered similar opportunities in order to maximize their potential and advance their progress, through honors, and/or enrollment opportunities in applicable high school classes for credit.

- *Encourage the use of innovative learning methods.*

Much like the Somerset school to be replicated, the school will offer an in-depth advanced curriculum of high school preparatory coursework, wherein a core philosophy focused on students' intellectual and social development will be established. The School will offer a disciplined, balanced, and enriched education of the highest quality, to prepare students for a successful high school and subsequent postsecondary education. The School's educational program is aligned to innovative learning methods and established research-based practices that have proven successful in raising student performance and achievement in other Somerset sister schools, especially at the School to be replicated. These are derived from 17 years of implementation and refinement from new and veteran educators, innovative board members, and commitment from parents and community partners. The innovation is not in the coursework to achieve mastery of Florida Standards but in the variety of instructional methods used by the teachers to deliver effective instruction. The innovation lies in the ability to identify great and original ideas as well as best practices of yesterday and tomorrow and put them into practice. Such practices have resulted in heightened qualities and outcomes of teaching and learning. These include but are not limited to innovative practices such as: the integration of state-of-the-art technology in content areas; real-world experience via hands-on learning and differentiated instruction to serve diverse learners; the organization's "Pull and Push" Model of instruction; implementation of student-driven creative activities and autonomy for teachers in creative lesson planning; and to further foster relationships amongst all stakeholders (See *Section 3 – Educational Program* for detailed activities and strategies).

Much like the Somerset middle school to be replicated, The School's core philosophy is focused on students' intellectual and social development in order to prepare students for a successful high school and subsequently a postsecondary education. Through academic rigor, activities that make curriculum relevant to students' lives, and through relationship building among all stakeholders, Somerset has established a supportive learning community that extends beyond the classroom. Teachers serve as role models, principals serve as mentors, and parents and community members are active volunteers invested in the common mission of promoting student success and molding future leaders. This has allowed the Somerset network to offer a unique learning environment for students that: 1) foster a sense of belonging and an appreciation of their unique talents and skills; 2) reinforces concepts in the classroom through enriching activities and real-world learning experiences; and 3) instills character development through community service programs and volunteerism. Through the replication of this "learning community" model, the school will promote a sense of identity, community, personal integrity and values that prepare students to become effective leaders.

- *Require the measurement of learning outcomes.*

The School will participate in the statewide assessment program created under s. 1003.43, Florida Statutes and will thereby require the measurement of all learning outcomes. The School will use state standardized assessment scores and district and school-based assessments to measure student progress toward mastery of the Florida Standards and NG-SSS across all grade levels, as applicable. The School will implement the Sponsor's testing calendar and measurements, and frequency of assessments therein, as amended from time to time in accordance with district and/or statewide assessments schedule.

In addition to all required state and district assessments, the school will incorporate other measurement tools, such as teacher-made assessments, computer-assisted assessments, expositions, fairs, and other formal and informal means to measure individual student performance, growth as well as school-wide learning outcomes. Based on these various measurements, teachers will modify their instruction, monitor student progress, select appropriate classroom activities, and use assessment results more effectively. These methods will inform teachers of the effectiveness of their teaching, as well as student learning gains in order to ensure continuous progress.

Section 2: Target Population and Student Body

A. Describe the anticipated target population to be served.

If applicable, applicants should describe if they will target, in accordance with the law, certain populations defined in section 1002.33(10)(e), F.S.

The School will be open to children in sixth through eighth (approximately 11 to 14 years of age) who qualify to attend a traditional public school within the County. The school will be open to students, as described in 1002.33(10) F.S. who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all applicants shall have an equal chance of being admitted through a random selection process. If the number of applications falls short of the established capacity, supplemental registration periods may be held for the purpose of reaching student capacity (as further described in Section 13 herein).

The school expects to have a racial/ethnic population as well as an English Language Learner (ELL) and Exceptional Student (ESE) population reflective of the surrounding public schools where the school may be located.

School	FRL Rate	Minority Rate
Rosewood Magnet School	40%	25%
Osceola Magnet School	39%	32%
Beachland Elementary School	40%	39%
Citrus Elementary School	80%	47%
Dodgertown Elementary School	83%	71%
Vero Beach Elementary School	83%	62%
Glendale Elementary School	77%	51%
Indian River Academy	88%	64%
Liberty Magnet School	44%	32%
Treasure Coast Elementary School	69%	35%
Gifford Middle School	56%	46%
Oslo Middle School	72%	51%

The racial makeup of the district was 57.36% White, 16.31% Black or African American, 0.25% Native American, 0.27% Asian, 2.15% from other races, and 3.30% from two or more races. 21.24% of the student population were Hispanic or Latino of any race. One thousand four hundred ninety six (1,496) students are identified as current or former English Language Learners. Sixty-percent of the students are economically disadvantaged (2013-2014 school year Survey 3, Free and Reduced Lunch).

Admission Policy - In accordance with federal and state anti-discrimination laws and in accordance with the Florida Educational Equity Act, Section 1000.05(2)(a), the School will not discriminate on the basis of race, ethnicity, national origin, gender, disability, or marital status against a student in its school admission process. An open admissions policy will be implemented wherein the School will be open to any student residing in the County. Any eligible student, as described in Fla.Stat. §1002.33(10), who submits an application (prior to the posted

deadline) shall be considered, unless the number of applications exceeds the capacity of the program, class, grade level, or building. In such case, all applicants shall have an equal chance of being admitted through a random selection process. If the number of applications falls short of the established capacity, supplemental registration periods may be held for the purpose of reaching student capacity.

Enrollment Preferences - In accordance with 1002.33(10)(d), F.S. the charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.
2. Students who are the children of a member of the governing board of the charter school.
3. Students who are the children of an employee of the charter school.
4. Students who are the children of: An employee of the business partner of a charter school-in-the workplace established under paragraph (15)(b) or a resident of the municipality in which such charter school is located; or A resident of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c).
5. Students who are the children of an active duty member of any branch of the United States Armed Forces.

Enrollment Limitation - In accordance 1002.33(10)(e), F.S. the charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.
2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.
3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).
4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8 or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district
5. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.
6. Students living in a development in which a business entity provides the school facility and related property having an appraised value of at least \$10 million to be used as a charter school for the development. Students living in the development shall be entitled to 50 percent of the student stations in the charter school. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions.

In accordance with federal and state anti-discrimination laws and in accordance with the Florida Educational Equity Act, Section 1000.05(2)(a) the School will not discriminate on the basis of race, ethnicity, national origin, gender, disability, or marital status against a student in its school admission process. Somerset Academy Inc. has demonstrated during their 16-year track record, to serve a very diverse population. In that period we have served a high population of minority and low-income families. As of 2014, Somerset Academy Inc. serves 84% minority students and 59% free or reduced students. Our program is versatile and ensures all students receive an equitable education as evidenced by the performance of the Somerset schools across Florida.

In order to meet the federally mandated Desegregation Order, the school will openly market enrollment to the entire district as done in all Somerset Academy schools throughout the network. Per 1002.31 (4) School districts

shall adhere to federal desegregation requirements. No controlled open enrollment plan that conflicts with federal desegregation orders shall be implemented by the School.

The school will ensure that transportation is not a barrier to equal access within a reasonable distance of the School, as provided in the Florida’s Charter School Legislation. In the case transportation is needed and if the parent advises the School that there is a hardship, and he/she is unable to provide the transportation, the School will provide transportation within a defined reasonable distance.

The School may contract with a private transportation carrier to provide specialized transportation for students with disabilities based on their particular student needs which may be specified in a student’s IEP. In such case, the School will work with the Sponsor’s Transportation Department and provide the Sponsor the name and information of the private transportation firm to ensure compliance with District regulations. You may refer to *Section 15* for The School’s Transportation Plan.

The School will strive to mirror the strategies utilized by Indian River County School District to fulfill minority student ratios and expects the student population at the school to mirror the demographics of neighboring public schools.

- B. Provide the following projection for each year of proposed operation: the grades that the school will serve, the projected number of students to be served in each grade, the number of students expected in each class, and the total number of students enrolled.**

Students by Grade Enrollment Estimates*

	Year 1	Year 2	Year 3	Year 4	Year 5
6th Grade	107	107	86	107	107
7th Grade	86	107	107	86	107
8th Grade	43	86	107	107	86
	235	300	300	300	300

* The numbers provided above are estimates, and may fluctuate within each grade level depending on student enrollment and/or attrition in the respective grade levels.

Grades 6-8 up to 22 students per class

*The projected number of students per class shall be consistent with those required by Florida Law as applied to charter schools.

- C. Provide a description of how the student population projections were developed.**

The student population projections were based upon the CMO’s previous successful experience operating multiple Somerset Academy middle school programs throughout Florida, specifically the Somerset Academy South Miami program, the school to be replicated, as well as the demonstrated need in the area for additional choice programs. Somerset schools typically have smaller school environments compared to a traditional elementary/middle school. Somerset will have at a maximum capacity of 300 students for grades 6-8 and will thereby offer a smaller, more

specialized option for the community. As a program successful with raising achievement, especially for educationally disadvantaged (minority and low-income) students, Somerset is a good fit for the area as evidenced by the demographics of neighboring middle schools.

School	Type	FRL Rate	Minority Rate	Title 1	Enrollment	2013 Grade	2014 Grade
Gifford Middle School	Middle	56%	46%	Yes	829	B	C
Oslo Middle School	Middle	72%	51%	Yes	882	C	C

National Trends: The latest data on public charter school enrollment demonstrates that public charter schools are the fastest-growing sector of public education nation-wide. A report released by the National Alliance for Public Charter schools in 2013¹¹¹¹¹ “*A Growing Movement: America’s Largest Charter School*,” depicts how public charter school enrollment has grown by 80 % over the past 5 years. For the fifth straight year 225,000 more students attended charters compared to the previous year. In Florida, charter school enrollment growth hit 203,000 students in 2012, making it four of the 10 fastest growing charter school populations in the nation.

¹http://www.publiccharters.org/wp-content/uploads/2014/01/2013-Market-Share-Report-Report_20131210T133315.pdf

Section 3: Educational Program Design

A. Describe the school's daily schedule and annual calendar, including the annual number of days and hours of instructional time.

The school day shall consist of at least 360 minutes, and all hours of instructional time will be aligned with state and district requirements for grades 6 - 8. It is anticipated the School will operate a seven-period day from 8am - 3pm and maintain a bell schedule similar to the school to be replicated, as follows:

Sample Middle School Daily Schedule				
Description	Start Time	End Time	Length	Frequency
Student Arrival	7:30 AM	7:55 AM	25 mins.	Daily
Period 1 (Homeroom Included)	8:00 AM	9:15 AM	75 mins.	Daily
Passing	9:15AM	9:20 AM	5 mins.	Daily
Period 2 or 3	9:20 AM	11:00 AM	100 mins.	Daily
Passing	11:00 AM	11:05 AM	5 mins.	Daily
Period 4 or 5 (Lunch Included)	11:05 AM	1:15 PM	130 mins.	Daily
Passing	1:15 PM	1:20 PM	5 mins.	Daily
Period 6 or 7	1:20 PM	3:00 PM	100 mins.	Daily

Annual Calendar: The School will follow the annual public school calendar established by the Sponsor, which requires a minimum of at least 180 actual instructional days per school year in accordance with Florida Statute 1011.60(2).

Below is a sample of the Daily Routines at Somerset South Miami, the school being replicated. Somerset will work with Somerset Academy representatives to mimic these daily routines and align them to the new school's hours of operation and to SDIRC requirements to ensure the success of the new school.

Somerset Academy South Miami Middle School

Time	Routine
BEFORE SCHOOL 7:15-8:00	Many teachers arrive early to prepare their day. The majority of teachers offer before school tutoring. (VOLUNTARY AND NOT PAID)
8:00- 8:30 AM	Students arrive and utilize laptops to access the following educational websites as part of their educational curriculum: 1. Reading Plus 2. Mathletics 3. FCAT Science
8:30	Announcements and Homeroom
8:40 THROUGHOUT THE SCHOOL DAY AND THE SCHOOL YEAR.	Instructional Day Begins Teachers utilize a variety of materials and

	<p>follow specific guidelines to facilitate learning.</p> <ol style="list-style-type: none">1. All students in grades 3-5 have an assigned laptop.2. The teachers utilize the Promethean board to teach.3. Teachers also utilize a Document Camera to model note taking, demonstrate labs in a magnified form, or assist in teaching.4. All students are provided with the county aligned textbooks.<ul style="list-style-type: none">■ Math- Go Math■ Science- Pearson■ Social Studies- Social Studies Weekly■ Reading- Houghton Mifflin
<p>Teacher Happenings Throughout the Year</p>	<ol style="list-style-type: none">1. All teachers follow the Pacing Guides as set by the county and utilize the Florida Standards to ensure all material is taught.2. There is one lesson plan format that is followed by all teachers.3. Teachers are given common time planning to meet daily and weekly to discuss grade level matters.4. Lesson plans are checked on a weekly basis by grade level chairs.5. Each teacher is responsible for adhering to their schedule to ensure that students receive the amount of instructional time needed per subject.6. Students are assessed using county assessments and teacher assessments to track their progress.7. A data binder is maintained by each homeroom teacher. Students meet with the teacher to discuss progress and areas for improvement.8. Data meetings are conducted school wide to monitor progress from previous years and target students that need more support.9. A lead teacher attends meetings to gather information as dispersed by

	the county to present to the teachers through professional development.
Interventions for Middle School	A teacher meets with students to reinforce Math and/or Language Arts. These students receive an extra period of instruction by a certified teacher to monitor their progress.

B. Describe the proposed charter school's educational program.

Somerset Academy Middle School Vero Beach will replicate Somerset Academy Charter Middle School South Miami's (#13-2007) educational program design wherein excellence and performance drives the teacher's pedagogical efforts, and their commitment to the students manifests itself in all aspects of the school. The School will offer a middle school educational program aligned to the Florida Standards (MAFS and LAFS) and NGSSS, as applicable, and tested via high-quality assessments. The School will establish a cohesive approach to instruction by considering curriculum, assessment and teacher support, within a learning community focus. This approach will be personalized and tailored to all students' abilities and needs. Teacher's will deliver instruction to address the new Florida Standards (MAFS and LAFS) and/or NGSSS in the content areas, as adopted by the state, and place emphasis in certain subject matters by employing effective research-based strategies such as hands-on learning, inquiry-based research projects, science experimentation, technology rich environments, CRISS (Creating Independence through Student-owned Strategies), Reciprocal Teaching, and high expectations for all students, to name a few.

As in the replicated school, Somerset will also place a significant focus on technology usage in the classroom and throughout the school. The School understands that technology is a driving force in today's society and current trends lean towards a more technology rich home, work, and school environment therefore technology will be incorporated in the learning process. All teachers will be trained, and students will be guided, to use technology in unique methods to assist in the learning process. The ultimate goal is to maintain traditional and proven effective teaching techniques with modern, innovative contemporary resources.

The School recognizes that there is a growing international interdependence among nations, which demands that the United States develop citizens with a sound understanding of international and cross-cultural issues and the ability to communicate in more than one language. The School, as in the replicated school, intends to develop students' understanding of international and cross-cultural issues as well as their ability to communicate in more than one language. In alignment with the school's mission, the School will implement Spanish and Mandarin foreign language studies, whichever the student and parent choose, for at minimum, the recommended 150 minutes a week.

The Somerset program is aimed at preparing every child for the demands of the 21st Century and the global workforce offering opportunities for every child to reach his/her highest potential as early as Kindergarten. This is done by augmenting the Florida Standards (MAFS and LAFS) and/or NGSSS for the content areas, creating a seamless K-12 curriculum delivered in technology-rich environments, using BEST practices and emphasizing assessment data to differentiate instruction in order to reduce the need for remediation in the later years of each child's educational experience.

The applicant believes:

- Student learning is the primary focus of the school.
- Students learn in a variety of ways and should be given the opportunity to learn with different strategies and techniques.
- Administrators, teachers, staff, parents and community members agree to hold high goals and standards in order for students to achieve success.
- Parents and teachers are partners in the education process.
- The school community is committed to continuous improvement to enable students to become life long learners.

Additionally, the following instructional techniques will be incorporated throughout the curriculum in order to maximize learning and successful attainment of learning objectives:

Target Tutoring – The School believes that each student has a distinctive learning style thus said School will use data driven instruction and remediation strategies to target each student’s academic need through tailored instruction. Additionally, the School will utilize data to enrich instruction and accelerate learning for students showing potential in specific areas. The School will provide opportunities and tutoring sessions to teach either one individual student or a small “targeted” number with the same instructional needs or potential.

Differentiated and Standards-Based Instruction – Teachers will use differentiated instructional strategies that connect with individual students’ learning needs. Teachers can target varied learners by providing enriching activities to high performing students and remediation to lower performing students to better meet their specific needs. Teachers will manage instructional time to meet the standards while providing motivating, challenging, and meaningful experiences for students to receive and process information in ways that require differentiation of experience. These instructional practices will include:

- **Direct Instruction (lecturing/modeling):** This technique will be used when teachers need to explain or demonstrate specific content and skills. Explicit, systematic instruction will be based on Florida State Standards (MAFS and LAFS) and/or NGSSS. This instruction is structured and based on mastery learning. Monitoring progress through assessments allows teachers to group students based on ability, leading to further differentiated strategies, which identify students who require additional intervention.
- **Scaffolding:** Based on frequent assessments, teachers will ascertain the current developmental skills of individual students and provide support structures to help students move to the next level. As the year goes on, students will become more adept at targeted skills and at directing their own learning, thus achieving a certain level of autonomy in the process.
- **Cooperative Learning:** Teachers will guide small group learning sessions to increase communication and team-building skills. These teams of students will be divergently grouped according to ability, interest, background, etc.
- **Inquiry-Based Learning:** Based on the Scientific Method, this student centered strategy will require students to conduct investigations independent of the teacher, unless otherwise directed or guided through the process of discovery. Teachers will use this strategy in developing critical thinking and problem solving skills. There will also be emphasis on developing 21st century learners through technology-based instruction via eBooks.

- **Information Processing Strategies** - Teaching students "how to" process information is a key factor in teaching students how to strategically organize, store, retrieve, and apply information presented. Such strategies will include memorization, KWL, reciprocal teaching, graphic organizing, scaffolding, and/or webbing.

Academic Excellence and Leadership Development is in the heart of the School's educational philosophy. Accordingly, the School's intellectual focus centers on high academic and behavioral expectations for all students communicated through the Code of Excellence and Code of Student Conduct.

"Pull and Push" Method of Instruction: The School will monitor student's academic and emotional progress using a "pull and push" method. Students in need of remediation will be identified and "pulled" and students at grade level will be "pushed" to take challenging curriculum to maximize their potential.

Home learning policy: The School expects that all teachers will grade, discuss, and comment on home-learning regularly. Attention will be given to both quality and quantity of home learning projects.

Horizontally and Vertically Aligned Instructional Teams: The School will use professional development throughout the school year to allow for common planning and teaching teams, both within grade levels and subject areas. Through professional development activities planned within the school calendar, teachers will have opportunities to reflect on best practices, discuss new research findings, review educational journals, and examine student's body of work. A leadership team will be in place to ensure that horizontal and vertical planning is effective. Such a culture makes it safe for teachers to share universal goals, confront what is and is not working, and transform their own thinking and practice.

Vertical Alignment (by department): Courses will be correctly aligned and teachers will be permitted common planning time by within other grade levels. This will permit teachers to quickly assess what students mastered in the preceding grade and focus on building skills and knowledge. This will help teachers avoid unnecessary reviewing and re-teaching, which often consumes valuable teaching time.

Horizontal Alignment (by grade level): The School will align lessons to the Florida Standards (MAFS and LAFS) and/or NGSSS in the content areas, as adopted by the state, for each subject and grade level to address specific subject matter. Teachers will follow the same time lines and have common planning schedules. Such alignment is crucial in school systems dealing with state-mandated, standards-based assessments.

Teachers Developing Curriculum: Teachers will play an integral role in the development of core curriculum, maintaining - and exceeding - the highest expectations- in alignment with the Florida Standards (MAFS and LAFS) and/or NGSSS in the content areas, as adopted by the state. Curriculum development will reflect how best to present a core body of knowledge. Teacher participation in curriculum development will also serve to increase their "buy-in" to the pedagogical process

Changing Teacher Practices: The School will encourage teachers to be facilitators and providers of opportunities for learning, NOT merely providers of information. Using the differentiated instructional strategies described above, teachers will tailor their instruction and adjust the curriculum to students' needs rather than expecting students to modify themselves to fit the curriculum.

Community Partnerships: Teachers, students, parents and the administration will work together with the Board to

identify potential community partners for service learning and other community based initiatives at the School. Additionally the School will provide enrichment activities and community-based initiatives allowing students to interact in social settings with diverse individuals. Currently, many Somerset Academy, Inc. schools are partnered with dozens of local non-profit organizations that are committed to the educational, social, and person growth of our students. At Somerset Academy South Miami, the school bring replicated, giving back to their community is very important to students at Somerset SoMi. Throughout the year, students participated in various community service projects, including *iPads for Soldiers*, *Pennies for Patients*, *Ronald McDonald House*, the *Amigos for Kids Toy Drive*, and the *South Miami Community Center Thanksgiving Drive*.

The school intends to work with charter high schools in the community to expose students to their options following Somerset Academy.

Parental Involvement enhances learning when a school encourages parents to stimulate their children's intellectual development. Parental "investment" in a student's education is crucial to student success, as well as to the advancement of the School's mission and vision. Parental involvement agreements will encourage parents to contribute a minimum of 30 volunteer hours to ensure their active participation in their child's education. Parents will receive and sign a parent handbook that outlines the responsibilities they have for their child's learning and behavior at school and at home. Parental involvement will also be encouraged through (Parent Teacher Student Association) PTSA and other such school commitments. Home-based volunteer projects will be available to parents who are unable to volunteer on-site due to work or family constraints.

Service Learning: Teachers will engage students in service learning projects that start in the classroom and extend beyond it, encouraging responsible, caring participation in the local environment and in the wider world. Service-learning activities will be embedded in academic courses (Language Arts, Writing, Math, Science, Social Studies, Foreign Language) to achieve the existing course objectives and to help students meet grade level standards.

C. Explain how the educational program aligns with the school's mission.

The School's educational program is in direct alignment with the school's mission, and moreover supports and facilitates its implementation. The School's philosophy is built on a set of beliefs and values and these serve as the impetus for all student performance and achievement goals and objectives. The educational philosophy and approach are appropriate and likely to result in improved educational performance as proven by the results of the school being replicated.

In accordance with its mission, the School will promote a unique educational program that strives to create bilingual, bi-literate, and bi-cultural students prepared for success in a global society. The required* study of Spanish/Mandarin as a second language is partnered with a challenging curriculum and enhanced by dedicated teachers committed to serving the needs of all students. The use of innovative instructional methods and techniques will be encouraged, ensuring curriculum is effectively taught, even to students with varied learning styles.

*All middle school students will choose a foreign language course as one of the required electives with the exception of students who are enrolled in intensive courses.

Through a sustained commitment to the program on behalf of the Applicant, students will benefit and have positive academic learning outcomes. In turn, the School will maintain:

- high expectations for students and teachers, through delivery of an advanced academic curriculum infused with a target language literacy;
- A robust bilingual and culturally inquisitive curriculum aimed at the mastery of Florida Standards/ NGSSS, as applicable.
- personalized and differentiated instruction and/or targeted tutoring to ensure student's success; and a
- parental involvement obligation that builds the home school relationship and encourages a partnership between parents and the school,

Further, students will understand and appreciate their learning styles; accommodate, plan, and monitor their learning, kindling a desire and fostering ability for lifelong learning. The aforementioned concepts are embodied in the school program and serve as a vehicle to increase learning opportunities with special effort made to help all students, including those labeled low performing students, have success and consistent learning gains thereby engaging in a cycle of continuous improvement.

D. Explain how the services the school will provide to the target population will help them attain the Next Generation Sunshine State Standards, as required by section 1002.33, F.S.

In order to ensure that all of our learners are reached, programs ranging from technology, to one-on-one interventions will be implemented as they have been in the existing school to be replicated. The school's stakeholders understand and appreciate that all students are individually talented and therefore strive to provide quality services for Students with Disabilities and for English Language Learners.

In order to support delivery of a high quality program that implements research-based strategies and innovations to raise student achievement, the School will have the following processes in place:

- Continuous review of curriculum to ensure a year's worth of learning of all state benchmarks research-based instructional practices;
- Differentiated instruction to suit varied learning styles;
- Integration of technology across all major disciplines;
- School Improvement Plan (SIP) process as a quality assurance and continuous improvement tool;
- Assessment data utilized to make instructional decisions and plan interventions;
- Ongoing professional development throughout the school year;
- Targeted interventions for struggling readers and students performing below grade level (Rti/MTSS Framework)

The school's educational program is contingent upon on state-adopted research-based instructional materials, aligned to the newly adopted Florida Standards and NG-SSS, coupled with high-yield educational strategies to improve student achievement. Therefore, the implementation of this program, with fidelity to all practices and standards described herein, will help all students to attain mastery of state standards.

***E. Describe the applicant's capacity to replicate an existing school design.
The capacity to replicate can be demonstrated by providing credible and well-defined strategies for replication, including the financial and human resources necessary to replicate the design.***

Somerset Academy, Inc. is a Florida not-for-profit educational institution with a proven sixteen year track record of successful development and operation of thirty high-performing charter schools serving over 15,000 students in Pre-K through 12th grade in Miami Dade, Broward, Palm Beach, St. Lucie and Duval counties as well as in San Antonio, TX, Washington D.C. and Nevada. The institution and its board of directors have over a decade of experience in charter school operations and management and oversight of public funds.

Somerset Academy has developed a multi-tier system (management, instruction, assessment and professional development) that has achieved increased performance across all student populations and subgroups as evidenced by their academic performance over the past 16 years. Somerset Academy has been able to implement unique and innovative strategies aimed at student achievement and have proven these strategies to be successful with all student populations, including ELL and Special Education students, as well as those entering the school below grade level. The results on standardized exams and learning gains, especially in mathematics, have proven its success.

Somerset Academy middle schools have performed especially well and have shown steady increase in student performance from year to year.

District Name	School Number	School Name	Total Points	Scale	Grade 2014	Grade 2013	Grade 2012	Grade 2011	Grade 2010	Grade 2009	Grade 2008	Grade 2007	Grade 2006	Grade 2005	Grade 2004	Grade 2003	Free or Reduced Lunch	Minority Rate
BROWARD	5419	SOMERSET ACADEMY HOLLYWOOD MIDDLE SCHOOL	535	800	A												80	80
BROWARD	5406	SOMERSET ACADEMY MIDDLE (MIRAMAR CAMPUS)	672	900	A	A	A	A	A	A							65	95
BROWARD	5151	SOMERSET ACADEMY MIDDLE SCHOOL	691	900	A	A	A	A	A	A	A	A	B	A	A		33	88
BROWARD	5413	SOMERSET ACADEMY POMPANO MIDDLE (6-8)	508	800	B												96	91
BROWARD	5002	SOMERSET ACADEMY VILLAGE CHARTER MIDDLE SCHOOL	551	900	C	D	C	C									91	91
BROWARD	5441	SOMERSET PREPARATORY CHARTER MIDDLE SCHOOL	608	900	A	C	B	A									73	98
DADE	6128	SOMERSET ACADEMY BAY MIDDLE SCHOOL	593	800	A												16	84
DADE	6004	SOMERSET ACADEMY CHARTER MIDDLE SCHOOL	724	900	A	A	A	A	A	A	A	B	A	D			67	91
DADE	6043	SOMERSET ACADEMY CHARTER MIDDLE SCHOOL (COUNTRY PALMS)	669	800	A	C											64	75
DADE	6013	SOMERSET ACADEMY CHARTER MIDDLE SCHOOL (SOUTH HOMESTEAD)	619	900	A	A	B	A	A								78	84
DADE	6053	SOMERSET ACADEMY CHARTER MIDDLE SCHOOL SOUTH MIAMI CAMPUS	758	900	A	A	A	A									8	79
DUVAL	1261	SOMERSET ACADEMY-MIDDLE, EAGLE CAMPUS	560	900	B	A	B	A									49	93
PALM BEACH	4041	SOMERSET ACADEMY BOCA MIDDLE SCHOOL	577	800	A												22	61
PALM BEACH	4012	SOMERSET ACADEMY CANYONS MIDDLE SCHOOL	579	900	B												23	36

The governing board of the School is comprised of the same individuals responsible for the operation of the existing Somerset schools. These highly experienced professionals, possess the expertise in the areas of curriculum, assessment, finance, law, school management and governance to be able to replicate the existing design. Somerset Academy, Inc. has financial and human resources available to replicate a high quality model, the ownership of the existing school design, and most importantly has a proven track record of success in replicating the design. These factors all support Somerset's capacity to replicate the existing school design.

Strategies for replication of the existing design are fully detailed in the sections referenced below. These include, but are not limited to, the following:

- Implementing the same instructional methodology of the existing program (Section 3-4)
- Adopting the research-based educational concept for the existing program (Sections 3-4)
- Utilizing the team of experts at the school to be replicated and throughout the Somerset network (who have ownership of the Somerset educational program) as consultants and mentors who continuously provide

- training to the proposed school's administrators, faculty and staff (*Sections 9 and 11*)
- Adopting common expectations of student behavior and parental involvement (*Section 8*)
- Adopting common Professional Policies and Standards for staff (*Section 10 and 12*)
- Implementing the policies for financial management and oversight proven effective in the existing schools (*Section 18*)
- Providing ongoing communication, training, and support for the school's changing operational needs (*Section 9, 10 and 12*)

Additionally, in order to accurately reflect and commit to replicating the educational programming at Somerset, which is being implemented at the HP school to be replicated; the applicant has committed to employ the following actions:

- Involve the HP school's leadership team in the application and planning processes of the school;
- Assign the High Performing School Site administrator as a mentor to the Somerset principal, to assist with planning and first, and second year implementation of the program. The mentor will be available to meet with the principal frequently and on an as-needed basis for support, mentoring, and coaching services via teleconference, video conference, on-site visits, etc.
- Appoint the HP School site administrator to the interview committee that will select the Somerset principal;
- Guarantee Somerset meets all five AdvancEd/Southern Association Colleges and Schools-Council on Accreditation and School Improvement (SACS-CASI) Standards for schools; and
- Ensure support is provided from not only the replicated school but also from all Somerset schools within the entire network wherein all other leaders serve as mentors to new administrators and everyone shares ownership and accountability in maintaining the thriving, financially viable and academically high performing network of charter schools.

The Somerset System

Somerset has taken advantage of technology in order to link Somerset schools and leaders throughout the country. What makes Somerset Academy, Inc. extraordinary is that there is always a follow-up with personal interaction by the President*, Vice President*, Executive Director of Education*, Governing Board Chairperson, board members, and any other parties that can assist in the development and success of each of the schools. *salaries for these individuals covered by the entity, not the proposed school.

Somerset bridges all the schools together through scheduled leadership telephone chats, use of Somerset Docs, and Somerset programs, such as New Teacher Academy, Professional Development, Coaches Meetings, Principal Leadership Program, Retreats, Conferences, and site-visits. There is always time for the Somerset Inc. Executive Director of Education or one of her fellow leadership colleagues to visit a new or existing Somerset to assist with whatever is needed no matter how near or far. The Education Service Provider, at the request of the board, may also send out experts to lend a hand and to support school initiatives. No Somerset leader ever feels that they are alone. The Executive Director of Education visits each school and performs campus reviews along with the organizations President and Vice President, are assisting with campus reviews to ensure all schools receive the necessary support.

Also bridging the Somerset schools together is the governing board. Although, different states and/or Sponsors (LEA)'s may have different requirements, Somerset ensures that all Somerset's receive the same level of support and guidance.

Many times, already established schools have reached out to Somerset for assistance with educational programming and best practices. They join in with their fellow Somerset colleagues on chats, conferences, professional development, Somerset docs and more. They have access to all of the effective practices and ideology of Somerset. Somerset leaders visit sister schools to observe, share and learn the Somerset educational effective practices. It is truly a collegiate and collaborative group of professionals that make the system work and be successful.

The Somerset district website (<http://www.somersetacademyschools.com>) emphasizes the District's vision, purpose and core principles. From the District website, each individual school's website is accessible to the stakeholders as a means to communicate individual school's programs, services and performance. This website serves as the main source of information for our stakeholders to help them in choosing the best educational path for their child and assuring that their needs are met. In addition, through our governing board meetings, each school presents updates and issues specific to their school. In order to enhance and communicate the vision and purpose, we develop partnerships with surrounding community businesses. Additionally, our District communicates each school's success through advertisements, newsletters, media releases, etc.

Through membership with state and national charter school associations and via attendance at state and national charter school leadership conferences, the school administration and governing board network and collaboratively share with other schools best practices for increased student achievement. These high standards are discussed at ongoing principal meetings and mini-conferences for administrators and instructors that are sponsored by the governing board on employee planning days.

Section 4: Curriculum Plan

A. *Describe the school's curriculum in the core academic areas, illustrating how it will prepare students to achieve the Next Generation Sunshine State Standards.*

The School will seek to expand each student's foundation in each core subject and to build upon the preceding acquired knowledge base in each succeeding grade level, always moving forward, to ensure the student builds capacity and is not only college bound but also college ready. Like all other Somerset Schools, the School will instill a pre-college mindset, ensuring their success now and preparing them to be ready for the next level. Somerset begins to lay the foundation for this mindset as early as elementary and middle school.

The School's curriculum will focus on clear and measurable expectations for student learning and will address the subject areas of Reading/Language Arts, Mathematics, Social Studies, Science, Foreign Language, Music, Art, Life Skills, Character, and Computer Education. In addition to the core curriculum, curriculum on Anti-bullying, sexting, and internet safety will be incorporated.

Somerset schools meet high standards of student achievement through the delivery of a rigorous and relevant curriculum with emphasis on mastery of benchmarks aligned to the Florida Standards in ELA and Mathematics, literacy standards for science and Social Studies and the Florida NG-SSS, as applicable to course and grade level. Somerset provides all students with a core curriculum of English/language arts (ELA), mathematics, Social Studies, science and a rich array of specials/electives in fine arts, physical education, and world languages, in this case Mandarin and Spanish, curricula. Units of instruction within and across all grade levels provide a vertically articulated curriculum framework that scaffolds the skills and knowledge required for success and concomitantly provides teachers with continuous feedback on student progress.

Somerset's curriculum provides a solid academic foundation for students to have success at the high school level and beyond. Cognitive science research in mathematics and reading underscores the emphasis on meaning and understanding, beginning in the early elementary grades. Thus, much of the curriculum is centered on this approach as well as remediation when necessary. Instruction emphasizes developmental learning while providing differentiated strategies (supports and interventions for struggling students and students with special needs as well as enrichment for advanced learners). The curriculum will continuously reflect high quality instruction and implement research based strategies, innovations and activities that facilitate achievement for all students.

The School will implement the School District of Indian River County *Student Progression Plan** as a vehicle to guide the progression and implementation of the curriculum to be taught and in the manner described herein this petition. Additionally, the School will adopt researched-based district/state-approved instructional materials and *Curriculum Pacing Guides*, if available, or will align the state adopted textbook to serve as the basis and provide the timeline for instruction and to ensure the course material is taught sequentially, consistently and in a challenging format.

The school will have the following processes in place to support the delivery of the curriculum:

- continuous review of curriculum to ensure a year's worth of learning of identified benchmarks;
- collaborative leadership: professional learning communities, shared leadership, and student and staff leadership development;
- personalization: attention to all students, mentoring, and school/community connections;

- curriculum, instruction and assessment: providing access to rigorous coursework, utilizing differentiated instruction techniques and using multiple assessments for data-driven decision making;
- principal evaluation through daily classroom walkthroughs (principal is expected to have strong awareness that all teachers are utilizing the best practices and implementing the instructional initiatives with fidelity);
- The School Improvement Plan (SIP) will be used as a quality assurance tool to ensure that the curriculum goals are being accomplished;
- assessment data utilized to make instructional decisions and plan interventions;
- weekly grade level and monthly staff meetings;
- ongoing professional development workshops related to student learning and teacher's instruction;
- before and/or afterschool tutoring for remediation and acceleration for students not demonstrating grade level proficiency;
- targeted interventions for struggling readers and students performing below grade level;
- integration of long-term thematic projects across the curriculum;
- multiple ELL and SPED strategies utilized across the curriculum;
- focus on differentiated instruction for varied learning styles; and
- integration of technology across all major disciplines.

The School's curriculum will require students to interact with each other, apply curriculum to real-life situations, and use a variety of technological tools beyond the classroom. Teachers will incorporate various teaching strategies to accommodate all learning styles. In accommodating individual learning styles and needs the School's curriculum incorporates the following instructional practices:

- Interdisciplinary Connections - Curricular decisions will be guided by the aim of student mastery and achievement rather than by an effort merely to cover content. As teachers build on interdisciplinary connections, students naturally begin to link information between and among courses, increasing the relevancy of skills and content in such courses.
- Vertical and Horizontal Teaming: Horizontal and Vertical Teams exist throughout the School and also throughout the Somerset System, creating opportunities for success in every classroom, because both grade-level and content-area teams work together to align curriculum and instruction and informed continuously by assessment results. The PLCs provide opportunities within the School to engage multiple teaming patterns. For example, PLCs by grade level and PLCs across-disciplinary teams work collaboratively to plan and implement standards-based instruction and connections across content areas, respectively. To further illustrate, in-school curriculum council meets across disciplines, while another active PLC meets by subject area.
- Differentiated and Standards-Based Instruction – The School's ultimate goal is to provide a learning environment that will maximize the potential for student success. Teachers will use differentiated instructional strategies that connect with individual student's learning needs. Teachers will manage instructional time to meet the standards while providing motivating, challenging, and meaningful experiences for students to receive and process information in ways that require differentiation of experience. These instructional practices will include:
 - Direct Instruction (lecturing/modeling): this methodology will be used when teachers need to explain or demonstrate specific content and skills. Explicit, systematic instruction will be based on the MAFS, LAFS and/or NGSSS, as applicable. This instruction is structured and based on mastery learning. Frequent Curriculum-based assessments help place students in ability groups for further differentiated strategies and identify students who require additional intervention.
 - Scaffolding - Teachers will identify the current developmental skills of individual students based on assessments and provide support structures to help students move to the next level. As the year goes

on, the student becomes more adept at skills and at directing his or her learning, becoming more autonomous.

- Cooperative Learning – Teachers will guide small-group learning, to increase communication and team-building skills. It is based on grouping small teams of students heterogeneously according to ability, interest, background, etc. Some Cooperative learning activities will include Jigsaw II, STAD-Student Teams, or Group Investigation.
 - Inquiry-Based Learning - Based on the scientific method, this student-centered strategy will require students to conduct investigations independent of the teacher, unless otherwise directed or guided through the process of discovery. Teachers will use this strategy in developing critical thinking and problem solving skills.
 - Information Processing Strategies - Teaching students "how to" process information is a key factor in teaching students how to strategically organize, store, retrieve, and apply information presented. Such strategies will include memorization, KWL, reciprocal teaching, graphic organizing, scaffolding, and webbing.
- Behavior Management – We believe that both teachers and students need to be provided with a consistent behavior management system so that maximum time can be spent teaching and learning. Inappropriate behaviors that interfere with the learning process and the expectations set for character development can be reduced and ultimately extinguished through consistent, best practice behavior management techniques. Behavior management based on a positive reward/point system will be in place in all classrooms from the beginning of the first year of operation. Pre-service and in-service training will be required of all teachers. Each teacher, then, will be given the opportunity to implement her/his own behavior management techniques in their respective classrooms. The ultimate goal will be to remove these systems from the classrooms, based on the theory that appropriate behaviors will be internalized and external reward systems will no longer be necessary.
 - Accountability - Teachers at the School are required to document instruction of the Language Arts and Mathematics Florida Standards (LAFS and MAFS), Standards for Mathematical Practice; the content area literacy standards, as applicable, and the Next Generation State Standards for the other subject areas, as applicable. In addition, teachers will document ELL and SPED strategies in their daily lesson plans, as well as records of weekly and monthly thematic unit plans. Lesson plans identify specific objectives taught and benchmarks met. Furthermore, teachers are required to maintain a common board configuration in all classes and will be monitored and supported by the administrative team during daily walkthroughs. Lesson plans will be checked weekly and the Principal and admin team member(s) will conduct a daily walk through to ensure that curricular objectives are being taught in accordance with what is documented in each teacher's lesson plan book, respectively.

The School will adopt the SDIRC Digital Classroom Plan. Accordingly, the school has allocated funds in its projected budget for technology and digital instructional materials. The school commits to use digital state-adopted materials in accordance with the district's adoption and as approved by the district/state for use in 2016.

The District's plan which the school will implement will consider those recommendations by the FLDOE work group which include, but are not limited to:

- Establish programs to reach an ultimate goal of a 1:1 ratio of devices to students by lease or purchase (Bring Your Own Device BYOD Programs, lease programs, etc.);
- Examination of the appropriateness and uniformity of Bring Your Own Device options;
- Policies and specifications for minimum requirements for devices and digital content and internet safety;

- Development of an appropriate digital curriculum first and then obtain the device which best delivers the curriculum;
- Using existing resources, including Virtual School content and vetted free digital materials (such as Kahn Academy lessons and CK-12 Foundation resources);
- Accommodations to create equal opportunity for all students to access instructional content, utilizing options such as: Assistance programs to help families that cannot currently afford internet service; and The loading of necessary resources on a student device for accessibility when an internet connection is unavailable.
- On-going differentiated professional development for educators, including administrators, ranging from teacher/administrator education programs to new teachers/administrators.
- Establishment of optimum infrastructure guidelines to support digital access

The school will also ensure that network infrastructure will include both wired and wireless infrastructure to support the classrooms and meeting areas such as the media center, cafeteria and outside areas in order for the students to access the instructional resources across the entire school facility. Equipment such as access points, controllers, switches, routers, etc. will to be optimized and strategically planned to ensure proper connectivity for students and staff.

Curriculum Overview

The following is an overview of the core curriculum program and projected courses and description of the content that will be offered in each of the core subject areas.

English Language Arts

The purpose of the English Language Arts program is to provide instruction for mastery of the Florida standards of ELA, commonly referred to as LAFS (Language Arts Florida Standards) making students college and career ready at the conclusion of their High School career as well as “21st century literate” as evidenced by possessing the skills for creative and/or purposeful expression. Course content for these courses will be delivered in accordance with course descriptions provided by the FL-DOE and will ensure mastery of LAFS as well as the content area literacy standards. Teachers will provide instruction in Language Arts to promote academic excellence in Reading, Writing, Speaking & Listening, and Language. The grade specific LAFS will guide instruction at each grade level and help ensure that students gain adequate exposure to an increasingly complex range of texts and tasks as they progress from grade to grade. The courses will cover the application of the writing process, effective use of speaking and listening and language skills, and higher-order critical thinking and literacy skills in preparation for overall post-secondary studies.

To build a foundation for college and career readiness in language, students must gain control over many conventions of Standard English grammar, usage, and mechanics as well as learn other ways to use language to convey meaning effectively. The School will begin as early as sixth grade to provide students increasingly complex texts to aide student growth in reading comprehension and expose them to increasingly complex vocabulary. Similarly, students will be given writing tasks that engage them to use writing as a way of offering and supporting opinions, demonstrating understanding of the subjects they are studying, and conveying real and imagined experiences and events. Students will also engage in writing - via the writing process – and students will plan, revise, edit, and publish their writing, with the end goal of teaching learners to appreciate that a key purpose of writing is to communicate clearly to an external audience and subsequently they will begin to adapt the form and content of their writing to accomplish a particular task and purpose.

Students will also engage in research projects as a means to develop the capacity to build knowledge on a subject and to respond analytically to literary and informational sources. To meet these goals, teachers will be expected to provide students significant opportunities and time for writing, and producing numerous pieces over short and extended time frames throughout the year. Through Language Arts, students will also be required to develop a range of oral communication and interpersonal skills through whole group discussions as well as individual, partnered and small group presentations. Through these, students learn and engage in: contributing accurate, relevant information; responding to and developing what others have said; making comparisons and contrasts; and analyzing and synthesizing a multitude of ideas through various language arts domains.

Students will be required to successfully complete three middle school annual courses in Language Arts, and emphasize literature, composition, and technical text. English Language Learners will fulfill the requirement by completing the respective M/J Language Arts Through ESOL course at each grade level, respectively (as further described in the ELL section herein this application).

Course Offerings

The following English Language Arts courses will be offered in accordance with the SDIRC Student Progression Plan and with fidelity to FL-DOE Course Descriptions.

Course Name
Grade 6
M/J Language Arts I
M/J Language Arts I Advanced
M/J Language Arts I Advanced Gifted
M/J Language Arts I through ESOL
M/J Reading I
M/J Reading I Advanced
M/J Intensive Reading- Grade 6
M/J Intensive Reading Enrichment
M/J Intensive Reading Plus
Grade 7
M/J Language Arts II
M/J Language Arts II Advanced
M/J Language Arts II Advanced Gifted
M/J Language Arts II through ESOL
M/J Reading II Advanced
M/J Intensive Reading - Grade 7
M/J Intensive Reading Enrichment
M/J Intensive Reading Plus
M/J Creative Writing
Grade 8
M/J Language Arts III
M/J Language Arts III Advanced
M/J Language Arts III Advanced Gifted
M/J Language Arts III through ESOL
M/J Reading III Advanced
M/J Intensive Reading-Grade 8
M/J Intensive Reading Enrichment
M/J Intensive Reading Plus – Grades 6-8

ESOL Course by Proficiency Level
M/J Developmental Language Arts Through ESOL I
M/J Developmental Language Arts Through ESOL II
M/J Developmental Language Arts Through ESOL III
M/J Developmental Language Arts Through ESOL IV

The School will use the state-approved text to differentiate between the regular and advanced curriculum in the area of English Language Arts. The School plans to use state-approved instructional materials, including digital software and multimedia in the instruction of Language Arts. Below are the current materials being used at the replicated school, however the School commits to use these or other digital state-adopted materials in accordance with the district's adoption for 2016 and as approved by the district/state, as follows:

6th-8th grade Language Arts Curriculum Materials:

- CollegeBoard SpringBoard (Online and print materials -Levels from 1-4).

Computer Educational Software Programs:

- Achieve 3000

Reading resources currently include:

- inClass Reader (Jamestown Reading Navigator) by: Mc Graw Hill
- Passport Reading Journeys By: Expanding Learning Voyager
- Reading Plus online
- Accelerated Reader

Intensive Reading* materials will include:

- Comprehensive Intervention Reading Program (CIRP) - Scholastic's Read 180; and
- Supplemental Intervention Reading Program (SIRP) - Achieve 3000,

will provide students with high interest informational and literary texts paired with extension texts focusing on technical and/or vocational literacy skills. The texts are available at varying Lexile levels, and through differentiated reader and task considerations, they support different levels of text complexity.

*The School's text selection will be modified as per the Sponsor's text adoption and modification(s) to the CRRP throughout the duration of the charter.

Intensive Reading

Intensive Reading courses will be in addition to the required Language Arts courses in grades 6-8. All students who score below required proficiency levels on the FSA for English/Language Arts, or are otherwise identified as having deficiencies*, regardless of whether they are fluent, will be placed in the appropriate reading class, as detailed in the Sponsor's CRRP.

*As proficiency levels for the FSA for English/Language Arts have yet to be determined, the School will readjust guidelines for Intensive Reading placement as needed based on future guidance from the FLDOE.

The specific Reading curriculum and reading courses are further described in a subsequent the next question: *A. Describe the school's reading curriculum. Provide evidence that reading is a primary focus of the school and*

that there is a curriculum and set of strategies for students who are reading at grade level or higher and a separate curriculum and strategy for students reading below grade level.

ESOL Courses: A student identified as ELL will be placed in **two** ESOL courses as applicable to the student's grade level and language proficiency:

- **M/J Language Arts Through ESOL** - content course scheduled by grade level; and
- **M/J Developmental Language Arts Through ESOL** - Language proficiency course scheduled by English Proficiency Level 1-4. If levels need to be combined, the Developmental Language Arts Through ESOL placement may be in the best combination of mixed language level courses (ESOL levels 1/2 or 3/4).
- **English I-IV Through ESOL** - content course scheduled by grade level and **Developmental Language Arts Through ESOL** - Language proficiency course scheduled by English Proficiency Level 1-4. If levels need to be combined, the Developmental Language Arts Through ESOL placement may be in the best combination of mixed language level courses (ESOL levels 1/2 or 3/4).

Technology in English Language Arts

The School also plans to implement and utilize technology through all disciplines, especially in English/Language Arts, via a real world application methodology. For example, in addition to utilizing Achieve 3000, digital texts, hyperlinks, videos and audio websites such as You Tube - the School may also create a School Tube for instructional purposes. Additionally, the School will also utilize other mediums for students to make their class presentations, develop group forums, communicate with teachers and other students, providing for in-depth, real world application, and multi level sensory application of acquired skills, knowledge, and material. Additionally, through the Broadcasting component, in conjunction with E/LA, the School seeks to implement a Podcast component, building on social media for social change.

Writing

Students will be required to write on a daily basis across the curriculum (i.e. Informative, Persuasive, and Creative Writing). The School recognizes that writing is an integral part of all content areas, and will utilize writing activities as a means to encourage students to think reflectively and analytically as they deepen their understanding of content materials. The School's goal is for students to learn how to write clearly and succinctly and to use textual evidence and evidence-based writing in every content area to survive and thrive in the 21st century.

Each class will be responsible for an on-going writing project that is appropriate to each grade level. Writing will also be incorporated across the curriculum through the utilization of CRISS strategies including but not limited to reader response logs, two-column notes, perspective journal entries, completing framed paragraphs, or RAFT - essay writing that includes a role, audience, format and a topic, plus a strong verb, to name a few. Students writing after reading may include: quick-writes, mapping, brainstorming, essay questions and/or journal entries, writing a summary, a learning log entry, writing peer responses, or creating a summary poem. Writing before, during, and after the main story selection from the state adopted text will provide systematic, explicit writing instruction and ample practice in spelling, grammar, usage, and mechanics daily.

Mathematics

The purpose of the Mathematics program is to provide instruction for mastery of the Florida standards of Mathematics, commonly referred to as MAFS (Mathematics Florida Standards) making students high school ready at the conclusion of middle school and college and career ready at the conclusion of their High School career.

Teachers will be expected to use MAFS and the Standards for Mathematical Practice as the framework for developing lesson plans. Teachers will pace instruction using Curriculum Pacing Guides by subject and grade level, when available, and/or will align the state adopted textbook to serve as the basis and provide the timeline for instruction and to ensure the course material is taught sequentially, consistently and in a challenging format. The School will also utilize the replicated schools Comprehensive Mathematics Plan (available through their Sponsor) for essential information. The Plan will also assist the teacher with designing and implementing lessons that teach to the student's natural learning cycle. Additionally, teachers are guided to develop activities that address diverse cultures and learning styles.

Students will be required to successfully complete three middle school annual courses (or higher) in mathematics.

**Grades 6-8 students taking any course designated as a grade 9-12 course will receive high school credit and meet middle grades subject area requirements upon receiving a passing course grade and meeting requirements related to statewide, standardized EOC assessment:

-Middle school students enrolled in Algebra 1 must take and pass the statewide, standardized EOC assessment, which constitutes 30 percent of the student's final course grade.

-Students enrolled in Geometry must take the statewide, standardized EOC assessment, and the results of the EOC assessment must constitute 30 percent of the student's final course grade. Students must pass the course but are not required to pass the EOC assessment to earn high school credit.

The MAFS describe the mathematical skills and concepts all students need for success in college and careers and are organized by grade level in the following domains:

Grade 6

Ratios and Proportional Relationships

The Number System

Expressions and Equations

Geometry

Statistics and Probability

Grade 7

Ratios and Proportional Relationships

The Number System

Expressions and Equations

Geometry

Statistics and Probability

Grade 8

The Number System

Expressions and Equations

Functions

Geometry

Statistics and Probability

The Standards for Mathematical Practice describe the characteristics of mathematically proficient students. These standards describe how students should use mathematics and provide a mechanism through which students engage with and learn mathematics.

Mathematical Practices:

1. Make sense of problems and persevere in solving them.
2. Reason abstractly and quantitatively.
3. Construct viable arguments and critique the reasoning for of others.
4. Model with Mathematics.
5. Use appropriate tools strategically.
6. Attend to precision.
7. Look for and make use of structure.
8. Look for and express regularity in repeated reasoning.

The Mathematical Practice Standards remain the same at each grade level, however, students will engage with and master new and more advanced mathematical ideas as they progress through each grade level. Accordingly, the Practice Standards will be taught and practiced in conjunction with the Content Standards at each grade level.

Mathematics Course Offerings

The following Mathematics courses will be offered in accordance with the offerings at the replicated school, as follows.

Course Name
6th Grade
M/J Intensive Mathematics
M/J Mathematics I
M/J Mathematics I Advanced
M/J Mathematics I Advanced Gifted
7th Grade
M/J Intensive Mathematics
M/J Mathematics II
M/J Mathematics II Advanced
M/J Mathematics II Advanced Gifted
Algebra I Honors
Algebra I Honors Gifted
Geometry Honors
Geometry Honors Gifted
8th Grade
M/J Intensive Mathematics
M/J Pre-Algebra
Algebra I Honors
Algebra I Honors Gifted
Geometry Honors
Geometry Honors Gifted

The School plans to use state-approved instructional materials, including digital software and multimedia in the instruction of Mathematics, similar to that which is used at the school to replicated. The School will use state-approved texts to differentiate between the regular and honors curriculum in the area of middle grades Mathematics. Advanced and Advanced Gifted Courses will be offered depending on the needs of the student population that the

School will serve, however, the School does commit to offer at least one high school Mathematics course available for middle school students.

The School will use state-approved texts to differentiate between the regular and honors curriculum in the area of Science. The School plans to mirror the science curriculum offerings being utilized and implemented at the Somerset school to be replicated, which has proven effective. Below are the current materials being used at the school to be replicated; the School commits to use these or other digital state-adopted materials as approved by the FL-DOE/Sponsor.

6th Holt McDougal Course 1

7th Hold McDougal Course 2

8th Prentice Hall Algebra I

Technology Supplement for all courses: Triumph Learning – Waggle and BrainPop.

Additional Technology Resources/Supplements:

Technology will also be integrated into the mathematics curriculum to enable students to explore, visualize, solve, and better describe the concepts they are learning. Graphing software, calculators, computers, and interactive white-boards are some of critical technology tools that will be used as part of an effective mathematics program, as applicable. In addition, the School may use specific software to support the teaching and learning of mathematics, such as Mathletics, Algebra Nation, USA Test Prep, Triumph Learning On-line - Waggle, BrainPop, and Gizmos.

The School's text selection for 2016 and beyond may be modified as per the state and district's text adoption and modifications throughout the duration of the charter.

Special Circumstances/Considerations affecting Mathematics coursework:

- **Students below grade level** - If a middle schools student scores at Level 1 or Level 2 on the statewide-standardized assessment in mathematics, then the following year the student must receive remediation, which may be integrated in to the student's required mathematics course.
- **Statewide FSA and Final Exam Grades** - If a student takes a course aligned with an FSA that is not the Algebra I, Geometry, or Algebra II assessment, the student will not receive a final examination grade associated with performance on the FSAs
- **National Assessments and Final Examination Grades:** - If a student takes a course aligned with an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course that has an aligned, national end-of-year assessment, the student will not receive a final examination grade associated with their performance on the assessment, as provided in the SPP.
- **Statewide EOC Assessments and Final Examination Grades** - All students who take statewide EOC assessments in any entering 9th grade cohort are subject to the following rules concerning the use of statewide assessments as the final examination counting for 30% of the overall course grade. All students associated with the select course codes are required to take the assessment in order to receive a final course grade. If a student does not take the assessment, they will receive no final course grade until the student takes the assessment. If a student retakes a course for any reason , the student will be required to take the statewide assessment aligned to the course to receive their final examination grade for the course. Only the assessment administered during the retaking of the course will be used in the course grade. No process will be used that provides the higher of two or more assessment results to determine

the course grade. All grade forgiveness rules outlined must be followed for a student to be eligible to attempt grade forgiveness in a course.

Science

The purpose of the Science Program is to provide students with a broad knowledge of scientific concepts and establish a solid foundation for students to pursue post-secondary education. The School will deliver a science curriculum that will prepare students to achieve mastery of Science Next Generation Sunshine State Standards (NGSSS) as well as applicable content area literacy standards for the middle grades. NGSSS will provide content standards and the literacy and writing standards to encourage and ensure wide reading from complex texts, therein providing an opportunity for emphasis on text-specific complex questions, and give emphasis on student's supporting answers based upon evidence from text, and provide extensive research and writing opportunities throughout each of the science courses. Students will be required to successfully complete three annual middle school science courses.

Using NGSSS standards for Science, teachers will develop lessons using strategies that incorporate the following

Essential Science Components:

- **Preparing Students for Learning and Prior-Knowledge Assessment** - *"frontloading" to elicit prior knowledge related to real-life experiences and applications.* Strategies: Using graphic organizer, Concept Mapping, KWL, showing a video clip, conducting a demonstration, using literature.
- **Developing Active Learners** - *Students can become active learners by providing opportunities for them to construct their own understanding. These situations should require students to organize, classify, interpret, and draw conclusions about real-life mathematical and scientific problems.* Strategies: Posing open-ended questions, real-life scenarios to solve, or situations requiring higher order thinking skills.
- **Differentiated Instruction** - *A variety of instructional formats will be used in the classrooms to make sense of the content and to construct meanings from new situations. The School will provide opportunities for small-group work, individual exploration, peer instruction, and whole class discussion and inquiry-based instruction.* Strategies: Using scientific laboratory equipment, hands-on activities, and technology-based activities.
- **Integrated Teaching** - *Multi- and interdisciplinary activities should be included within the classroom that provides connections for students. Students must recognize the various roles that science plays in real life. The connection and application of science will motivate, give meaning to, and reinforce student learning.* Strategies: Posing authentic problems to solve; bridging and activities that involve students in critical thinking, process skills, and product development.
- **Critical Thinking and Higher-Order Questioning** - *Use effective, open-ended questioning techniques that encourage student inquiry. Encourage students to pose their own questions, evaluate the information presented, and make informed decisions about the information. Examples would include, "How would you solve a similar situation?" or "What criteria would you use to ...?"* Strategies: Elaborating, analyzing, hypothesizing, and evaluating.
- **Continuous Assessment of the Learning** - *Assessment should reflect how and what is being taught. It should be embedded at various points in the lesson to guide the instructional planning and pacing. There is a clear alignment between curriculum, instruction, and how students are assessed.* Strategies: Using performance tasks, essays, portfolios, video presentations, and demonstrations.

Instruction in Science will provide students with a broad knowledge of scientific concepts. All of the science courses are designed to promote a sense of inquiry through laboratory experiences and to develop critical thinking skills. The courses offer conceptual development in the earth, life, and physical sciences and will cover a gamut of topics therein. However, the School will also emphasize the following topics in the science curriculum:

- Human Growth and Development
- Substance Abuse Education
- Sexually Transmitted Diseases (including HIV/AIDS Education)
- Teen dating violence and abuse prevention
- Bullying Curriculum and Sexting Curriculum
- Internet Safety (Health Education)

Strategies will be implemented to increase awareness of Science programs and initiatives as well as to ensure student success and mastery of Next Generation Sunshine State Standards, the FS Reading Standards for Literacy in Science, and the FS Writing Standards for Science, as follows:

- Commit to hands-on science learning experiences- science teachers will incorporate at least 75 minutes of laboratory experience per week into their instruction;
- Encourage development of science clubs as well as Science/math related honor societies;
- Encourage students to participate in hand-on activities such as those proposed in SECME;
- Allocate time for Science and mathematics teachers to work together to plan the integration of science and mathematics to support the curriculum of their specific courses (e.g. mathematics and science teachers at the School will include meaningful mathematics and science projects that emphasize the content strands and can be incorporated into classroom and home learning assignments);
- Integrate technology and literacy (e.g. CRISS strategies for mathematics and science) as a part of their effective teaching strategies;
- Utilize current research-based programs and high quality materials with documented success; and
- Inform the community and the parents about the curriculum, assessment, and courses necessary to pursue various career options through a Family Math/Family Science and Technology Night.

Science instruction will emphasize the important role science plays in both acquiring a new body of knowledge and mastering a scientific approach to problem solving. Students will be engaged in science inquiry, constructing an understanding of science concepts through their own investigations and analyses using laboratory equipment. Science instruction at the School will be riddled with questions designed to stimulate higher-order thinking by students. Instructors will promote discussion about the increasingly international context of scientific activity, its impact and limitations, and the continuous evolution of scientific knowledge.

Additionally, the School will take an active approach regarding Science instruction. Teachers will be encouraged to engage students through the following ways:

- Quantitative and qualitative observations
- Investigation of thoughtful questions
- Design and conduct experiments and other types of investigations
- Collect and organize data
- Make logical predictions and offer reasonable explanations
- Explore possible conclusions
- Communicate their understanding

Moreover, students will participate in weekly hands-on science investigations, exposing students to the scientific process and scientific thinking. In grades 6-8, students will be encouraged to participate in Science Clubs where they will be able to explore and investigate the steps to the scientific method.

Curriculum Materials

The School will use state-approved texts to differentiate between the regular and honors curriculum in the area of Science. The School plans to mirror the science curriculum offerings being utilized and implemented at the S

School to be replicated, which has proven effective, including which currently utilizes the following state-approved materials for instruction of Science:

- 6th Grade - Pearson Comprehensive Science 1
- 7th Grade – CPO Foundations of Physical Science
- 8th Grade – Miller and Levine Pearson Biology / EOC Test Prep

Supplemental Science instructional materials will be gathered for lesson plans using the following resources:

- Florida Association of Science Teachers
- Scientific magazines such as Science Weekly and National Geographic ce FCAT Resources
- National Institute of Science Education
- National Science Teachers Association
- District Pacing Guides
- Item Specifications
- HOT Labs Documents

Technology: Including but not limited to, GIZMOS, and Brainpop, Discovery Education projectors, smart boards and computer-based programs will assist students visually in understanding science concepts.

Course Offerings

The following Science courses will be offered, similar to that which is offered at the school to be replicated:

Science
6th Grade
M/J Comp Science I
M/J Comp Science I Advanced
M/J Comp Science I Accelerated Honors
7th Grade
M/J Comp Science II
M/J Comp Science II Advanced
Physical Science Honors*
Physical Science Honors Gifted
8th Grade
M/J Comp Science III
M/J Comp Science III Advanced
Physical Science Honors*
Biology I Honors**
Biology I Honors Gifted**

***Senior High School Credit(s) for middle grade students** - Students may enroll in selected senior high school courses for the purposes of pursuing a more challenging program of study. The School will implement the SDIRC Student Progression Plan. To earn high school credit for a Biology I course, a middle school student must take the Biology EOC assessment for 30% of the course grade (or as applicable/mandated and implemented by the FLDOE’s statewide, standardized assessment program).

Social Studies

The purpose of the Social Studies program is to prepare students to be knowledgeable, informed, and active citizens in an increasingly diverse community, nation, and interdependent world. Through Social Studies, the School will seek to promote civic competence and ensure that the values and ideals that have shaped our democratic nation are instilled in our youth. The School will deliver a Social Studies curriculum that will prepare students to achieve mastery of Social Studies NGSSS as well as content area literacy and FS writing standards for middle grades Social Studies. NGSSS will provide content standards and the literacy and writing standards will provide the impetus for students to have wide reading from complex texts, opportunity for emphasis on text-specific complex questions, and emphasis on student supporting answers based upon evidence from text, and provide extensive research and writing opportunities throughout each of the Social Studies courses.

Students will be required to successfully complete three middle school or higher courses in Social Studies, one semester of which must include the study of state and federal government and civics education (the Civics course will require students to complete the Civics EOC exam, which will constitute 30 percent of the student's final course grade (or as applicable/mandated and implemented by the FLDOE's statewide, standardized assessment program)). Furthermore, the Civics course content will include the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States.

Social Studies education will promote loyalty and love of country and community, and it will prepare students to participate intelligently in public affairs. Its component disciplines foster in students the knowledge and skills needed to understand current political and social issues. Social Studies education will provide students with an understanding of the democratic principles and ideals upon which good citizenship is founded and an understanding of the world beyond their borders. Lessons will be designed to teach students to effectively analyze historical evidence, use sources effectively, detect potential bias in resources due to cultural influences, and argue emphatically.

The comprehensive Social Studies program will:

- emphasize content, concepts, and skills from the Social Studies, the humanities, and, where appropriate, mathematics, and the natural sciences;
- reflect a clear commitment to democratic beliefs and values;
- encourage civic responsibility and active participation;
- promote high expectations for all students;
- incorporate a multicultural perspective;
- reinforce the development of a global perspective;
- promote understanding of social, political, and economic institutions;
- encourage student involvement in community service;
- focus on the identification of the potential solutions to local, national, and world problems;
- involve students in their learning by using a variety of teaching strategies and instructional materials; and
- promote an interdisciplinary approach to learning.

The School will deliver the following Social Studies Course Content, in-line with that which is presented at the replicated school, as follows:

Grade 6 World History (Early Civilizations – The Middle Ages) will range from the world's earliest civilizations to the ancient and classical civilizations of Africa, Asia, and Europe. Students will be exposed to the multiple

dynamics of world history including economics, geography, politics, and religion/philosophy. Students will study methods of historical inquiry and primary and secondary historical documents.

Grade 7 Civics will focus on the principles, functions, and organization of government; the origins of the American political system; the roles, rights, responsibilities of United States citizens; and methods of active participation in our political system. The course is embedded with strong geographic and economic components to support civic education instruction. *Students in 7th grade will obtain 30% of the student final course grade for Civics. This course will culminate in completion of an electronic Personalized Education Planner, which must be signed by the student, the student's guidance counselor, and the student's parent. Accordingly, middle school students will receive instruction in a range of exploratory/elective areas in order to complete the career choices planner.

Grade 8 US History (Exploration – Civil War) will focus on the study of American history from the Exploration and Colonization period to the Reconstruction Period following the Civil War. Students will be exposed to the historical, geographic, political, economic, and sociological events, which influenced the development of the United States and the resulting impact on world history.

So that students can clearly see the relationship between cause and effect in historical events, students will have the opportunity to explore those fundamental ideas and events, which occurred after Reconstruction. Instruction of U.S. History will include opportunities for students to interpret and create representations of historical events using mathematical tables, charts, and graphs. United States History.

The School will also emphasize the following Social Studies topics in the Social Studies curriculum:

- Economic Education;
- African-American History;
- History of the Holocaust;
- Hispanic Contributions to the United States;
- Women's Contributions to the United States;
- Multicultural Education;
- Sacrifices made by veterans in protecting democratic values;
- History and content of the Declaration of Independence and the U.S. Constitution;
- History of the U.S., including the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the U.S. to its present boundaries, the world wars, and the civil rights movement to the present;
- Florida History, Government, and Geography and
- Character Education

The school will use the NAEP frameworks and district-pacing guides, as available, for United States History as resources and for pacing and instruction.

The School will follow the state course descriptions for the courses listed herein this section. These courses cover concepts and materials that are aligned to the NGSSS, as detailed above. Students will be required to successfully complete the three credits of Social Studies at the Middle School level in Social Studies as mentioned previously in follows: World History, Civics, and U.S. History.

The School will use state-approved texts to mirror that which is successfully offered at the Somerset school to be replicated for the instruction of Social Studies. The School's text selection will be modified as per the Sponsor's text adoption and updates throughout the duration of the charter. The School will also use *Newspapers* as a literacy enrichment supplement and to incorporate data analysis daily by means of graphs and charts, etc.; as well

as will integrate Reading and Writing strategies within the Social Studies curriculum and instructional strategies, Content using content area literacy standards for Social Studies.

6th – 8th Grade Social Studies Materials:

The School will use state-approved texts to differentiate between the regular and honors curriculum in the area of Social Studies. The School plans to mirror the Social Studies curriculum offerings and instructional materials being utilized and implemented at the Somerset School to be replicated, which has proven effective, as follows:

- McGraw-Hill (6th World History –Discovering our past “A history of the world” Also comes with workbook entitled “My Reflections”)
- Civics – (7th Grade - Civics, economics & geography also comes with workbook entitled ‘My reflections on civics’)
- U.S. History –(8th grade - Discovering our past “A history of the United States” also comes with workbook entitled “My reflections on American History”)

Note: The School will also utilize the online version of the McGraw-Hill textbooks and other such resources for teachers.

The following Social Studies courses will be offered, similar to that which is offered at the school to be replicated:

Social Studies
6th Grade
M/J World History
M/J World History Advanced*
M/J World History Gifted*
7th Grade
M/J Civics**
M/J Civics Advanced*
M/J Civics Advanced Gifted*
8th Grade
M/J US History
M/J US History Advanced *
M/J US History Advanced Gifted*

* Advanced and Advanced Gifted Courses will be offered depending on the needs of the student population, as applicable.

** Students in middle school will be required to take the Civics EOC Exam, which will constitute 30 percent of the student’s final course grade.

Career Planning – A semester Internet course in career and education planning will result in a completed personalized academic and career plan for the student. The career/education planning course will:

- emphasize the importance of entrepreneurship skills,
- emphasize technology or the application of technology in career fields; and
- will include information from the Department of Economic Opportunity’s economic security report as described in s. 445.07, F.S.

Foreign Language

The School will use a state-approved World Language textbook, alongside its digital software and multimedia or other state-adopted materials resources in the instruction of Foreign Language. The Foreign Language curriculum will build each student's literacy competence and oral proficiency. These competencies will be achieved through a minimum of 150 minutes of weekly Foreign Language instruction in either Spanish or Mandarin as one of the required* electives at the school, as done in the school to be replicated.

*Students enrolled in intensive courses will not be required to enroll in a foreign language elective.

The School will infuse an exploratory philosophy to learning a second language:

The Five C's of Foreign Language Education

Communication
Cultures
Connections
Comparisons
Communities

Communication - *Communicate in Languages other than English.*

Communication is at the heart of second language study. There are various methods of communication (face-to-face, in writing, or across centuries through the reading of literature).

Cultures - *Gain knowledge and Understanding of Other Cultures.*

Through the study of a second language, a student gains knowledge and understanding of the cultures that use that language. Mastery of the cultural contexts in which the language occurs is necessary to fully master the language.

Connections - *Connect with Other Disciplines and Acquire Information.*

Learning languages provides connections to additional bodies of knowledge that may be unavailable to the monolingual English speaker.

Comparisons - *Develop Insight into the Nature of Language and Culture.*

It is through comparisons and contrasts with the target language, that students develop insight into the nature of language and the concept of culture and realize that there are multiple ways of viewing the world.

Communities - *Participate in Multilingual Communities at Home and Around the World*

The other 4 C's allow students to understand and build multilingual communities at home and around in the world in a variety of contexts and in culturally appropriate ways.

The School expects students to develop their language skills by using the five C's across the disciplines by demonstrating the following standards:

- Engage in conversations, provide and obtain information, express feelings and emotions, and exchange opinions.
- Understand and interpret written and spoken language on a variety of topics.
- Present information, concepts, and ideas to an audience of listeners or readers on a variety of topics.

- Demonstrate an understanding of the relationship between the practices and perspectives of the culture studied.
- Demonstrate an understanding of the relationship between the products and perspectives of the culture studied.
- Reinforce and further their knowledge of other disciplines through the foreign language.
- Acquire information and recognize the distinctive viewpoints that are only available through the foreign language and its cultures.
- Demonstrate understanding of the nature of language through comparisons of the language studied and their own.
- Demonstrate understanding of the concept of culture through comparisons of the cultures studied and their own.
- Use the language both with and beyond the school setting.
- Show evidence of becoming life-long learners by using the language for personal enjoyment and enrichment.

In addition, the following practices will be implemented at the School:

- continuous review of curriculum to ensure a year's worth of learning of all state – benchmarks
- research-based instructional practices
- principal evaluation through weekly classroom walkthroughs (principal is expected to have strong awareness that all teachers are utilizing the best practices and implementing the instructional initiatives with fidelity)
- The School Improvement Plan (SIP) will be used as a quality assurance tool to ensure that the curriculum goals are being accomplished.
- assessment data to make instructional decisions and plan interventions
- weekly grade level and monthly staff meetings
- ongoing professional development workshops
- before and afterschool tutoring for remediation and acceleration
- targeted interventions for struggling readers and students performing below grade level.
- integration of long-term thematic projects across the curriculum
- multiple ELL and ESE strategies across the curriculum
- focus on differentiated instruction for learning styles
- integration of technology across all major disciplines

- B. Describe the school's reading curriculum. Provide evidence that reading is a primary focus of the school and that there is a curriculum and set of strategies for students who are reading at grade level or higher and a separate curriculum and strategy for students reading below grade level.

The reading curriculum must be consistent with effective teaching strategies and be grounded in scientifically-based reading research.

The school will assist all students in becoming successful, independent, and comprehensive readers by adopting the SDIRC K-12 Comprehensive Core Reading Plan (CCRP) to provide teachers with a systematic framework for literacy instruction. The goal of all instruction is to improve student achievement through mastery of the Language Arts Florida Standards (LAFS) and applicable Literacy standards and writing standards across the curriculum. The

Sponsor's CCRP is aligned with Florida's Formula for Success in reading: 6 + 4 + ii + iii, which includes six (6) components of reading (oral language, phonological awareness, phonics, fluency, vocabulary, and comprehension) + four (4) types of classroom assessments: screening, progress monitoring, diagnosis and outcome measures + (ii) initial instruction + (iii) immediate, intensive interventions.

Please Note: The following section is based on the 2014-2015 CCRP for SDIRC Public Schools as it was the most current plan available at the time of application submission. The School commits to using the SDIRC CCRP in effect for 2016-2017 school year and each year thereafter, throughout the duration of the charter.

The District's Comprehensive Reading Plan supports and provides professional learning aligned with Just Read, Florida's Ten Guiding Principles for Close Reading:

- Make close reading and rereading of texts central to instruction, rather than ancillary.
- Provide scaffolding that does not preempt or replace text.
- Ask text dependent questions from a range of question types.
- Emphasize students supporting answers based upon evidence from the text.
- Provide extensive research and writing opportunities (claims and evidence).
- Offer regular opportunities for students to share ideas, evidence and research.
- Offer systematic instruction in vocabulary.
- Ensure wide reading from complex text that varies in length.
- Provide explicit instruction in applied grammar and conventions.
- Cultivate students' independence.

The School commits to the following requisites, at minimum:

- Leadership at the school level is guiding and supporting the reading initiative;
- The analysis of data drives all decision-making;
- Professional development targeted at individual teacher needs as determined by analysis of student performance data;
- Measurable student achievement goals will be established annually
- Appropriate research-based instructional materials and strategies will be used to address specific student needs.

The Reading Curriculum

The school's reading program will offer a multi-tiered system of supports, including data-based problem solving, utilizing student-centered RtI response to instruction/MTSS intervention data to make educational decisions. Other supports to ensure meeting the need of all types of readers, include 1) providing effective core instruction for all students; 2) administering high quality assessments to monitor progress and identify students and systems in need of intervention; 3) instructional use of a wide variety of complex texts to challenge student vocabulary and comprehension learning; and, 4) designing and implementing interventions that are matched to student needs.

Multi-tiered System of Supports/Response to Intervention Model: MTSS/RtI will be used as a school-wide, multi-level instructional and behavioral system for screening, progress monitoring, data-based decision making for instruction and movement within the multi-level system. The District's MTSS/RtI model will guide the school's RtI/MTSS Team in implementing a tiered approach to instructional delivery that includes fidelity of instruction using a comprehensive core reading program and interventions of increasingly higher intensity, based on the differentiated needs of students. This multi-tiered approach to providing services and interventions to students at

increasing levels of intensity is based on progress monitoring and data analysis. Supplemental reading resources will differentiate instruction for all students across the continuum of Tiers 1 (initial universal), 2 (strategic intervention), and 3 (intensive intervention).

Student Placement: The decision to participate in Intensive Reading course will be made in accordance with the District's CCRP by student's performance on the prior year's Reading FSA and monitored throughout the school year using diagnostic assessments such as baseline assessments in Reading, FAIR-FS Progress Monitoring, and teacher recommendations. The K-12 CCRP requires each school to conduct a screening and diagnostic process to identify appropriate placement of students failing to score at required proficiency levels. The K-12 CCRP also requires a daily double block for all students who have reading deficiencies in decoding and fluency. Some high achieving Level 2 students (Level 2 previously identified by FCAT*) but Level 2 as described herein speaks to students not demonstrating grade level proficiency as per the CCRP. Those "level 2 students" may attend either an Intensive Reading or a homogeneously grouped language arts course, in which the language arts teacher instructs the reading course, while infusing the language arts benchmarks into the course.

All students not demonstrating grade level proficiency will be offered before, after, and possibly Saturday school targeted tutoring.

NOTE - The FSA will be in effect for the 2015-2016 school year and beyond; students in this below proficiency category will be determined according to the FSA for English Language Arts. Moreover, as proficiency levels for the FSA for English Language Arts are more clearly outlined in the in the CCRP and in the future, the School will readjust guidelines for Intensive Reading placement as needed based on future guidance from the FLDOE and as reflected in the Sponsor's future revisions and implementation of the SDIRC CCRP.

Tier 1 (Universal Core Instruction)

- **English Language Arts/Reading Courses**
- **Social Studies and Science** - Literacy instruction in Reading and Writing using the FS

Initial Instruction: Classroom instruction in reading will be offered in uninterrupted block of time of at least 90 minutes duration. The initial lesson from the Comprehensive Core Reading Program (CCRP) usually require 30-40 minutes per day of the required 90-minute uninterrupted reading block. The teacher will then differentiate instruction focusing on individual student needs for the remainder of the reading block. In addition to, or as an extension of the 90-minute reading block, teachers will provide immediate intensive intervention to children as determined by progress monitoring and other forms of assessment..

Tier 2 (Strategic Interventions) and Tier 3 (Intensive Interventions)

Both SIRPs and CIRPs can be used together to meet the needs of struggling readers as part of the instructional continuum of Tier 2 (strategic) and Tier 3 (intensive) intervention.

Comprehensive Intervention Reading Programs (CIRP) will address multiple areas of reading, with the aim of accelerating growth in reading to ultimately achieve, at minimum, grade level proficiency. The CIRP includes instructional content based on the six essential components of reading instruction (oral language, phonological awareness, phonics, fluency, vocabulary and comprehension). CIRPs are used to accelerate growth in reading with the goal of returning students to grade level proficiency. Teachers will place students in intervention programs based on data.

Supplemental Intervention Reading Programs (SIRP) provide instruction in one or more areas of reading. They will be used as part of differentiated instruction and as more intensive interventions to meet student-learning needs in specific areas (phonological awareness, phonics, fluency, vocabulary, and comprehension). They may be used with almost all students in the class in the event that the (CIRP) does not provide enough instruction and practice in a given area for the majority of the students in the class or to provide targeted, intensive interventions for smaller groups of struggling readers. Within these groups students will receive supportive comprehension instruction with scaffolding as necessary that focuses on using grade level text to explicitly address text complexity. The ultimate goal is to have students read grade level text independently.

CIRPs may include:

- Scholastic Read XL (6-8)
- Voyager Journeys (6-8)
- Selected Grade Level Text, Novels – IR-EN (6-8)
- Rewards (6-8)

SIRPS may include:

- The Wilson Reading System (6-8)
- Jamestown Timed Readers (6-8)
- Rewards (6-8)
- National Geographic/Hampton-Brown Edge program (6-8)
- Quick Reads (6-8)
- Selected Grade Level Texts (6-8)
- Novels (6-8)

Technology Resources may include:

- Reading Plus (technology)

These supplemental materials provide teachers with tools to meet individual student learning needs during initial instruction and immediate intensive intervention and for Response to Intervention (RTI) based on results of assessments such as FAIR-FS (as applicable), SRI.

Immediate, Intensive Interventions: Students who fail to achieve required proficiency on the FSA for Reading or have otherwise been identified as deficient (i.e. formerly FCAT Levels 1s and 2s) and who have intervention needs in the areas of decoding and/or fluency will have an extended block of reading intervention, either through a double block of intensive reading or by blocking together a class of “Intensive Reading” with another subject area class. This block of time will be taught by the same teacher, and said teacher will be highly qualified in reading or working toward that status (pursuing the reading endorsement or K-12 reading certification). Classroom infrastructure will have appropriate and adequate CIRP and SIRP materials (detailed above) to address the learners’ needs.

Furthermore, the reading intervention course will include daily:

- whole group explicit instruction;
- small group differentiated instruction;
- independent reading practice monitored by the teacher;
- infusion of FS in Literacy across the curriculum (specifically in Science, and Social Studies); and
- focus on text complexity aligned to LAFS expectations and matching expected FSA samples.

Instructional Models: Guided by teacher instructions, reading/literacy teachers will model effective reading strategies and guide students through pre-reading, during reading, and post-reading techniques that will strengthen metacognition and self-monitor their own comprehension.

Research based Strategies for Reading Instruction - Based on the research, teachers will use systematic, direct and differentiated instruction in their curriculum delivery while implementing the research-based strategies.*

- *Systematic instruction* will involve a carefully designed sequence plan for instruction. The plan for systematic instruction is carefully thought out, strategic and designed before activities and lessons are developed. Systematic instruction is clearly linked within, as well as across, the six elements of reading instruction (oral language, phonemic awareness, phonics, fluency, vocabulary, and comprehension). For systematic instruction, lessons build on previously taught information, from simple to complex, with clear, concise student objectives that are driven by ongoing assessment. Students are provided appropriate practice opportunities, which directly reflect instruction.
- *Direct instruction* is an instructional approach that utilizes explicit and structured teaching routines. A teacher using direct instruction models, explains, and guides the students through extended practice of a skill or concept until mastery is achieved. The lessons are fast paced, students are academically engaged, and teachers are enthusiastically delivering instruction. Direct instruction is appropriate instruction for all learners, all six components of reading, and in all settings (whole group, small group, and one-on-one).
- *Differentiated Instruction* meets the demands of the differing learning abilities in the same class. For optimal instruction, students will be grouped in various ways and in flexible settings to accommodate varying reading levels and learning styles. Teachers will utilize the methods of whole-group instruction, small-group instruction, individual instruction, and independent reading to address the various needs of the students.

*All faculty members must address strategies for reading instruction in their annual Individual Professional Development Plans (IPDP). These strategies must be constantly updated based on the results and analysis of progress monitoring in reading.

Progress Monitoring

Progress monitoring data will be collected regularly and includes student data from classroom assessments and digital tools, classroom “look-fors” using a self-reflection tool or rubric aligned with the literacy needs and discipline specific literacy practices to be implemented, and data collected using teacher evaluations. In addition, district assessments such as the Benchmark Assessment Test and the Florida Assessments for Instruction in Reading, aligned to the Florida Standards (FAIR-FS) will provide progress-monitoring data.

Benchmark Assessment data is monitored after each assessment period to ensure student progress, and progress monitoring data (using FAIR-FS) is monitored three times per year, after each assessment period.

Assessments for Placement and Progress Monitoring:

- FAIR-FS (Three times per year)
- District Benchmark assessments
- Comprehensive English Language Learning Assessment (CELLA) – Required for ESOL
- Diagnostic assessments such as Benchmark Assessments, FAIR-FS, and school-based Benchmark Assessment tests will be used for Screening and Progress Monitoring.
- Outcome measures will be determined through FAIR-FS, end-of unit reading assessments, EOCs and other state-mandated and district-adopted assessment for 2016 and beyond.

The Literacy Leadership Team: The school will establish a Literacy Leadership Team, with the purpose of creating capacity of reading knowledge within the school building and focusing on areas of literacy concern across

the school. The principal selects team members for the Literacy Leadership Team (LLT) based on a cross section of the faculty and administrative team that represents highly qualified professionals who are interested in serving to improve literacy instruction across the curriculum. The team will meet monthly throughout the school year or may choose to meet more often. The LLT maintains a connection to the school's MTSS/RtI process by using the problem solving approach to ensure that a multi-tiered system of reading support is present and effective. The Literacy Leadership Team members will include the instructional coach, media specialist, department chairpersons and representation for ELL and ESE.

In accordance with CCRP, the Literacy Leadership Team will:

- Engage in regular, ongoing, literacy professional learning.
- Support the implementation of the Florida Standards for English Language Arts and Literacy standards in Social Studies and Science.
- Support the work of the school's Collaborative Problem Solving Team/Response to Instruction/Intervention.
- Participate in Professional Learning Communities and Study Groups.
- Use data to analyze the effectiveness of instruction and redesign instruction and resources to meet the student's instructional and intervention needs.
- Monitor, and support the implementation of the Comprehensive Intensive Reading Programs and scientifically based reading instruction and strategies with fidelity.
- Participate in ongoing literacy dialogues with school stakeholders.
- Develop and support initiatives that promote career and college readiness and literacy.
- Support classroom or school-based action research.
- Support or participate in classroom demonstrations and modeling of research-based literacy strategies.
- Support the development of model/demonstration classrooms.
- Mentor and support other teachers.
- Lead and support Professional Learning Communities (PLCs), Study Groups, and Lesson Study.
- Present literacy professional development.

The principal will actively promote school-wide literacy reform by:

- Including representation from all curricular areas on the LLT;
- Selecting team members who are skilled and committed to improving literacy;
- Offering professional growth opportunities for team members;
- Increasing a collaborative environment that fosters sharing and learning;
- Developing a school-wide organizational model that supports literacy instruction in all classes; and
- Encouraging the use of data to improve teaching and thus impact student achievement.

Administrative Support - The administrative team and LLT members will conduct classroom Walkthroughs, monitor lesson plans and ensure that reading strategies are implemented across the curriculum. Intensive Reading teachers will be certified, Reading endorsed, or working towards said endorsement by completing at least two courses of the six reading endorsement competencies per year. The School will identify teachers in need of support and provide assistance through reading coaches, veteran teachers and the LLT members. Language Arts Department Chairs and/or Reading Coaches, as applicable, will analyze progress-monitoring data on a quarterly basis. As student data is collected and analyzed, these will be used to identify specific areas in which teachers can benefit from additional professional development opportunities. Assessment data will indicate areas where improvement is needed in instructional methods, practices and necessary interventions, thereby allowing for focused professional development (including site-based modeling and coaching).

Professional Development - The Literacy/Reading Coach, in conjunction with the Literacy Leadership Team, will design workshops to address the needs of classroom instruction. The Reading Coach will meet with the reading committee and grade levels/departments to review these results and share best practices. For further intensification, demonstration lessons, in-class coaching, peer observation and additional professional development opportunities will be made available to the faculty.

The reading team will also provide classroom support and on-site teacher professional development in utilizing reading intervention programs. In addition to providing classroom support seminars, the school will participate in a series of instructional workshops to actively engage students:

- Differentiated Instruction (3 suggested sessions)
- Content-Area Classroom Libraries (1 suggested session)
- Vocabulary Strategies/ Word Walls (1 suggested session)
- Reciprocal Teaching (3 suggested sessions)

C. Describe proposed curriculum areas to be included other than the core academic areas.

Middle School Electives

All electives will follow FLDOE course codes and applicable NGSSS, as well as Reading and Writing Florida Standards related to Technical Subjects, as applicable. Students who are required to take intensive courses (i.e. Intensive Reading and/or Intensive Math), will lose the opportunity to select an elective course while ELL students are required to take a second ESOL course.

The following are some of the elective course options that will be offered to students in grades 6-8 to enhance the curriculum and/or in fulfillment of program and graduation.

Physical Education (PE) - Students will be required to complete the equivalent of one class period per day of physical education for one semester of each year of middle school . This requirement may shall be waived for a student who meets one of the following criteria:

- the student is enrolled or required to enroll in a remedial course;
- the student's parent indicates in writing to the school that:
 1. The parent requests that the student enroll in another course from among those courses offered as options;
OR
- The student is participating in physical activities outside the school day, which are equal to or in excess of the mandated requirement., as stipulated in s. 1003.455, F.S (e.g. afterschool sports, dance classes, physical activity as part of an after school program, etc.)

The School will stress physical fitness and encourage healthful, active lifestyles and encourage all students to participate in physical education. Physical education shall consist of physical activities of at least a moderate intensity level and for duration sufficient to provide a significant health benefit to students, subject to the differing capabilities of students. A certified physical education instructor will review and oversee the physical education program and curricula to be offered.

Some of the PE courses being offered at other Somerset middle schools that may be offered at the School, include the following:

Physical Education	Course Number
Grades 6-8	
M/J Comprehensive PE I	1501100
M/J Comp PE II	1501110
M/J Comp PE III	1501120
M/J Dance 1	0300000
M/J Dance 2	0300010
M/J Dance 3	0300020

Foreign Language - The School recognizes that there is a growing international interdependence among nations, which demands that the United States develop citizens with a sound understanding of international and cross-cultural issues and the ability to communicate in more than one language. Strong evidence shows that time spent on foreign language study strongly reinforces the core subject areas of reading, English language literacy, Social Studies and math. Foreign language learners consistently outperform control groups in core subject areas on standardized tests, often significantly. (Armstrong & Rogers 1997; Saunders 1998; Masciantonio 1977; Rafferty 1986; Andrade 1989; Kretschmer & Kretschmer 1989). One study found students scored significantly higher in math and language arts after one semester of foreign language study 90 minutes per week (Armstrong 1997). The applicant is hopeful that students will develop an understanding of cross-cultural issues and that some will choose to develop their ability to communicate in more than one language by being part of the school's language program which will require one of their electives to be in either Spanish or Mandarin. Students who are required to take intensive courses (i.e. Intensive Reading and/or Intensive Math), will lose the opportunity to select an elective course while ELL students are required to take a second ESOL course.

Some of the foreign language elective courses being offered at other Somerset schools, including the school to be replicated, that will be offered at the School, include the following:

Foreign Language	Course Number
Grades 6-8	
M/J Spanish, Beginning (Non-Speakers)	0708000
M/J Spanish, Intermediate (Non-Speakers)	0708010
M/J Spanish, Advanced (Non-Speakers)	0708020
Spanish for Spanish Sp I	0709300
Spanish for Spanish Sp II	0709310
Spanish for Spanish Sp III Honors	0709320
Spanish for Spanish Sp I (High School Credit)	0709300
Spanish I (Non Speakers) (High School Credit)	0708340
M/J Chinese Beginning	0707000
M/J Chinese Intermediate	0707010
M/J Chinese Advanced	070720

Other electives that may be offered at the school if applicable

Technology - Instructional technology will enhance the school's curriculum while preparing students to be college and career ready, while reinforcing technology skills necessary for them to meet the demands of new and challenging Florida Standards testing requirements and promoting efficient and responsible use of 21st Century technology.

In an effort to maximize student exposure to the latest technology and comply with new digital instructional material requirements, the School will equip classrooms with multi-media, high-speed computers and other hardware with high-speed Internet access school-wide. In addition to technology used in core and elective courses, the School will apply for grants to provide students access to various technologies (program computers, laptops, iPADS, school-website, SMART/Promethean boards, document cameras, TV production equipment) in order to produce quality academic products and showcase their learning in each content area. Furthermore the School will utilize digital texts, hyperlinks, videos and audio websites such as You Tube, and will in addition create a School Tube for instructional purposes. The School will also utilize other mediums for students to make their class presentations, develop group forums, communicate with teachers and other students, providing for in-depth, real world application, and multi level sensory application of acquired skills, knowledge, and material. Additionally, through the Broadcasting component, and through ELA, the School seeks to implement a Podcast component, building on social media for social change.

The integration of technology throughout the curriculum requires policies are in place to promote safe, ethical, and appropriate use of such technology in compliance with legal and professional standards. Therefore, a policy for the acceptable use of the Internet as a tool for learning will be included in the respective handbooks produced and agreed to by students and their parents that clearly dictate network etiquette guidelines for such use. A similar use policy will be included as a reminder of professional standards regarding appropriate use of technology to which the staff must adhere. The School will adopt an Acceptable Use Policy for the Exploration and Utilization of the Internet as a Tool for Learning. Students and staff will be provided with network etiquette guidelines in their respective handbooks. Faculty and staff will also be reminded of professional standards regarding appropriate use of technology.

Music -The music curriculum includes both vocal and instrumental music. Following the Next Generation Sunshine State Standards for Music, specialists will introduce students to both skills and knowledge of various genres. Skills and techniques will be developed and focus on music instruction in skills and techniques involved in singing and playing instruments, practice in musical interpretation, and training in creative expression.

Art -The primary goal in art education electives is to provide students an opportunity to develop and explore their creative potentials. The Art curriculum will include planning, developing, and implementing the fine arts as outlined in the Next Generation Sunshine State Standards, or other as applicable. Students will be exposed to the many components of art including production, history, criticism and aesthetics. Moreover, the School will emphasize the interdisciplinary connections between Art and the core subjects. Authentic assessment is one of the focal points of the curriculum and will be implemented through a series of community based art experiences, festivals and art exhibitions.

Some of the other elective courses being offered at other Somerset middle schools and that may be offered at the School based on number of students interested, include the following:

COURSE TITLE
M/J Computer Application in Business I
M/J Computer Application in Business 2
M/J Business Leadership Skills
M/J Business Keyboarding
M/J Personal, Career & School Dev. Skills 1
M/J Business Keyboarding & Career Planning
M/J Art/Art Appreciation 1
M/J Art/Art Appreciation 2
M/J Music Ensemble I
M/J Chorus I
M/J Chorus II
M/J Journalism I (Yearbook)
M/J Journalism II (Yearbook)

D. Describe how the effectiveness of the curriculum will be evaluated.

The effectiveness of the curriculum will be measured by the student performance and achievement and specifically measured against the specific measurable objectives written herein this application (and updated in the SIP) for the first year of operation (as-is further described in *Section 5* below). Expectations are that students will progress as well or better than they did before attending the charter school, and that the specific measurable goals and objectives which have been set for the School, are achieved from year to year. In years two and beyond, effectiveness of the curriculum will be evaluated based on achievement of the objectives in the School Improvement Plan, wherein students will be expected to make annual learning gains toward achieving the Florida Standards (LAFS and MAFS) and the Next Generation Sunshine State Standards, as applicable.

Ongoing monitoring and analysis of school-wide assessment data (as described herein *Section 5*) will assist the School in determining staff development needs, curriculum realignments, and the objectives submitted in the School Improvement Plan (SIP). Student outcomes on standardized and school-wide assessments, benchmark tests and quizzes, projects, presentations, exhibitions, and portfolios will help in assessing the effectiveness of the curriculum throughout the school year. Ongoing internal audits of student progress, such as progress reports, report cards, beginning year, mid-year, and end-year assessments will be utilized as tools to evaluate whether the curriculum is effective and meeting the needs of all students.

Section 5: Student Performance, Assessment and Evaluation

- A. *State the school's educational goals and objectives for improving student achievement. Indicate how much academic improvement students are expected to show each year, how student progress and performance will be evaluated, and the specific results to be attained.*

The School will establish educational goals for improving student achievement through Annual Measurable Objectives (AMO) that aim to increase student proficiency from year to year and are competitive with district/state achievement targets. At the time of this charter school petition submission, the data results for the state-mandated Florida Standards Assessment had not yet been released and therefore the specific absolute threshold of proficiency for schools and school districts alike, remain unknown. Due to these changes in legislation and state-mandated testing in ELA and Mathematics, the specific thresholds have not yet been released by the FLDOE. The school commits to implement and address absolute thresholds for all state/district assessments on actual baseline data, once available.

At minimum, the school has set the following Annual Measurable Objectives for Testing Year 1 (2016-17):

ELA:

- The school will meet or exceed the District and/or State average (whichever is higher) of students in grades 6-8 meeting high standards in ELA, as evidenced by scoring proficient or higher on the Florida Standards Assessment (FSA) in ELA in 2017 as established by FL-DOE.

Mathematics

- The school will also meet or exceed the District and/or State average (whichever is higher) of students in grades 6-8 meeting high standards in Mathematics, as evidenced by scoring proficient or higher on the new Florida Standards Assessment (FSA) in Mathematics in 2017 as established by FL-DOE.
- The school will meet or exceed the District and/or State average (whichever is higher) of Algebra 1 students who achieve a passing score on the Algebra 1 EOC, in 2017 as established by FL-DOE.
- The school will meet or exceed the District and/or State average (whichever is higher) of Geometry students who achieve a passing score on the Geometry EOC, in 2017, as established by FL-DOE.

Science

- At least 59% of students in grade 8 will meet high standards in Science, as evidenced by earning a score of 3 or higher on the Florida Comprehensive Assessment Test of Science 2.0 to be administered in 2017. (This objective was projected using the current available statewide and district-wide achievement data for Science FCAT 2.0 1 to calculate the target for 2017).
- At least 71% of students enrolled Biology 1 will demonstrate proficiency by earning a passing score on the 2017 Biology 1 EOC. (This objective was projected using the current available statewide and district-wide achievement data for the 2015 Biology 1 EOC to calculate the target for 2017).

Social Studies

- At least 71% of students enrolled in Civics will demonstrate proficiency as evidenced by earning a passing score on the 2016-17 Civics EOC Assessment. (This objective was projected using the current available statewide and district-wide achievement data for the 2015 Civics EOC to calculate the AMO target for 2017).
- At least 82% of students enrolled in US History will demonstrate proficiency as evidenced by earning a passing score on the 2017 EOC Assessment. (This objective was projected using the current available

statewide and district-wide achievement data for the 2015 US History EOC to calculate the AMO target for 2017).

Customer Service:

- At least 80% of parents/guardians of students enrolled at the school will indicate a high level of satisfaction with their child's schooling experience as evidenced by positive feedback on Stakeholder Satisfaction Survey administered in the second semester of the 2017 school year.

The School will participate in the statewide assessment program created under s1008.22, F.S. The school will use such state and district-adopted as well as school-based assessments to measure student progress toward mastery of the Florida Standards across all grade levels. The School will implement the Sponsor's testing calendar and performance measurements, with the same frequency of assessments, as amended from time to time in accordance with district and/or statewide assessments.

B. Describe the school's student placement procedures and promotion standards.

The School will follow the SDIRC Student Progression Plan to identify the placement and promotion requirements for all students enrolled at the School. This overview of the policies reflects the most current Student Progression Plan (SPP) available at the time of application submission. The School hereby agrees to adopt the SPP in effect for the 2016-2017 school year and as amended for each year of the charter.

Placement:

The School will aim to address the specific needs of learners via an individualized approach for the placement of students in courses beyond the straightforward requirements. The School will consider test scores, academic history, state and district requirements, and teacher recommendations when placing students, always for the benefit of the student and always encouraging students to pursue the most challenging coursework in which he or she can be successful. That is to say, students will be counseled as to course options as well as course recovery options, individually and by a school counselor, who is aware of all options and scheduling nuances, as well as make students aware of the respective anticipated risks versus the rewards of pursuing various course options in terms of advanced and/or recovery coursework.

Promotion Requirements for Students in Grades 6 and 7

To meet promotion requirements from 6th to 7th grade or 7th to 8th grade, students must successfully pass the equivalent of four full-year courses, three of which must be from the areas of English language arts, mathematics, science and Social Studies as stipulated in. s. 1008.25(2)(a-b), F.S.

Promotion Requirements for Students in Grade 8

The requirement to be promoted from eighth grade requires:

- the successful completion of three middle grades (or higher) courses of English, math, science and Social Studies;
- an internet-based semester course in career and education planning in the 6th, 7th or 8th grade, which results in a completed personalized academic and career plan for the student and emphasizes:
 - the importance of entrepreneurship skills,
 - technology or the application of technology in career fields; and
 - include information from the Department of Economic Opportunity's economic security report as described in s. 445.07, F.S. The career plan will:
 - inform students of high school graduation requirements, including a detailed explanation of the diploma

designation options provided under high school assessment and college entrance test requirements, Florida Bright Futures Scholarship Program requirements, state university and Florida college admission requirements, available opportunities to earn college credit in high school, including advanced placement courses, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, including career dual-enrollment; and career education courses including career-themed courses, and courses that lead to industry certification s. 1003.492 or 1008.44, F. S. The student and the student's parent/guardian must sign each student's plan. s. 1003.4156(1)(a)5, F.S.

- For students who fail a required course, course recovery procedures will be according to FDOE guidelines.

Additionally, although successful completion of a high school level Algebra I, geometry, or biology course in middle school is not contingent upon the student's performance on the end-of-course assessment (EOC assessment), students must meet the EOC assessment requirement under s. 1008.22(3)(c)2.a., F.S., in order to earn a high school credit. Students in grades six through eight who earned high school credit for Algebra I. Any students in grade six through eight who takes geometry and biology must take the EOC assessment for 30% of the final course grade to receive high school credit.

Furthermore, academic grades will be assigned based on student mastery of the content of the course, as determined by the teacher using all available data. Teachers will consider all available data to determine the degree of student proficiency in meeting the Language Arts Florida Standards (LAFS), Mathematics Florida Standards (MAFS), and the Next Generation-Sunshine State Standards, as applicable, in addition to mastery of course content as delineated in State of Florida Course Code Descriptions. This data will include standardized test results, progress tests, daily assignments, teacher observation, and other objective information. The determination as to the specific grade a student receives will be based on careful consideration of all aspects of each student's performance during a grading period. Academic grades will be issued in accordance with State and Sponsor guidelines, as specified in the Sponsor's SPP.

When consideration is given to placing students outside of their age appropriate setting through ACCEL (Academically Challenging Curriculum to Enhance Learning), the Principal, teachers and parent will be involved in the decision making process. This process would involve the accumulation of evidence that the student is prepared academically, socially and emotionally for the challenges of that grade. Parent permission is required for Grade Advancement.

Placement Decisions for Students with Disabilities

The general education setting will be the first consideration when determining placement for students with disabilities. To the maximum extent appropriate, core instruction will be delivered in the general education classroom to students with disabilities. The information contained in the student's IEP will form the basis for the placement decision.

Promotion/Retention of ELLs: Promotion and retention for ELLs and ELLs with disabilities will be based on the student's performance in the dominant language while the student is in the process of becoming independent in English. The School's ELL Committee will review and recommend the retention of an ELL student. ELLs who are not meeting district and/or state student performance levels in language arts/reading/ESOL, and/or mathematics and have participated in the ESOL program for more than two consecutive years, must be involved in the school-wide PMP through RtI/MTSS process as delineated in the PMP procedures. ELLs who have participated in the ESOL program for less than two years are to participate in the PMP assessments for monitoring progress only.

Reading proficiency of recently classified ELLs will be assessed following procedures stipulated in the district's K-12 CRRP by the end of the first nine-weeks in an approved ESOL program. For students with disabilities, the IEP will constitute involvement in the school-wide PMP through RtI/MTSS process.

Notwithstanding, retention of a student with disabilities who is also ELL (ESE/ESOL) has the same requirements as a non-ESOL student with disability. The IEP Team will then review the goals and accommodations to address student needs, as appropriate.

- C. If the school will serve high school students, describe the methods used to determine if a student has satisfied the requirements specified in section 1003.4282, F.S., and any proposed additional requirements.*

N/A

- D. Describe how baseline achievement data will be established, collected, and used. Describe the methods used to identify the educational strengths and needs of students and how these baseline rates will be compared to the academic progress of the same students attending the charter school.*

Baseline used for initial student placement will be collected by the school upon student registration using reports from previous school records (as applicable) and will include standardized test scores such as Florida Standard Assessments (FSAs), End Course Exams, as applicable, or other performance-based criterion examinations, Benchmark Assessments results, FAIR-FS results, report card grades, attendance records, and behavioral records (including in school and out of school suspensions as well as exemplary behavior). In the case of Special Education, Individual Education Plans (IEP) will be secured and the Individual ELL Student Plans will be obtained for English Language Learners (ELL).

To the extent available for an incoming student, the data will be used as a baseline in the student's incoming year and to track individual student progress from year to year. Data will be compared to current data at the end of each school year. For example, standardized test results from 2015-16 will be compared to results from 2014-15 to determine educational strengths and needs of students as well as to measure the student's academic growth. Ongoing internal audits (e.g. Interim Progress Reports and Report Cards, FAIR-FS Ongoing Assessments) of student performance, will be used to identify the needs and strengths of students throughout the school year.

The baseline student academic achievement levels for the School will be established using multiple measures of student's academic performance at the School and on the Florida Assessment Program examinations, as applicable. Data will be used to determine student strengths and weaknesses and inform instruction in these areas. Some of the assessments to be utilized will include the following:

- Florida Standards Assessments (FSA):
 - English Language Arts - Grades 6-8
 - Mathematics - Grades 6-8
 - Algebra 1 EOC, as applicable
 - Geometry EOC, as applicable
- Statewide Science Assessment, Grade 8
- Civics EOC, Grade 7
- Biology EOC, as applicable

- FAIR-FS (3 times per year);
- Orange County Writes;
- Benchmark Assessments in the following areas:
 - ELA (grades 6-8)
 - Mathematics (grades 6-8)
 - Science (grades 6-8)
 - Algebra I, Geometry, Civics, Biology;
- Other school developed benchmark assessments (school adopted/developed);
- Comprehensive End of Course Exams (CEOC) if applicable; and
- Portfolio assessments (whenever applicable).

The baseline levels of academic achievement established during the first academic year will be compared to academic achievement levels in prior years, when data is available, in order to assess rates of prior academic progress and the baseline rates of academic progress for the School's students. Other than standardized test scores, other baseline data may include report card grades, attendance records, and behavioral records (including in school and out of school suspensions as well as exemplary behavior).

Baseline data will be also be utilized to determine the extent to which educational goals and performance standards have been met (inasmuch as the achievement of the specific measurable objectives identified in the charter school application for the first year of operation). Said baseline data is also made available to stakeholders and the community at- large, as reported in the School Improvement Plan via the needs assessment and also through specific learning objectives, which are written to address student's learning needs.

The School will evaluate the effectiveness of their curriculum by determining the extent to which the School meets the annual measurable goals and objectives written herein this petition for the first year of operation and/or specified in the SIP. In subsequent years, the results (based upon those baseline data items) will be gauged against the objectives specified in the School Improvement Plan and this method of goal setting and data collection will be utilized as a living and continuous improvement tool.

E. Identify the types and frequency of assessments that the school will use to measure and monitor student performance.

The School will participate in all required assessments as specified in F.S. 1008.22 . The School will use state standardized assessment scores, district and school-based assessments to measure student progress toward mastery of the Florida Standards in all grade levels.

The School will adopt and implement the Sponsor's Testing Calendar, as amended for 2016-17 and thereafter.

Current Required State and District Assessments include:

- **District Benchmark Assessments** – administered twice a year in the following areas:
 - ELA (grades 6-8)
 - Mathematics (grades 6-8)
 - Science (grades 6-8)
 - Algebra I, Geometry, Civics, Biology;
- **The Florida Assessments for Instruction in Reading, aligned to the Florida Standards (FAIR-FS)** administered 3 times per year for screening, diagnostic and ongoing progress monitoring assessment to measure phonemic awareness, phonics, fluency, vocabulary and comprehension.

- **New Florida Standards Assessments (FSA)** – based on the Florida Standards to assess student mastery in the following areas/grade levels, administered as per the district testing calendar:
 - FSA in English/Language Arts (Grades 6-8)
 - FSA in Mathematics (Grades 6-8)
 - Algebra 1 EOC and Geometry EOC
- **FCAT 2.0 and EOC** – based on the NGSSS to assess student mastery in the following areas/grade levels, administered as per the district testing calendar:
 - Science Grade 8
 - Biology 1 EOC, Civics EOC, and US History EOC Assessments .
- **Comprehensive End of Course Exams (CEOC);**
- **Florida Alternate Assessment (FAA)** will be administered as needed on a one-on-one basis by the student’s special education teacher to all students meeting the alternate assessment criteria¹
- **Comprehensive English Language Learning Assessment (CELLA)** – Administered in the Spring annually to all current English Language Learners (ELL) and specified former ELLs to measure students’ proficiency and gains in English.

F. Describe how student assessment and performance data will be used to evaluate and inform instruction.

The comprehensive assessment program will be used to inform stakeholders (students, parents, and teachers) about where a student is succeeding and what areas need strengthening. Assessment will serve as a feedback system to guide teachers in lesson planning and individualizing instruction. Additionally, it will guide students in understanding full mastery of each respective standard and it will keep parents informed about student progress through specific learning objectives.

Expectations are that students will progress at least as well as they did before attending the charter school, and that the specific measurable objectives for the school are achieved.

In addition, the School Instructional Leadership team –consisting of the principal, assistant principal, grade level chairs, ESE and ESOL teachers, Reading Coach and Media Specialist --- will monitor and analyze data to maintain a problem solving system that brings out the best in our school, teachers, and our students. The leadership team will meet weekly to:

- Evaluate data and correlate to instructional decisions;
- Review progress-monitoring data at the grade level and classroom level to identify students and their academic levels.

¹ Participation in statewide testing programs (i.e. EOC, CELLA, FAIR-FS, etc.) is mandatory for all students, including students with disabilities. Generally, all students with disabilities, including ELLs with disabilities whose instructional program incorporates the general education objectives and competencies, should participate in state assessment programs. The decision regarding whether a student will be exempted or tested with or without accommodations is made by the student’s IEP team and recorded on the IEP. Students with disabilities who are exempt from these programs will be assessed through the Florida Alternate Assessment as documented on the IEP. Students with disabilities are also required to take applicable EOC tests one time, after which if the IEP committee determines an EOC assessment cannot accurately assessment results may be waived for the purpose of determining the student’s grade and credit.

- Identify professional development to enhance students' achievement levels.
- Collaborate regularly, problem solve, share effective practices, evaluate implementation, make decisions, and practice new programs and skills.
- Facilitate the process of building consensus, increasing infrastructure, and making decisions about implementation.

Students' performance in the classroom will also be assessed by the classroom teacher, and students not making adequate progress towards the *Florida Standards* as evidenced in teacher made evaluations will also be identified, and appropriate measures for improvement will be instituted. Ongoing communication between the School and the parents will be maintained through on-line reporting systems such, web-based grade book (*Gradequick, E-Semler*) and progress reports, parent conferences, and other forms of written and oral communication that the parents may be comfortable to utilize. Ongoing internal audits (Interim Progress Reports and Report Cards) of student performance, including beginning year, mid-year, and end-year assessments, will also be utilized as reflective and guidance tools.

The establishment of a *School Improvement Plan* will ensure school-wide student assessment and performance data can be shared with parents, students and other stakeholders. The SAC Committee for the School will participate in the development of the *School Improvement Plan* to ensure input from all stakeholders, including teachers, students, parents and community representatives. The attainment of specific learning objectives, with supporting documentation, will be detailed in the School's Annual Report, and copies will be made available to the charter school constituents on an annual basis.

G. Describe how student assessment and performance information will be shared with students and with parents.

Assessment will serve as a feedback system to guide teachers in lesson planning and individualizing instruction and to provide students with knowledge of their current levels of performance. Additionally, it will guide students in understanding full mastery of each respective standard and it will keep parents informed about student progress to specific learning objectives.

In addition, students' performance in the classroom will be assessed by the classroom teacher, and students not making adequate progress towards the *Florida Standards* as evidenced in teacher made evaluations will also be identified, and appropriate measures for improvement will be instituted. Ongoing communication between the School and the parents will be maintained through on-line reporting systems such, web-based grade book and progress reports, parent conferences, and other forms of written and oral communication that the parents may be comfortable to utilize. Specifically, the School will ensure communication with students/parents via the following district-mandated means, as follows:

- Progress Reports (Report Cards)
The School will issue Progress reports at the end of each marking period. These will not be withheld from students because of failure to pay dues, fees or charges for lost or damaged books or property.
- Interim reports:
Not later than 4 weeks into the grading periods, an interim report shall be sent to parents of students who are experiencing difficulty including, but not limited to, the following: failing, a drop of two or more grades,

unacceptable behavior and/or excessive absences. In schools with an automated system for record keeping and grading, interims will be provided for all students (as an indicator of satisfactory or unsatisfactory progress).

- Required Parental Notification for students in danger of not meeting promotion requirements
The School will assist students to meet these requirements through a variety of options, which will include, but are not limited to:
 - a. in class interventions,
 - b. extended learning,
 - c. special counseling,
 - d. volunteer and/or peer tutors,
 - e. school-sponsored help sessions,
 - f. homework hotlines,
 - g. study skills classes,
 - h. advanced, high school credit courses.

Further, the establishment of a *School Improvement Plan* will ensure school-wide student assessment and performance data can be shared with parents, students and other stakeholders. The SAC Committee will participate in the development of the *School Improvement Plan* to ensure input from all stakeholders, including teachers, students, and parent representatives. The attainment of specific learning objectives, with supporting documentation, will be detailed in the School's Annual Report, and copies will be made available to the charter school constituents on an annual basis.

Section 6: Exceptional Students

A. Please indicate the level of service that the school will provide to students with disabilities by selecting from the list below.

- *The school will serve students with disabilities whose needs can be met in a regular classroom environment (at least 80% of instruction occurring in a class with non-disabled peers) with the provision of reasonable supplementary supports and services and/or modifications and accommodations.*

Supplementary supports and services – Problem Solving team will first consider the least restrictive environment for all students with disabilities. The supplementary aids and services that will be provided to the students with disabilities will be dependent on the individual needs of each student. Students whose needs can be met in the General Education setting will receive either consultative or collaborative service from the ESE teacher. Depending on the needs of the students and as stated on an IEP, the following collaborative services may be offered by the ESE Teacher:

- **Consultation** - An inclusion model with ESE support will be used, as appropriate, wherein one general education teacher is providing instruction and an ESE Teacher is providing documented consultation services in accordance with the student's IEP in relation to the students educational, behavioral, and transitional goals. For consultation services the general education teacher and ESE teacher meet face-to-face on a regular basis to plan, implement, and monitor instructional strategies designed to ensure the student's success in the general education classroom. The general education teacher and ESE teacher will regularly monitor students' progress on attaining goals stated on the IEP as well as grade-level curriculum goals.
- **Support facilitation** - One general education teacher is providing instruction and one ESE teacher is providing support by meeting with an individual student or small group of students on an individualized basis within a traditional classroom but not as co-teacher. The frequency and intensity of support varies based upon student's IEP needs. Provides the level of support based on general educators' and students' need for assistance. Support may be provided on alternating days (M-W-F, T-TH), split periods (45 minutes in one class, 45 minutes in another), all in accordance with the student IEP. Both teachers use collaborative planning to make instructional decisions based on student data. Differentiated instruction strategies are implemented within lessons that support learning for all students. ESE teacher arranges for classroom and testing accommodations for students with disabilities.
- **Co-teaching** - Two teachers, one general education teacher and one special education teacher, are providing instruction through co-teaching. Both teachers share responsibility for planning, delivering, and evaluating instruction for all students (ESE and non-ESE students) in a class/subject for the entire class period.

During IEP meetings, the team will use the list of suggested accommodations on the District's IEP Management System, if applicable, or create custom accommodations to meet the needs of the students within the least restrictive environment. For example, if a student struggles to complete assignments within a given time period due to a processing delay, extended time to complete assignments may be given within the General Education

setting. For students requiring a more restrictive learning environment (i.e. Resource Room or Separate Class setting) to support their educational needs, an IEP team meeting will be held with the staffing specialist, a representative from the student's home school, a general education teacher, and the child's parents to discuss the appropriate educational setting.

Identifying students for possible ESE services: The School will use the PS RtI/MTSS (Problem Solving Response to Intervention/ Multi-Tiered System of Supports) framework for making informed decisions about students' individual academic needs. This framework provides students who do not respond to instruction with increasingly intensive levels of intervention. In order to meet the requirements of the RtI/MTSS framework, the School will identify key administrative, instructional and support staff members to serve as the School's PS/RtI team. Members of the team may include but are not limited to school counselor, teacher, and ESE teacher/program specialist.

The team will be responsible for developing progress monitoring plans that identify assessments used for diagnosis, placement and monitoring of students who are not performing at grade level, once parent written consent is provided.

The RtI process consists of the following: At the beginning of each school year the RtI/MTSS team will meet to review the screening data and identify students in need of additional support through Tier 2 intervention. Those students who meet benchmark standards will continue to remain at Tier 1 and their progress monitored at the next benchmark. While receiving intervention at Tier 2, a student's progress will be monitored by the RtI team to determine if progress is being made adequately. If a student is not progressing and the intervention has been implemented as designed, the student will be referred to the Problem Solving Team (PST) for the development and monitoring of Tier 3 interventions.

The PS Team will consist of the School Administrator, School Psychologist, General Education Teacher, Parent and Special Education Teacher as well as any other key instructional and/or support personnel. The SST Team will meet to review the screening and progress monitoring data and information provided from relevant records in order to develop more focused, intensive interventions for the student. The team will develop strategies to overcome any barriers to learning that may be identified. A progress monitoring schedule will be determined and responsible persons designated for the implementation of interventions and progress monitoring at Tier 3. Progress monitoring data will be collected a minimum of every two weeks with parent written consent. Student progress on intervention implementation will be shared with parents over time.

If the focused, evidence-based interventions attempted at all Tiers do not produce a satisfactory level of progress, as evidenced by review of the data and an analysis of any existing barriers to learning, interventions are modified and a comprehensive evaluation may be requested. Documentation of the various strategies and interventions employed in Tiers 2 and 3, as well as all data pertaining to progress monitoring, become part of the referral packet. Parents are kept informed of planned intervention efforts and the student's progress in response to intervention throughout the entire process. The Sponsor's School Psychologist will periodically conduct fidelity checks on the intervention plan while assisting with progress monitoring data collection.

Referral Procedures – A referral for students suspected of having a disability will be initiated by school personnel with supporting documentation when the following determinations have been made:

1. The activities described in the general education intervention procedures above have been implemented, but have been unsuccessful in addressing the areas of concern for the student.

2. The parents of the child receiving general education interventions requested, prior to the completion of the interventions, that the school conduct an evaluation to determine the child's eligibility for specially designed instruction and related services as a student with a disability. In this case, the activities described in the general education interventions procedures will be completed concurrently with the evaluation but prior to the determination of the student's eligibility for specially designed instruction.
3. Significant risk factors are present or if the student demonstrates severe cognitive, physical or sensory impairments, or presents as a danger to self or others, an individual intervention plan will be developed as the child awaits the SBT evaluation

If a parent requests that an evaluation be conducted to determine the student's eligibility for specially designed instruction and related services as a student with a disability prior to the implementation of the general education interventions.

1. Within two weeks of receipt of the parent request for evaluation, the school-based team should meet to review existing educational data to determine whether or not there is reason to suspect that the student is a student with a disability

(a) If the school suspects that the student is a student with a disability, the school will obtain written parental consent for evaluation while simultaneously employing the school-based Tier 3 Problem-Solving Team to identify potential areas for intervention and request any additional data needed as part of its process.

(b) If after review of the available data the school does not suspect that the student is a student with a disability, the school-based team making that determination will notify the parent with the procedural safeguards.

2. For students for whom concerns are noted, general education intervention activities including observations in the educational environment, review of existing data, vision and hearing screenings, and evidence-based interventions to address the identified areas of concerns should be implemented and a progress monitoring plan should be developed and implemented to determine the student's response to interventions provided.

3. Any additional assessment/testing needed to assist with intervention selection/design should occur quickly and interventions begun with a plan to review data within 60 days that the student is in attendance at school following the receipt of the consent for evaluation.

4. Concurrent with the general education intervention activities and within 60 days that the student is in attendance at school all other testing/evaluative activities must also be completed.

Procedures for the development and review of IEPs for students with disabilities:

The School will establish procedures that provide for parents, guardians, surrogate parents, or persons acting in loco parentis to participate in decisions concerning the individual educational plan. Parents of each student with a disability will be members of any group that makes decisions for their child. In order to ensure that parents are present at each meeting, or are afforded the opportunity to participate at each meeting:

- Parents will be notified of the meeting at least ten days prior to set meeting to ensure that they have an opportunity to attend.
- The meeting will be scheduled at a mutually agreed upon time and place.

- A written notice to the parent will indicate the purpose; time; location of the meeting; who, by title or position, will be in attendance; and will include a statement informing the parents that they have the right to invite individuals with special knowledge or expertise about their child.

If neither parent can attend, the School will use other methods to ensure parent participation, including individual or conference telephone calls or video conferencing.

A meeting may be conducted without a parent in attendance if the parent indicated in the notification of meeting that they will not be able to attend and gives permission to proceed without or the school is unable to obtain the attendance of the parent. In this case, the school will maintain a record of its attempts to arrange a mutually agreed upon time and place.

The School will take whatever action is necessary to ensure that the parents and the student, beginning at age fourteen (14), understand the proceedings at a meeting, including arranging for an interpreter for parents and students who are deaf or whose native language is other than English.

IEP Team Participants

Decisions as to which particular teacher(s) or special education provider(s) are members of the IEP team will be made by the school based on the needs of the student.

The IEP team, with a reasonable number of participants, shall include:

- at least one regular education teacher of the student
- the parent(s) of the student
- at least one Special Education teacher
- A representative of the school who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of the schools resources
- An individual who can interpret the instructional implications of evaluation results
- At the discretion of the parent or the school, other individuals who have knowledge or special expertise regarding the student, including related services personnel, school counselor, special area teachers or support personnel.
- The student, if appropriate, and in all cases where a purpose of the meeting will be the identification of the student's transition service's needs. If the student does not attend the IEP team meeting to identify transition service's needs, the school will take steps to ensure that the student's preferences and interests are considered
- Agency representatives– To the extent appropriate and with the consent of the parents the school will invite a representative of any participating agency that may be responsible for providing services

IEP team member excusal

A member of the IEP team is not required to attend an IEP team meeting, in whole or in part, if the parent of a student with a disability and the School agree, in writing, that the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

A member of the IEP team also may be excused from attending an IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if the parent, in writing, and the School consent to the excusal and the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

If a required IEP team member is unable to attend the meeting as scheduled, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled.

Evaluation & IEP Timelines

Timelines for Evaluations and IEPs include the following:

- Evaluations used to determine a student's eligibility for services will be completed within 60 days from the date of parental consent
- An IEP will then be developed within thirty (30) calendar days following this and related services and be in effect prior to the provision of these services. (This will not surpass 90 maximum school days from the date of the parental consent for evaluation.
- A meeting shall be held at least annually to review, and revise, as appropriate, each IEP.
- Should a reevaluation be required, it will be completed within 90 days.

Considerations in IEP development, review, and revision

The IEP team considers the following factors in the development, review, and revision of the IEP:

- Strengths of the student and concerns of the parents for enhancing the education of their child
- Results of the initial or most recent evaluation or reevaluation
- As appropriate, results of the student's performance on state or district-wide assessments
- Academic, developmental, and functional needs of the student In the case of a student whose behavior impedes the student's learning or the learning of others, strategies, including the use of positive behavioral interventions, supports, and other strategies to address that behavior
- In the case of a student with limited English proficiency, the language needs of the student as related to the IEP.
- In the case of a student who is blind or visually impaired, provision of instruction in Braille and the use of Braille.
- The communication needs of the student.
- Whether the student requires assistive technology devices or services.
- At least annually, whether extended school year (ESY) services are necessary for the provision of FAPE to the student.
- If, after considering all the factors mentioned above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other modification, in order to receive FAPE, the IEP includes a statement to that effect

Content of the IEP

Each IEP will include the following:

- A statement of the student's present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum.
- A statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general curriculum.
- A description of benchmarks or short-term objectives for students with disabilities who take alternate assessments aligned to alternate achievement standards, or any other student with a disability, at the discretion of the IEP team.

- A statement of the special education and related services, and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.
- A statement of the classroom accommodations, modifications, or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals.
- An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class or in the activities described above.
- A statement addressing any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the student on the State or district assessments.
- If the IEP team determines that the student will take an alternate assessment instead of the regular state or district assessment of student achievement, the IEP must include a statement of why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student.
- The projected date for the beginning of the special education, services, accommodations, and modifications described and the anticipated frequency, location, and duration of those services.
- A statement of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals will be provided.
- During the student's eighth grade year or during the school year of the student's 14th birthday, whichever comes first, a statement of whether the student is pursuing a course of study leading to a standard diploma or a special diploma.
- Beginning no later than age fourteen (14), IEP teams shall begin the process of identifying transition services needs of students with disabilities, to include consideration of the student's need for instruction or the provision of information in the area of self-determination to assist the student to be able to actively and effectively participate in IEP team meetings and self-advocate, so that needed postsecondary goals may be identified and in place by age sixteen (16).

Changes to the IEP:

The School will ensure that the IEP team revises the IEP as appropriate to address:

1. Any lack of expected progress toward the annual goals and in the general curriculum, if appropriate
2. Results of any reevaluation conducted
3. Information about the student provided to or by the parents
4. The student's anticipated needs or other matters
5. Parent requests for revisions of the student's IEP

Generally, changes to the IEP must be made by the entire IEP team at an IEP team meeting and may be made by amending the IEP rather than by redrafting the entire IEP.

An IEP must be in effect before special education and related services are provided to an eligible student and will be implemented as soon as possible following the IEP team meeting. In addition, the IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation. All teachers and providers will be informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP. The School will make substantial efforts to assist the student in achieving the goals and objectives or benchmarks listed on the IEP.

The School will take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to nondisabled students.

B. Describe how the school will ensure that students with disabilities will have an equal opportunity of being selected for enrollment in the charter school.

The School will not discriminate on the basis of race, religion, or national or ethnic origin, or exceptionality in the admission of students. Any eligible student who submits a timely application and whose parents accept the conditions of the Parental Involvement Contract shall be considered, unless the number of applications exceeds the capacity of the program, class, grade level, or building. The School will have an open admissions procedure, utilizing a "first come, first served" policy as required by statute, unless the number of applicants exceeds capacity. In such case, all applicants shall have an equal chance of being admitted through a random selection process conducted by the School's accounting firm in conformity with Florida's Charter School Legislation. This process doesn't take into account a student's background, ethnicity, race, socio economic status or disability, and therefore allows for every student who applies to have an equal opportunity to enroll in the school.

C. Describe how the school will work with the sponsor to ensure the charter school is the appropriate placement for each student with a disability, based on the student's needs.

Least restrictive environment (LRE) and placement determinations:

To the maximum extent appropriate, students with disabilities will be educated with students who are not disabled. A school will use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators support universal education and have knowledge and support available to enable them to effectively teach all children; and a student is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research.

In determining the educational placement of a student with a disability, the School will work with the sponsor to ensure that:

- The placement decision is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
- The placement decision is made in accordance with the LRE provisions listed above.
- The student's placement is determined at least annually, is based on the student's needs as indicated in their IEP.
- In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

In providing or arranging for the provision of nonacademic and extracurricular services and activities (including meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school, and referrals to agencies that provide assistance to individuals with disabilities) the school will ensure that each student with a disability participates with students who are not disabled to the maximum extent appropriate to the needs of the student. The School will ensure that each student

with a disability has the supplementary aids and services determined by the student's IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

Operating under the auspices of the Sponsor as the Local Education Agency (LEA), the School will assume responsibility for programming and delivering related services to exceptional students, as identified in the student's IEP with adherence and fidelity to the Sponsor's policies, and with provisions further detailed in the paragraph that follows. The School does acknowledge a need for a collaborative linkage with the Sponsor, especially with respect to the responsibilities that exist for providing a free appropriate public education to children with disabilities and ensuring that the needs of ESE students are met.

The School hereby agrees to adopt and implement the Sponsor's policies and procedures with respect to serving students with disabilities, including the procedures for identifying students with special needs, developing Individualized Education Plans, and 504 Plans (as applicable). Special Education students will be provided with programs implemented in accordance with federal, state, and local policies (specifically, the Individuals with Disabilities Education Act (IDEA); the Americans with Disabilities Act of 1990 (ADA); Section 504 of the Rehabilitation Act of 1993; Sections 1000.05 and 1003.57, Florida Statutes; Chapter 96-186, Laws of Florida; and Chapter 6A-6 of the Florida Administrative Code.

Additionally, the School will follow guidelines and procedures detailed in the **SDIRC ESE Policies and Procedures Manual**. The educational program for exceptional students will include and adhere to the principles of the law as follows:

- **Free appropriate public education (FAPE)** - will be provided to every exceptional student enrolled in the School. That is, Free - no cost to parents; appropriately suited to individual needs of the child; public - provided by and paid for by the public education system; education-including extracurricular activities.
- **Appropriate evaluation** - evaluations will occur within appropriate timeframes and in accordance with published guidelines.
- **Individual Education Plans (IEP) and Educational Plans (EP)** will be developed, and maintained and meetings will be held in accordance with Sponsor's guidelines.
- **Parent/Student Participation in Decisions** - including, but not limited to, giving consent for evaluation and initial placement, helping design the IEP, helping the School understand their child.
- **Procedural Due Process** - a non-discriminatory policy regarding the eligibility, identification, location, placement and evaluation process as well as adherence to procedural guidelines for all of these will consistently be implemented. Notwithstanding, when in question, due process hearings may be initiated by a parent or the district on the proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education.
- **Least Restrictive Environment:** Students with disabilities will be educated in the least restrictive environment and will be segregated only if the nature and severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily. Similarly, gifted students will be educated in an environment that promotes acceleration

Developing Individualized Education Plans: Students will be guaranteed a free appropriate education and evaluation as well as consequent placement and implementation of an appropriate IEP. The written individualized educational plan for each student will include measurable annual learning goals and behavioral goals that may involve the evaluation of behavior through a Functional Assessment of Behavior (FAB) and the development of a Behavior Intervention Plan (BIP). Additionally, program components, goals, progress reports to parents on goals,

diploma options, curriculum whether standard and/or modified, and assessment may also be addressed therein. Supplementary aids and related services will also be identified as well as necessary accommodations and modifications will be clearly delineated in this written plan. The School will ensure that appropriate personnel will be trained in using the District's Web Based IEP system, if applicable. The school will use the Florida Department of Education's "Developing Quality Individual Educational Plans" as a guide when developing IEPs.

The IEP Team will include: parent, LEA, Gen Education, Special Education Teacher and all additional members of the team that will be notified with a reasonable amount of time and all appropriate contacts will be made. Input from all team members and student data will be used to create a program, including goals and accommodations.

Positive Behavioral Interventions: The School commits to using positive behavioral interventions to ensure that SWDs at the School are served in the LRE. Strategies, including positive behavioral interventions and supports to address behavior will be considered in the development of IEP's, especially in the case that a student with a disability demonstrates behavior that impedes their learning or the learning of others. Personnel at the School will initiate functional behavior assessments (FBA), when necessary, for the purpose of identifying target behaviors requiring intervention, as well as analyzing the function of that behavior. Once the behaviors and interventions have been identified, the team will work through the MTSS process for intervening and progress monitoring purposes. From the data collected, a Behavior Intervention Plan will be developed to meet the needs of the student.

504 Plan Procedures: A student is entitled to FAPE and may be entitled to Section 504 accommodations if he or she has a physical or mental impairment that substantially limits one or more major life activities. That is to say, for students experiencing difficulty in the classroom and for whom there is the suspicion of a disability should initially be referred to the Problem Solving Team (PST). The PST will follow all established procedures and determine if appropriate to refer for possible 504 Plan services.

The eligibility/ineligibility is based on a variety of sources. 504 Eligibility sources may include teacher observations, information from parents, and information from medical providers, standardized test scores, grades, or other pertinent information. The school will contact the Sponsor to request to schedule Section 504 eligibility meetings. Parents must receive notice of the Section 504 meeting and be invited to attend. Parents and students should be encouraged to attend the meeting and provide input that would help the committee in making decisions. Section 504 teams that convene for annual or interim meetings should consist of the parents, the student, the school administrator or designee, and school personnel who are familiar with the student, such as the student's teacher or counselor.

Federal and State Reports: Unless otherwise exempted by Chapter 1002, Florida Statutes, the School will complete federal, state and any other reports deemed necessary in accordance with the timelines and specifications of the Sponsor and the State Department of Education.

D. Describe how the school will utilize the regular school facilities and adapt them to the needs of exceptional students to the maximum extent appropriate, including the use of supplementary aids and services.

The School will make adaptations to school facilities, to the maximum extent appropriate and within provisions of the law, the Americans with Disabilities Act of 1990 (ADA), to ensure that students with disabilities enrolled

in the School will be educated in the least restrictive environment. Supplementary aids and services will be provided on a need basis as stated on a student's IEP. Contracted SLP, OT, and PT personnel will be hired by the school to service the needs of each student.

E. Describe how the school's effectiveness in serving exceptional education students will be evaluated.

School wide effectiveness in serving exceptional education students will be measured by the subgroups ability to demonstrate learning gains and proficiency rates in a similar manner and pace as the School wide proficiency scores and learning gain rates are evidenced. Additionally, the School expects that the ESE subgroup will meet and/or exceed the district wide proficiency rate of the ESE subgroup, as a means to evidence whether or not the School has been effective in serving the exceptional education students who are enrolled at the School.

Additionally, special education students will demonstrate learning gains consistent with the annual goals specified in the child's IEP. It is expected that students will benefit from a standards-based curriculum that focuses on individualized and differentiated instruction that aims to address their specific learning needs. Data from State, district and school based assessments (baseline, screening, progress monitoring and diagnostics) will be collected and monitored regularly by the ESE and General Education teachers to consistently evaluate and measure growth and determine if modifications or adjustments to instructional strategies or accommodations are needed, and to determine whether students' needs are being met. Parents will be notified of student progress on a quarterly basis, at minimum, through a Status Report on such goals.

In addition, feedback from the Sponsor's ESE compliance review will also help the School to measure its effectiveness in delivering a quality instructional program to their exceptional education students.

F. Explain how exceptional students who enter the school below grade level will be engaged in and benefit from the curriculum.

When an ESE-eligible student is determined to be performing below-grade-level in reading, writing, mathematics, and/or science, the IEP Team may be convened to review the IEP. The student's IEP must address all of the student's educational needs, including the student's below-grade-level performance. The School's educational program, allows students to make real-world connections through engaging activities this allows students, including those in special education, entering below grade level to benefit more from both the core and the electives curriculum. The school will take steps to ensure that these students, in particular, are successful. For example, the school will determine the level of mastery in reading, writing, mathematics and science for all students using baseline data and benchmark assessment data. This information, coupled with the results of the prior year standardized tests results and student records, will be used to determine the best educational setting for students (e.g., appropriate course selection, tutoring, etc).

The Florida Standards articulate rigorous grade-level expectations in the areas of Mathematics and English Language Arts. Students with disabilities must be supported and challenged to excel within the general curriculum and be prepared for success in their post-school lives, including high school, college and/or careers. In order to accomplish this, the School will commit to instruction that incorporates supports and accommodations, including²:

²<http://www.corestandards.org/assets/application-to-students-with-disabilities.pdf>

- Supports and related services designed to meet the unique needs of these students and to enable their access to the general education curriculum.
- An Individualized Education Program (IEP), which includes annual goals aligned with and chosen to facilitate their attainment of grade-level academic standards.
- Teachers and specialized instructional support personnel who are prepared and qualified to deliver high quality, evidence-based, individualized instruction and support services.
- Teachers maintain a culture of rigor and high expectations in alignment with the Florida Standards with appropriate support and differentiation to ensure all students are successful.
- Instructional accommodations, including changes in materials or procedures-, which do not change the standards but allow students to learn within the framework of the Florida Standards.
- Assistive technology devices and services to ensure access to the general education curriculum with Florida Standards mastery as the one of major end goals.

Apart from providing the specific services listed in a student's IEP, EP, and/or ELL plan, as applicable, the School's faculty will differentiate instruction as necessary, as well as offer tutoring services or other such assistance to ensure students remain successful. Student performance will be continuously assessed. Students not making adequate progress towards the Florida Standards and NGSSS, as applicable, will be identified and will be given support as follows:

- All students will engage in progress monitoring, however students not demonstrating grade level proficiency will engage in a progress monitoring discussion, aimed at identifying and targeting their deficiencies. The discussion (data chat) will require active participation from the student with their specific teacher(s) in order to ensure the student is made aware of their deficiency and discusses a plan with the teacher for remediation. This initiative will allow each student to have ownership and understating of his/her learning style and allow each student to track and monitor his/her achievement, as well as the School can assist the student, with support from the parent, to determine individualized goals, as well identify strategies and services (tutoring, etc.) to be implemented in order for the student to have the necessary support to be successful).
- Reading strategies in the content areas will be facilitated throughout the curriculum to provide students with additional practice in addition to those taught during Reading/English Language Arts classes.
- Morning, Saturday, and daily tutoring may be required for those students consistently demonstrating non-mastery of the standards.
- Students consistently demonstrating non-mastery of benchmarks on teacher generated quizzes, chapter tests, projects, investigations, and poor academic progress will be targeted for supplemental and intensive instruction/intervention.

G. Provide the school's projected population of students with disabilities and describe how the projection was made.

The School will be nonsectarian in its programs, recruitment, admission policies and operations. The promotional plan to be followed in publicizing the School will be designed to reach the entire community and, accordingly, all groups within it. By publicizing the availability of the School throughout Indian River County, the School's demographic composition should mirror that of the local community. Therefore it is anticipated that the School's total enrollment should include approximately 12% of students with disabilities.

The data was derived from the 2014 LEA Profile published by Florida Department of Education Bureau of Exceptional Education and Student Services.³

H. Identify the staffing plan, based on the above projection, for the school's special education program, including the number and qualifications of staff.

The school will employ teachers with proper certifications available to serve students with disabilities as projected by an estimated 12% of SWDs currently attending the district schools. The school teaching staff will include a certified ESE Teacher with demonstrated experience in providing support and services to children with disabilities. The ESE Teacher will be an employee of the School and will at a minimum possess full certification in special education. The school will increase number of staff based on actual enrollment of SWD and their specific needs.

The ESE Teacher will ensure the implementation of all IEPs and Section 504 Plans. The needs of the population of students with disabilities will dictate the role of the ESE Teachers. The ESE teachers will provide services within the General Education setting through consultation, collaboration, and/or support facilitation, as well as maintain all ESE records to ensure compliance. If the needs of the SWDs include consultative and collaborative services, the ESE teacher can arrange his/her schedule to meet the needs of the students and maintain compliance of records. For example, the ESE teacher may co-teach a class in Reading/LA and/or math and meet the needs of those students as well as consult with the General Education teachers on a weekly or monthly basis to ensure SWD students on consultation are making progress and accessing the curriculum. However, if the need arises to hire an additional ESE teacher(s), that decision will be made based on the needs of the population of students with disabilities.

Consultation provided by the ESE Teacher may include:

- adjustments to the learning environment
- modifications of instructional methods
- adaptation of curricula, and the use of appropriate accommodations to meet the needs of individual students

ESE teachers will be hired to service students with disabilities, in accordance with the level of support needed to implement the related services and specialized instruction detailed on the IEP.

The school will employ teachers who meet all licensure and/or certification requirements that apply to the area in which the individuals are providing services to the special education students. Speech-language, occupational, and physical therapy services will be contracted services that the School may provide for students who qualify for those services. Similarly, all personnel who provide related services (e.g. psycho-social counseling will be provided by a psychologist, social worker or mental health professional, etc.) to students will meet all required licensure and/or certification requirements pertaining to their area of related service.

I. Describe how the school will serve gifted and talented students.

The School recognizes the special needs of gifted learners and is committed to offering programs that provide maximum development of each student's academic talents. Instructional programs for gifted students emphasize

³ <http://www.fldoe.org/eae/datapage.asp>

acceleration and enrichment based on students' strengths and needs as indicated by their giftedness. The philosophical focus of the gifted program promotes increased access, rigor, and achievement.

Gifted Education Program will emphasize a quantitatively differentiated curriculum based on content, concepts, processes, and applications through products/projects in language arts, mathematics, science and/or Social Studies. Such a differentiated curriculum provides for in-depth consideration of topics and concepts beyond the requirements of regular courses, and therefore, is designated as an academically accelerated program.

The curriculum for the gifted student assures access to the general curriculum, with emphasis on what the Educational Plan (EP) team determines will offer opportunities for growth for the gifted learner based on the student's strengths and present level of performance. Therefore, the curriculum for gifted students reflects Florida Standards and Next Generation Sunshine State Standards through the implementation of the appropriate Pacing Guides and the Gifted Goals and Objectives identified in the students' EPs. These include, but are not limited to, the important concepts of: critical thinking, creative thinking, developing independence in learning, personal growth, leadership skills, research skills, and problem solving.

In order to implement the curriculum for the gifted, specific instructional strategies include an effective and differentiated approach designed for the abilities of gifted students. The following curriculum differentiation strategies are in place to ensure that each individual student progresses in the curriculum to the maximum extent appropriate.

- Curriculum Compacting - involves eliminating the repetition of work that has already been mastered and streamlining lessons that can be mastered at a pace commensurate with the student's motivation and ability.
- Independent Study - opportunity for students to pursue areas of personal interest or to individually investigate course topics.
- Enrichment Clusters - learning situations that are purposefully designed to produce a product or service that will have an impact on an intended audience.
- Learning Centers - a physical area of the classroom that is organized with various materials and learning experiences for specific instructional purposes.
- Flexible Grouping - grouping of students according to their learning needs, strengths, and preferences.

A range of service delivery options will be available to meet each gifted student's special needs based on the student's Educational Plan (EP) and will be provided with administrative support to assure adequate funds for materials and professional development.

Identification of Gifted Students:

The School will follow guidelines and procedures detailed in the SDIRC ESE Policies and Procedures Manual and Rule 6A-6.03019, Special Instructional Programs for Students who are Gifted.

For those students who may be gifted, the following procedures will be followed:

1. The screening process for the School includes the development of a talent pool of students who demonstrate unusual ability. Students will be screened using two or more of the following criteria:
 - High academic achievement, as indicated by standardized test 89 percentile or higher or Standardized Assessment Scores (language in years prior to 2015: FCAT Level 4 or 5 or other state assessment in lieu of FCAT) or course work grades of A or B.
 - Above average creative output in artistic, literary, scientific, or mathematics endeavors
 - Very rapid learning rate or unusually insightful conclusion

- Multiple nominations from teachers and staff who observe unique talent
 - Parental reports of advanced developmental behavior, such as early reading, verbal precocity and use of complex syntax, or evidence of mechanical aptitude
 - Outstanding academic, creative, or leadership abilities, self-reported or peer-reported.
2. A student profile is developed for a student being referred to the Problem Solving. The student profile includes the following:
- Gifted Characteristics Checklist- Students need to demonstrate a majority of gifted characteristics on the rating scale to continue in the process; and
 - Information that can be utilized to demonstrate the student's ability and need for gifted program services.
 - This information may include, but is not limited to: a. standardized test scores (A standardized achievement test is administered to students who do not have Stanford Achievement Test or Florida Standards Assessment scores (language in years prior to 2015: FCAT);
 - Classroom performance indicators such as report card grades, class work, and/or projects.
3. A PST meeting is convened in order to review the information gathered in the student's profile. The PST makes the determination of whether or not to continue the evaluation process, based on the supporting documentation and a majority of gifted characteristics as measured by the Gifted Characteristics Checklist.
4. Once it has been determined that a student meets the screening requirements to proceed with a gifted evaluation, the gifted coordinator will collect the documentation required for referral and schedule a meeting with the student's parent, teachers, and school psychologist to review the documents and secure parent permission to evaluate the student.
5. Upon review of the completed evaluation and referral packet, district staff will notify the gifted coordinator of eligibility.
- If the student is found ineligible, parents will be notified in writing.
 - If it is determined that the student is eligible for gifted services, the gifted coordinator will schedule an EP meeting with the district staffing specialist, the student's parent(s), and a teacher of the gifted to develop an Education Plan (EP). The Gifted Eligibility Determination Form will be used to evaluate placement in the gifted program.

The School will follow the procedures delineated in the Sponsor's "*District Plan to Increase the Participation of Underrepresented Students in the Gifted Program*" as described below:

A referral for gifted education can be made by a teacher, a parent/guardian, or any qualified individual who has knowledge of student's abilities. A student profile is developed for a student being referred to the PS Team. The student profile includes the following:

- Gifted Characteristics Checklist (FM 7051) - Students must demonstrate a majority of gifted characteristics on the rating scale to continue in the process; and
- Information that can be utilized to demonstrate the student's ability and need for gifted program services. This information may include, but is not limited to:
 - standardized test scores;
 - classroom performance indicators such as report card grades, class work, and/or projects.

A meeting is convened in order to review the information gathered in the student's profile. Based on the supporting documentation and a majority of gifted characteristics as measured by the *Gifted Characteristics Checklist*, the PS Team makes the determination of whether or not to continue the evaluation process,

Student Evaluation Procedures

School District of Indian River County *District Plan to Increase the Participation of Underrepresented Students in the Gifted Program* utilizes four indicators of giftedness to determine eligibility for students in underrepresented groups:

- The Gifted Characteristics Checklist is used to determine students' verbal, learning, motivational, and social/leadership abilities.
- A variety of standardized academic achievement test data
- Superior intellectual development as measured by an IQ of 119 or above
- To determine the intellectual development of a potentially gifted student, a licensed psychologist will administer an individualized test of intelligence.
- The *Williams Creativity Scale* may be used to determine creativity. The *Williams Creativity Scale* is an assessment of creativity completed by the student's teacher. It contains 48-items assessing originality, fluency, flexibility, elaboration, curiosity, imagination, complexity, and risk taking.
- Additionally, all students must display a need for a special program and a majority of the characteristics of gifted children as measured by the *Gifted Characteristics Checklist* in order to be determined eligible for gifted programs.

EP Plan Development:

The EP team will meet to develop an appropriate EP plan which will include:

- A statement of the student's present levels of educational performance that may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on State and district assessments, and evaluation results
- A statement of goals, including benchmarks or short-term objectives
- A statement of the specially designed instruction to be provided to the student
- A statement of how the student's progress toward the goals will be measured and reported to the parents
- The projected dates for the beginning of services and the anticipated frequency, location, and duration of these services

The EP team will consider the following during development, review, and revision of the EP:

- The strengths of the student and the needs resulting from the student's giftedness
- The results of recent evaluations, including class work and State or district assessments
- In the case of a student with limited English proficiency, the language needs of the student as they relate to the EP

Timelines for development of the EP include the following:

- An EP is in effect at the beginning of each school year for each student identified as gifted who is continuing in a special program.

An EP is developed within thirty (30) calendar days following the determination of eligibility for specially designed instruction in the gifted program and is in effect prior to the provision of these services.

- Meetings are held to develop and revise the EP at least once every three (3) years for students in grades 6-8
- EPs may be reviewed more frequently, as needed, such as when a student transitions from middle to high school.

EP Participants Include:

- The parents, whose role includes providing strengths of the student, expressing concerns for enhancing the education of their child, participating in discussions about the child's need for specially designed instruction, participating in deciding how the child will be involved and participate in the general curriculum, and participating in the determination of what services the district will provide to the child and in what setting
- At least one teacher of the gifted program
- One regular education teacher of the student who, to the extent appropriate, is involved in the development of the student's EP; involvement may include the provision of written documentation of a student's strengths and needs for review and revision of the subsequent EPs
- A representative of the school district (staffing specialist) who is qualified to provide or supervise the provision of specially designed instruction for students who are gifted and is knowledgeable about the general curriculum and the availability of resources of the school
- An individual who can interpret the instructional implications of the evaluation results; this individual may be a teacher of the gifted, a regular education teacher,
- At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel (**Note:** The determination of the knowledge or special expertise shall be made by the party who invited the individual to participate in the EP meeting)
- Whenever appropriate, the student

Implementation of the EP

- An EP will be in effect before specially designed instruction is provided to an eligible student and will be implemented as soon as possible following the EP meeting.
- The EP will be accessible to each of the student's teachers who are responsible for the implementation, and each teacher of the student is informed of specific responsibilities related to the implementation of the plan.

Section 7: English Language Learners

- A. *Describe how the school will comply with state and federal requirements for serving English language learners, including the procedures that will be utilized for identifying such students and providing support services.*

The School will adhere to all applicable provisions of Federal law relating to students who are English Language Learners (ELL), including Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974. ***Note:** The ELL Plan, as referenced herein, reflects current policies and procedures adopted by the Sponsor. The School hereby agrees to adopt and implement the Sponsor's policies and procedures with respect to the ELL Plan, as amended from time to time.

The School will follow the School District of Indian River County District ELL Plan and will abide by the requirements of the LULAC et.al. vs. State Board of Education Consent Decree (1990), which is the framework for compliance with federal and state laws and also addresses the civil rights of ELL students with regards to Identification and assessment, equal access to appropriate programming and categorical and other programs for ELL students, personnel, monitoring issues, and outcome measures.

To that end, the School will service the English Language Learner (ELL) student populations as follows:

Identifying English Language Learners (ELL) Students: The School will survey ALL parents upon initial entry (registration) using the Home Language Survey (HLS). This is required by the League of United Latin American Citizens (LULAC) et al. v. State Board of Education Consent Decree. The Home Language Survey includes three questions and is given at the time of registration. The questions are as follows:

1. Is a language other than English used in the home?
2. Did the student have a first language other than English?
3. Does the student most frequently speak a language other than English?

If a parent answers "yes" to one or more of the three aforementioned HLS questions, then the student is assessed in English. Initial ELL testing is to be completed within first ten days of entry in the school as follows:

The district uses the LAS for grades 6-8

The reading and writing test is administered at the same time as the Aural/Oral portion of the test is administered.

*Students will receive ESOL services until otherwise determined by assessment for eligibility.

ESOL Program Placement: The School will provide ESOL instruction in English and ESOL instruction in the basic core subject areas in accordance with the guidelines and procedures outlined by the current District ELL Plan. Program instruction will be designed to develop the student's mastery of the four language skills, including listening, speaking, reading, and writing, as rapidly as possible.

If the school has 15 or more ELL students speaking another language (per language group) other than English upon registration, the school will ensure that a linguistically qualified teacher or paraprofessional will be staffed to assist ELL students in understanding content instruction. (LULAC et al vs. School Board of Education Consent Decree). Teachers and paraprofessionals assigned to this program are expected to assist ELL students using their home language in the core subject areas of mathematics, science, and Social Studies. Bilingual paraprofessionals will assist students through the use of the following:

- working in small groups
- translating information
- interpreting test questions and homework assignments as appropriate

Students identified as ELL will be placed in **two** ESOL courses as applicable to the grade level and language proficiency:

1. Language Arts content course scheduled by grade level:

- English Through ESOL 1
- English Through ESOL 2
- English Through ESOL 3
- English Through ESOL 4

2. Language proficiency course scheduled by English Proficiency Level:

- Developmental Language Arts Through ESOL (Level 1 Reading)
- Developmental Language Arts Through ESOL (Level 2 Reading)
- Developmental Language Arts Through ESOL (Level 3 Reading)
- Developmental Language Arts Through ESOL (Level 4 Reading)

Instructional Materials for the Developmental Language Arts through ESOL classes will use state-adopted texts such as National Geographic and Hampton Brown Edge Levels Fundamentals. If levels need to be combined, the *Developmental Language Arts Through ESOL* placement may be in the best combination of mixed language level courses (ESOL levels 1/2 or 3/4).

The Content-area instructional delivery model will include CCE/ESOL (Curriculum Content in English Using ESOL Strategies). ELL Students may be taught in English in the general classroom with the assistance of an assistant if available. Differentiated instructional ELL leveled materials/programs will be used in the instruction of ELL students. Florida Standards will be the basis of all curriculum instruction. Teachers of ELL students will deliver comprehensible instruction to students using ELL strategies. The instructional services delivered to ELL students are equal in scope, sequence, and quality to those provided to non-ELL students.

Providing Support Services: English Language Learners will receive instruction, which is comprehensible, equal and comparable in amount, scope, sequence and quality to the instruction provided to English proficient students. All teachers will identify ELL students and their respective ESOL levels to enable delivery of comprehensible instruction, for mastery of state standards. All teachers will utilize ESOL strategies (which they will document in their lesson plans) as well as alternative assessments appropriate for ELL students. Teachers will also utilize grading guidelines and report card comments as appropriate for ELLs. The School will follow guidelines detailed in the Sponsor's Student Progression Plan, as applicable to ELL students, for appropriate grade level placement, promotion, and graduation requirements of all students including ELL students.

Administrators will be responsible for monitoring the implementation of strategies by the classroom teacher using the classroom walk-through model. Evidence can be observed during classroom visits, through lesson plans, through use of materials and audiovisuals, and through grade book notations. All teachers of ELLs document the ESOL strategies used for each lesson in their lesson plans. Some of the ELL Strategies to assist ELLs include but are not limited to Marzano's High Yield Strategies, as follows:

- **Identifying Similarities and Differences** - Mind mapping, Venn diagrams, T Charts, Cause and Effect Organizers, Word Sorts
- **Cooperative Learning** - Group Projects, Language Experience Approach, Shared Reading and Writing, Book Pass, Dramatizations
- **Nonlinguistic Representations** – Pictures, Manipulatives, Concept Maps, Student Drawings Mnemonic Clues, Visualization, 5 Senses Organizer
- **Questions-Cues-Advanced Organizers** - Activate background knowledge, Frontload key vocabulary, Predicting, inferencing, concluding, Reciprocal teaching and modeling, Think alouds and guided questions, KWL
- **Home learning and Practice** - Lesson opening with review and preview, Metacognition of strengths and weaknesses. Reflective journals, Sharing goals and objectives with parents, Praise efforts to use English, Hold high expectations, Honor individual learning styles, Use authentic assessment.
- **Resources:** Word-to-Word dictionaries in the students' heritage language/English language will be available in the ESOL and Content classrooms throughout the year, as well as, for all district and state assessments.

Furthermore, the School Principal will commit to providing instruction to ELL students in equal amount, sequence and scope, as to non-ELL students, by ensuring:

- The same program goals and objectives for ELLs as non-ELLs exist (content of basic subject area courses is the same in scope, sequence and quality as the instruction provided to non-ELLs)
- Teacher classroom goals and objectives are for mastery of standard
- Instructional delivery, not content, is modified to meet the needs of ELLs
- Content area teachers receive appropriate ESOL training, and utilize appropriate ELL strategies when ELLs are enrolled in their classes
- All ELLs participate in statewide assessments – and accommodations are provided in accordance with State and District mandates and guidelines, which may include: English to heritage language dictionary; Flexible setting (parent must be notified prior to testing); Flexible scheduling; and Assistance in the heritage language (as specified in testing manual for each respective section of test to determine level of assistance).
 - ESOL Department and Testing Chair attend all required District PDs
 - Abide by Student Progression Plan, including provisions for ELL students.
 - helping students comprehend textbooks and other written materials.

Assessments - All ELLs participate in statewide and district assessments including CELLA (proficiency exams). Accommodations are provided in accordance with State and District mandates and guidelines, which may include:

- English to heritage language dictionary;
- Flexible setting (parent must be notified prior to testing);
- Flexible scheduling;
- Assistance in the heritage language (as specified in testing manual for each respective section of test to determine level of assistance);

Home Language Assistance Program: If the school has 15 or more ELL students speaking another language (per language group) other than English upon registration, the school will ensure that a linguistically qualified teacher or paraprofessional will be staffed to assist ELL students in understanding content instruction. (LULAC et al vs. School Board of Education Consent Decree). Teachers and paraprofessionals assigned to this program are expected to assist ELL students using their home language in the core subject areas of mathematics, science, and social sciences. Tutoring logs indicating services provided will be kept at the school by the administrator supervising the program.

Bilingual paraprofessionals will assist students through the use of the following:

- working in small groups
- translating information
- interpreting test questions and homework assignments as appropriate
- helping students comprehend textbooks and other written materials

ELL Plan - All students classified as ELL will have an Individual ELL Student Plan. Such plan is part of the permanent student cumulative record folder upon entry into the ESOL program. The plan will include biographical student information (name, grade, home language) initial assessment and placement data, ESOL program and update information, program participation, amount of instructional time and/or schedule, exit information, post program review, ELL committee information, as well as a Progress Monitoring Plan (PMP) if needed. The plan will be updated on an ongoing basis to include programmatic changes, assessments, level updating, and ELL committee meeting information.

The ELL Plan will:

- Inform the student, parent, and teachers of the student's ESOL language level
- Monitor student progression
- Establish meetings between the school, the parents, and the student to discuss academic progress
- Provide methods for evaluation and provisions for monitoring and reporting student progress
- Provide for parental and teacher involvement to ensure that the students are being properly serviced
- Provide for student exit from and reclassification into the program.
- Provide documentation for post program review for students who have exited the ESOL program

The School will designate an ESOL coordinator to be responsible for developing and updating all Student ELL Plans, keeping a record of parental contact and ESOL Program Records Folder.

Parental Involvement: To promote parent and community participation in programs for ELLs, the school will invite parents to participate in district parent organizations. Parents of ELLs who are, or wish to be, in leadership positions will also be invited to attend local conferences and will be provided translation technology for better understanding. At least one member of the SAC must be an ELL parent or representative.

The ELL Committee: The main function of the ELL Committee is to resolve any issue that affects the instructional program of an ELL student. It is composed of: an administrator or designee, the ESOL teacher/coordinator, the home language teacher (if any), the classroom/subject area teacher(s), and a guidance counselor, or other educators as appropriate for the situation. The parent(s) will be invited to attend any meeting of the ELL Committee.

The ELL Committee will:

- Review instructional programs or progress.
- Address parental/teacher concerns.
- Review instructional program of former ELL (LF) students during the 2-year post-reclassification period with consistent pattern of academic underperformance.
- Handle Reclassification of former ELL.
- Review academic progress for Extension of ESOL services.
- Review all available data to consider exiting a student out of the ESOL program.
- Request evaluations/support from PST/RtI
- Schedule meetings to review the student's progress and make recommendations after thorough review of all necessary data
- Invite parent(s)/guardian(s) to attend all meetings, discuss and explain all recommendations
- Ensure that the parent(s)/guardian(s) understands the proceedings of the meeting, which may include arranging for an interpreter for parent(s)/guardian(s) whose native language is other than English
- Convene meetings in a timely manner and record recommendations in the Individual WLEP Plan
- Maintain an ELL Committee log to detail the date, name of child, reason for convening a meeting, and the outcome of the meeting.

The Student ELL Plan will be updated annually by the principal's designee/ESOL coordinator.

The Comprehensive English Language Learning Assessment (CELLA): The CELLA will be administered each spring to all current ELL students to measure proficiency and gains in reading, writing, listening, and speaking as follows:

- Criteria used is two exams: CELLA and current state standardized exam or other exam approved by the Sponsor
- Student must achieve scores at or above the Proficient Level on all four language acquisition components of CELLA
- There are alternate exit procedures as well; however, all must be based on two forms of assessment. That is, the School's ESOL coordinator, in coordination with the teachers, will implement the aforementioned procedures to exit students from the ESOL program.

All ESOL students that EXIT during the school year will need to have an ELL Committee meeting. All relevant sources of data, including the CELLA Online, will need to be reviewed by the ELL committee.

Post Program Review - The School ESOL coordinator/designee with input from classroom teacher(s), and any other applicable staff will be required for conducting follow-up of former ELLs once they have exited the program. Exited student's academic performance in Language Arts/English will be monitored on an on-going basis and Post Program Review updates will be documented by the Language Arts teacher, via the following timeframe:

- At the end of the first grading period after exiting.
- At the end of the first semester after exiting.
- At the end of the first year after exiting.
- At the end of the second year after exiting.

The school will monitor the student's progress via:

- report cards

- test scores
- classroom performance
- Benchmark Assessments
- Post Program Review Reports (as applicable)
- Standardized tests (as applicable)
- Student Case Management referrals (as applicable)

This information will assist schools in determining if student's progress as well as the School's effectiveness servicing the needs of its ELL population.

ELL plan will reflect the Student's current Language Arts teacher's employee number at time of monitoring. Post Program Review will be the responsibility of the Language Arts teacher, not the ESOL teacher. If student is not performing due to language deficiencies, student is referred to ELL committee. A decline of 1.0 in GPA requires ELL Committee review. If the student's performance is unsatisfactory, the ESOL coordinator or designee will convene an ELL Committee meeting to determine the reason(s) for the student's lack of progress and to recommend appropriate alternative interventions, including, but not limited to discussion over possible re-entry into the ESOL Program.

B. Identify the staffing plan for the school's English language learner program, including the number and qualifications of staff.

The School will ensure that highly experienced and ESOL certified teachers will be hired to serve the School's English Language Learner Program based on students' proficiency levels. The number of teachers will be based on the number of students identified upon student enrollment (results from home language surveys and/or ESOL levels). Additionally, the school is committed to ensuring that all core curriculum personnel instructing ELL students will have the appropriate training (ESOL endorsement/required coursework including ESOL Issues and Strategies -18, 60, 300 MPP) documentation. The Principal/Staffing Committee will identify each teacher's training status or requirement. The school will identify an ESOL coordinator who will have the responsibility of overseeing, training, and assisting staff in meeting the needs of the school's ELL population throughout the school year. All instructional members will be expected to appropriately identify any ESOL students and levels in their grade books and use ESOL strategies when instructing ELL students. To that end, the School will comply with the Indian River County Public School system's requirement, as a condition of continued employment, all current personnel take the inservice/course work required in order to be certified to instruct ELLs.

C. Explain how English Language Learners who enter the school below grade level will be engaged in and benefit from the curriculum.

The school will make every effort to offer a balanced approach to engage ELL students in classroom activities with their peers. ELL students who enter below grade level will be provided extra help by receiving lessons using modified language. Realistic goals for the students will be set to assist in raising the ELL student to the appropriate grade level.

Promotion and retention for ELLs and ELLs with disabilities will be based on the student's performance in the dominant language while the student is in the process of becoming independent in English. The School's ELL Committee will review and recommend the retention of an ELL student. ELLs who are not meeting district and/or state student performance levels in language arts/reading/ESOL, and/or mathematics and have participated in the ESOL program for more than two consecutive years, must be involved in the school-wide PMP through RtI/MTSS

process as delineated in the PMP procedures. ELLs who have participated in the ESOL program for less than two years are to participate in the PMP assessments for monitoring progress only.

Reading proficiency of recently classified ELLs will be assessed following procedures stipulated in the district's K-12 CRRP by the end of the first nine-weeks in an approved ESOL program. For students with disabilities, the IEP will constitute involvement in the school-wide PMP through RtI/MTSS process.

Notwithstanding, retention of a student with disabilities who is also ELL (ESE/ESOL) has the same requirements as a non-ESOL student with disability. The IEP Team will then review the goals and accommodations to address student needs, as appropriate.

The School's ELL Committee will also review all ELLs in grade 3 who have been in the ESOL program for less than two years to determine if they may be exempted from the mandatory retention as provided in Section 1008.25(6)(b), F. S. The ELL Committee will be convened for those students recommended for retention only to review each student's progress and to make recommendations for remediation activities.

As noted in above, English Language Learners will be offered strategies to assist in understanding assignments. Strategies to assist ELLs include but are not limited to Marzano's High Yield Strategies.

One example of a strategy used for ELL students below grade level is scaffolding, which can be provided in a variety of ways:

- checking for comprehension of assignments and simplifying the language if necessary
- using visual information to make verbal information clearer
- keeping a dialogue journal that is shared between the teacher and the student, allowing the student to write freely about his life and to read the teacher's responses
- giving the student extra time to complete tests and other exercises that will be assessed, thus taking into account the time needed for language processing
- having the student keep a vocabulary log and allowing him to look up words, when necessary, in a bilingual dictionary
- selectively correcting grammar errors in the student's writing rather than correcting everything so that the student can gradually master the most important grammar points

Teachers of ELL students will also participate in inquiry based activities in a cooperative learning environment that address the topics of:

- Designing effective instruction for ELLs in the mainstream classroom.
- Building and activating background knowledge and creating contexts for meaningful, authentic interaction.
- Identifying comprehensible input in terms of vocabulary and language structures used as well as in terms of literacy abilities.
- Selecting appropriate material that targets a variety of ability and interest levels so that all learners have access to the curriculum.
- Planning for meaningful differentiation of instruction and integration of multiple instructional strategies.

Examine existing assessment procedures and integrate multiple modes of assessment of ELLs in mainstream classroom

Section 8: School Climate and Discipline

A. Describe the school's planned approach to classroom management and student discipline.

The School's philosophy regarding student behavior ensures commitment to the school's mission on a daily basis. The School believes that a safe and orderly school is of primary importance to creating an enjoyable learning environment for both students and teachers. Furthermore, when students behave in a respectful, responsible and safe manner, they enjoy a more productive learning experience and develop into responsible citizens.

Thus, students will be expected to abide by a strict code of behavior. Proper conduct will be recognized and consequences will be given for breaking rules in accordance with the belief that inappropriate behaviors that interfere with the learning process and the expectations set for character development can be reduced and ultimately extinguished through consistent, best-practice behavior management techniques. Whenever necessary and appropriate a child study may be convened to create a plan of action for addressing a learner's behavioral challenges as a means for intervention and assistance rather than mere punishment for repetitive negative behaviors that may be addressed through assistance and intervention.

Students will be taught character education throughout the school year, reinforcing a sense of responsibility in their actions and deeds, thus molding more self-aware, capable individuals. The School expects each parent to take an active role in supporting this plan. It is in the student's best interest that parents and staff work together to ensure a happy, safe and productive learning experience.

The School will abide by the Sponsor's Code of Student Conduct, therein incorporating the district's policies and expectations for students related to, including but not limited to, consistent and timely attendance, respect for persons and property, appropriate dress, technology usage, student publications, student activities, student records, and the right to appeal, including grievance procedures et. al. This information will be made available to parents and students upon registration. Parents are expected to read and discuss the policies with their child/children and return the appropriate form(s) with signatures for the students' portfolio records.

Furthermore, a collaborative problem solving process will be utilized to address learning and/or behavioral challenges identified by the classroom teacher and/or identified by the parent and corroborated by the teacher as an in-school behavior. The School will have a team (like a child study team) comprised of a School counselor, a member of the administrative team, and respective department heads e.g. members of the curriculum council (wherein every department is represented) and referring teacher and parent, when appropriate, will meet to discuss the pattern of behavior, targeted potential strategies to aim at assisting the child curtail the undesired behavior or learning outcome. The group will really consider the actual repetitive harmful behavior, and assign targeted strategies and or interventions (including timeframes for implementation and an informal plan of action) will be planned, implemented and subsequently evaluated at a subsequent meeting. The student's response and the results of intervention will be discussed and further action will be determined based on specific data and results gathered. Through this process, the student's needs can be addressed across the curriculum and the strategies can be individualized as well as the student's needs can be discussed and results compared, with allocation of necessary resources being implemented throughout the school day and in every discipline. The goal of this approach is to assist and support the child, avoiding, whenever possible, the necessity for punitive measures that will interrupt the integrity of the everyday academic or social setting of the child.

A school-wide, multi-level instructional and behavioral system for preventing school failure, screening, progress monitoring, data-based decision making for instruction and movement within the multi-level system. Tier 1 represents “universal” interventions needed to support student success, Tier 2 consists of “targeted” interventions for specific students requiring greater assistance, and Tier 3 represents “intensive” interventions for those students who do not respond to Tier 1 or Tier 2 strategies.

B. Describe the school’s Code of Conduct, including the school’s policies for discipline, suspension, dismissal and recommendation for expulsion.

In accordance with the School Board of Indian River County Positive Climate and Discipline Code of Conduct, the most appropriate disciplinary action taken by the School’s officials, will be the least extreme measure that can resolve the discipline problem. Teachers and administrators strive to use a variety of informal disciplinary or guidance strategies, prior to, during, and after formal disciplinary action. In order to provide the students with an excellent educational climate the teacher will set classroom expectations. The teacher will create a classroom expectation contract in which the student and the parent will sign acknowledging that they understand what is expected from the student throughout the school year.

The use of corporal punishment, including physical force or physical contact applied to the body as punishment, is prohibited by any member of the School staff and extends to parents or guardians on school grounds. National origin minority or English Language Learners (ELL) students shall not be subjected to any disciplinary action because of the use of a language other than English.

When confronted with an act that may require the imposition of disciplinary action by the School, the student and all other appropriate persons should be given the opportunity to explain the circumstances of the incident. The School will make every effort to inform a parent of disciplinary action prior to the action being taken, if at all possible.

Some of the disciplinary actions that may be utilized (in accordance with the district’s Code of Student Conduct) include:

- Removal from Class
- Student Work Assignment
- Peer Mediation
- Other Alternatives (e.g. after-school detention)

Suspension:

The Principal of the School may suspend a student from school for up to ten days for persistent disobedience and/or gross misconduct (and will assign suspension in accordance with provisions of the discipline matrix of the County). Principals take this action when they have exhausted informal disciplinary strategies, or when they have at least considered those alternatives and rejected them as inappropriate in a given situation.

Outdoor Suspension may be utilized by the School under the following conditions:

- The student’s presence in school presents a physical danger to the student or others; and/or
- The student and/or parent refuse an alternative to suspension.

During a suspension the child will be given the opportunity to complete the work that was missed during the suspension. Failure to make up the assigned work missed during a period of suspension will result in the student being given the academic grade of "F" for those assignments. A suspended student completing assigned work missed during the period of suspension will not be subject to the withholding of passing final grades unless the student has, in addition to suspension, attained five or more unexcused absences in a semester course or ten or more unexcused absences in an annual course. In addition to making up assigned work, the student will be held responsible for the material presented during the student's absence.

Under no circumstances are teachers required to make special provisions to comply with this procedure. The responsibility for securing assignments missed during the suspension period will be that of the student. Upon completion of the makeup work, within a reasonable amount of time, the student should submit the work to the teacher. The teacher must grade and record the makeup work as it is received. Improved effort and conduct by the student are expected, and lack of improvement will be handled by the teacher in an appropriate manner, (e.g., parent conference, lowered effort and/or conduct grades, or referral to administration).

Dismissal or Recommendation for Expulsion:

In accordance with the School District of Indian River County Suspension/Expulsion Policy the School's Principal may request that the Superintendent recommend to the School Board that a student be expelled. The Principal of the School may take this action when he/she has exhausted less severe administrative disciplinary action, or when he/she has considered those alternatives and rejected them as inappropriate in the given situation.

1. When a student commits a serious Code of Student Conduct violation, the principal or designee notifies the parent of suspension and the possibility of expulsion.
2. If expulsion is the recommendation, the principal/school administrator notifies the parent/guardian and the superintendent, of this recommendation in writing. The administrator prepares an expulsion packet and sends it to the Attendance Office.
3. The Director of Student Services chairs the SERT meeting. The school administrator attends the meeting and presents the school information. SERT reviews all information and makes a recommendation to the superintendent regarding an alternative placement or to proceed with expulsion. SERT members may investigate and write reports detailing student history at school, home, and any agency involvement.
4. Following the meeting parents/guardians will be notified by phone of the outcome.
5. The superintendent's office notifies the parent of expulsion proceedings if warranted.
6. If expulsion proceeds, a hearing is held with an impartial hearing officer. The student, parent and the school administration provide testimony. After hearing both sides, the hearing officer will recommend to the superintendent alternative placement or recommend expulsion. The superintendent makes his recommendation to the School Board, which has the final authority to expel.

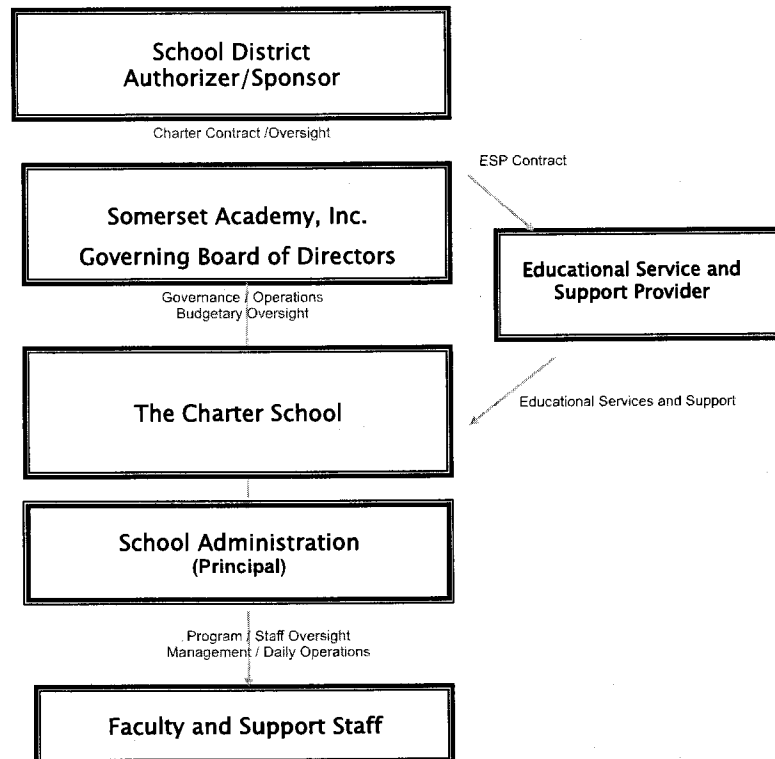
III. ORGANIZATIONAL PLAN

Section 9: Governance

A. Describe how the school will organize as or be operated by a non-profit organization.

Somerset Academy, Inc., a non-profit Florida corporation, is the legal entity that will operate the School as per the *Articles of Incorporation and Bylaws* (Appendix A Corporate Documents). The governing board of directors (the "Governing Board") 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.

B. Provide an organizational chart for the school and a narrative description of the chart. Clearly describe the proposed reporting structure to the governing board and the relationship of the board to the school's leader and administration.



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. The school principal, hired by the board, will be responsible for all aspects of school operations within the scope of operating policies and procedures and budgetary functions as adopted and approved by the Governing Board. The school's faculty and staff will report directly to the principal, who shall report to the Governing Board.

The School's on site administration (principal, an assistant principal and/or lead teacher) will ensure that the operations of the School (resources, courses, policies) are in accordance with the mission and vision of the School as adopted and approved by the Governing Board. The administrative staff, as instructional leaders, will make all school-based decisions, establishing and implementing procedures for the day-to-day operations of the School. The faculty and secretarial staff will be responsible for carrying out these procedures in their daily activities and interactions with students, parents and the community.

C. Provide a description of how the governing board will fulfill its responsibilities and obligations, including but not limited to:

- *Adoption of the annual budget*
- *Continuing oversight over charter school operations*

The Governing Board is the ultimate policy-making body for the school, and will have the responsibility for the affairs and management of the school. The Governing Board will provide continuing oversight of school operations, including a responsibility to effectively and properly manage public funds.

The Governing Board will fulfill its responsibilities and obligations by performing the following duties, as well as any and all other duties specified in Florida Statutes regarding Governing Boards of Charter Schools and any other duties specified therein the Applicant's Bylaws:

- Oversee operational policies; Academic accountability, and financial accountability.
- Annually adopt and maintain an operating budget.
- Exercise continuing oversight over charter school operations.
- Report its progress annually to its sponsor, which shall forward the report to the Commissioner of Education at the same time as other annual school accountability reports.
- Ensure that the charter school has retained the services of a certified public accountant for the annual financial audit who shall submit the report to the governing body.
- Review and approve the audit report, including audit findings and recommendations
- Monitor a financial recovery plan in order to ensure compliance (if applicable).
- Report progress annually to its sponsor, including at least the following components (i.e. Charter School Annual Report):
 - a. Student achievement performance data
 - b. Financial status of the School, including revenues and expenditures at a level of detail that allows for analysis of the ability to meet financial obligations and timely repayment of debt.
 - c. Documentation of the facilities in current use and any planned facilities for use by the charter school for instruction of students, administrative functions, or investment purposes.
 - d. Descriptive information about the charter school's personnel, including salary and benefit levels of charter school employees, the proportion of instructional personnel who hold professional or temporary certificates, and the proportion of instructional personnel teaching in-field or out-of-field.

D. Describe the policies and procedures by which the governing board will operate, including board powers and duties; board member selection, removal procedures and term limits; code of ethics, conflict of interest, and frequency of meetings.

Charter school governing boards must be guided by a set of by-laws that define how the board will operate. Applicants may include their proposed by-laws.

The Applicant's Bylaws clearly specify the selection, removal procedures, and term limits of Board Members, and is summarized as follows:

Selection: Directors shall be elected at a duly organized meeting of the Governing Board. Notice of the Governing Board's intentions to elect any such Director shall be included in the agenda for that meeting and publicly announced in accordance with Sunshine Law requirements. Newly created directorships resulting from an increase in the number of directors comprising the board and all vacancies occurring on the board for any reason shall be filled by the majority of the members in office at a duly organized meeting of the Governing Board. A member elected to fill a newly created directorship or a vacancy will serve until a successor is elected. Newly elected members will agree to support the founding organization's vision in order to maintain continuity between the founders and the subsequent board members.

Removal Procedures: A Director may be removed without cause by a majority of the Directors then in office.

Term Limits: Each member of the Board of Directors shall have a term of five (5) years and may only be elected for up to three (3) consecutive years. Upon serving the maximum term, a Director's term shall automatically expire without further action of the Board.

The policies and procedures by which the board will operate, including specific board member powers are specifically detailed in the attached Bylaws.

A brief overview of those policies and procedures is as follows:

Board Member Powers: Subject to the limitations of the Florida not-for-profit corporation law, the corporation's Articles of Incorporation and Bylaws, the activities and affairs of the corporation shall be conducted and all corporate powers shall be exercised by or under the direction of the Board. The Board shall have the following powers in addition to any other powers enumerated in the Bylaws and permitted by law

- Select and remove all of the officers, agents and employees of the corporation and prescribe powers and duties for them which are not inconsistent with the law
- To conduct, manage and control the affairs and activities of the corporation
- To adopt, make and use a corporate seal
- To borrow money and incur indebtedness for the purpose of the corporation
- To act as trustee under any trust incidental to the principal object of the corporation, and receive, hold, administer, exchange and expend funds and property subject to such trust
- To acquire by purchase, exchange, lease, gift, devise, bequest or otherwise, and to hold, improve, lease, sublease, mortgage, transfer in trust, encumber, convey or otherwise dispose of real and personal property
- To assume any obligations, and enter into any contracts or other instruments
- To form and be a member or shareholder of a not-for-profit entity organized under the law of any state
- To carry out such duties as described in the Articles of Incorporation and Charter Contract

Board Member Duties: The Governing Board will perform the following duties, as well as any and all other duties specified in Florida Statutes regarding Governing Boards of Charter Schools and any other duties specified in the Bylaws:

- Oversee operational policies; Academic accountability, and financial accountability.
- Annually adopt and maintain an operating budget.
- Exercise continuing oversight over charter school operations.
- Report its progress annually to its sponsor, which shall forward the report to the Commissioner of Education at the same time as other annual school accountability reports.
- Ensure that the charter school has retained the services of a certified public accountant for the annual financial audit who shall submit the report to the governing body.
- Review and approve the audit report, including audit findings and recommendations
- Monitor a financial recovery plan in order to ensure compliance (if applicable).
- Report progress annually to its sponsor

Code of Ethics: It is Board policy that employees and board members uphold the highest standards of ethical, professional behavior. To that end, these employees and board members will agree to commit themselves to carrying out the mission of this organization and shall:

- Be mindful of and honor the safety, health and welfare of the public in the performance of professional duties.
- Act in such a manner as to uphold and enhance personal and professional honor, integrity and the dignity of the profession.
- Treat with respect and consideration all persons, regardless of race, religion, gender, sexual orientation, maternity, marital or family status, disability, age or national origin.
- Recognize that the mission at all times is the effective education of children and the development of institutions to foster that mission.
- Engage in carrying out the Board's mission in a professional manner.
- Collaborate with and support other professionals in carrying out the educational mission.
- Build professional reputations on the merit of services.
- Keep up to date and informed on emerging issues and business of the Board, and to conduct themselves with professional competence, fairness, impartiality, efficiency and effectiveness.
- Uphold and implement policies adopted by the Board of Directors.
- Keep the faculty, parents, students and community informed about issues affecting them.
- Conduct organizational and operational duties with positive leadership exemplified by open communication, creativity, dedication and compassion.
- Exercise whatever discretionary authority they have under the law so as to carry out the mission of the organization.
- Serve with respect, concern, courtesy, and responsiveness in carrying out the organization's mission.
- Demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in all activities in order to inspire confidence and trust in such activities.
- Avoid any interest or activity that is in conflict with the conduct of official duties.
- Respect and protect privileged information to which they have access in the course of their official duties.
- Strive for personal and professional excellence and encourage the professional development of others.

Conflict of Interest Policy: As a nonprofit, tax-exempt organization authorized to operate charter schools, the operations of the Applicant can also be viewed as a public trust, which is subject to scrutiny by and accountable to the public. Consequently, a fiduciary duty exists between the Board, officers, management employees, and the

public, which carries with it a duty of loyalty and fidelity. The Board, officers, and management employees have the responsibility of administering the affairs of corporation honestly and prudently. Those persons shall exercise the utmost good faith in all transactions involved in their duties, and they shall not improperly use their positions with, or knowledge gained from the organization for their personal benefit.

Nature of Conflicting Interest: A conflicting interest may be defined as an interest, direct or indirect, with any persons or firms mentioned above. Such an interest might arise through:

- Owning stock or holding debt or other proprietary interests in any third party dealing with the Corporation.
- Holding office, serving on the Board, participating in management, or being otherwise employed (or formerly employed) with any third party dealing with the Board.
- Receiving remuneration for services with respect to individual transactions involving the Corporation.
- Using the corporation's time, personnel, equipment, supplies or good will for other than Board - approved activities, programs and purposes.
- Receiving personal gifts or loans from dealing or competing third parties. Receipt of any gift is disapproved except gifts of a value less than \$150, which could not be refused without discourtesy. No personal gift of money should ever be accepted.

Interpretation of this Statement of Policy: The areas of conflicting interest listed and the relations in those areas, which may give rise to conflict are not exhaustive. Conflicts might arise in other areas or through other relations. Directors, officers and management employees will hopefully recognize such areas and relation by analogy. However, it is the policy of the Board that the existence of any conflict of interest shall be disclosed before any transaction is consummated. It shall be the continuing responsibility of the Board, officers, and management employees to scrutinize their transactions and outside business interests and relationships for potential conflicts and to immediately make such disclosures.

Disclosure Policy and Procedure: Transactions with parties with whom a conflicting interest exists may be undertaken only if all of the following are observed: 1. The conflicting interest is fully disclosed; 2. The person with the conflict of interest is excluded from the discussion and approval of such transaction; 3. Where products, goods or services are being procured or sold, that there exists reliable independent evidence of fair value (which shall be specifically identified in and attached to the minutes), which may include a competitive bid or market survey or comparable valuation or other reliable evidence of market value; and The Board has determined that the transaction is in the best interest of the organization.

Disclosure in the organization should be made to the Board Chair who shall bring the matter to the attention of the Board. Disclosure involving the directors should be made to the Board. The Board shall determine whether a conflict exists and in the case of an existing conflict, whether the contemplated transaction may be authorized as just, fair and reasonable. If the conflict is not deemed to be material and the conflicted party is excluded from the decision making process, then the Board can use its reasonable judgment and make a decision, which it deems to be in the best interest of the entity. The decision of the Board on these matters will rest in its sole discretion, and its concern must be the welfare of the Corporation and the advancement of its purpose.

Meeting schedule selection: A procedure for selection of meeting schedule is clearly written in the Applicant's Bylaws. The Applicant will vote upon and post their meeting schedule for the opening school year, and annually thereafter, in accordance with chapter 119 of the Florida Statutes, relating to public records, and public meetings.

In accordance with 1002.33(7)(d)(2) F.S., the governing board will hold at least two public meetings per school year in the school district. The meetings will be noticed, open, and accessible to the public, and attendees will be provided an opportunity to receive information and provide input regarding the charter school's operations.

- E. List each of the proposed members of the school's governing board, indicating any ex-officio members and vacant seats to be filled. Complete Addendum B (Form IEPC-M1A) for each school currently or previously operated by the Governing Board.*

The following is a list of the members of the school's governing board and a brief description of their backgrounds, skills, and experience highlighting their proposed contribution in servicing as a governing board member. *(Please see completed Addendum B, attached, for additional information on the existing governing board and the schools it operates in the State of Florida.)*

SOMERSET ACADEMY, INC. BOARD MEMBERS

David Concepcion – Director / Chair

Mr. Concepcion has been a part of the Charter School movement, originally serving as Board Member and Chairman of Mater Academy Charter Schools from 2003-2006, and later joining the Somerset Academy Charter Schools as an Executive Board Member since 2006. David worked as the Chief Legislative Aide with the Florida House of Representatives, Mayor's Chief of Staff and City Clerk in the City of Hialeah, FL, and currently serves as the Assistant City Manager and City Clerk at the City of Pacific Grove, CA. Mr. Concepcion has experience in the areas of bill-drafting, presentation of legislation, implementation of legislation among governmental agencies, fundraising, governmental relations, and municipal management. Mr. Concepcion works directly with local constituency and serves as a liaison to the community with the media, state, federal and local agencies. Mr. Concepcion attended the University of Florida, where he obtained a Bachelor of Arts Degree in Political Science with a specialization in International Relations and Latin American Studies; and is currently studying to obtain his Masters in Public Administration from St. Thomas University.

Lourdes Isla – Director / Vice-Chair

Ms. Lourdes Isla is an accomplished educator with ten years of experience in the field of education. Ms. Isla is currently the principal of Mater Gardens Academy Elementary and Middle Charter Schools, both A+ charter schools in Miami-Dade County. She is responsible for overseeing the daily school operations of 500 students and over 30 staff members. Under Ms. Isla's direction, the schools are ranked among the top third of public elementary and middle schools in Miami-Dade County, achieving Adequate Yearly Progress under Federal standards of the No Child Left Behind Act and earning "A" grades from the Florida Department of Education. In 2014, the school was honored with the distinction of being recognized as one of the countries outstanding public schools by the U.S. Department of Education and awarded designation as a National Blue Ribbon School. Ms. Isla is currently pursuing her doctorate degree in Organizational Leadership from Nova Southeastern University.

Todd German – Director / Treasurer

Todd was born in Augsburg, Germany when his father was serving in the U.S. Army. Raised in Virginia Beach, Todd has been a resident of the Florida Keys for 16 years and has lived in Key West since 1999. As a young man, Todd enlisted in the U.S. Army on his 18th birthday and served in the 82nd Airborne and 7th Special Forces at Ft. Bragg, N.C.

Professionally, Todd is an Investment Advisor and partner in Keys Wealth Management, a private investment management firm. He has previously served as a senior officer for a number of local financial institutions. Since

arriving on the island, he has immersed himself in leadership roles in the arts, civic activities and the business community.

Most recently, Todd is the President of the Key West Collegiate School, Vice Chair of the Community Foundation of the Florida Keys, Vice President of the Key West Business Guild and member of the Key West Citizen Editorial Board. In addition, he is the Chairman and spokesperson for Hometown! PAC.

He is the former President of the Montessori Charter Elementary School, Former Chair of the Key West Citizen's Review Board, and former President of the Key West Botanical Garden Society. Todd is a graduate of Leadership--Monroe County, the Key West Ambassador Program and the Key West Citizen's Police Academy.

He holds memberships in all the associations promoting business in Key West--the Attractions, Lodging, Innkeeper's and Realtor's Associations. His daughter Valerie, an Ultra Marathoner, is currently an Internal Medicine resident at Eastern Virginia Medical School.

Ana Diaz, M.S. Elementary Ed. – Director / Secretary

Ms. Diaz has been in the field of education for over fourteen years. She earned her Master's Degree in Elementary Education from the University of Florida and began her career as a teacher in the Miami-Dade County Public School System. Ms. Diaz continued her studies at Nova Southeastern University where she completed her certification in Educational Leadership. In the fall of 2005, Ms. Diaz began working with Charter Schools and she serves as the Principal of Pinecrest Preparatory Academy Charter School. In addition to supervising the daily school operations, her areas of expertise include curriculum planning, program evaluation, data analysis, assessment design and professional development. Ms. Diaz has been an integral part in the success of the Pinecrest Academy Inc. school organization. Since her election to the Somerset School Board in May of 2013, Diaz has effectively provided oversight and support in her areas of expertise for several of the Somerset Schools and organization.

Raul L. Martinez, Jr. - Director / Parent Representative

As the Deputy Chief of Staff & District Director, Mr. Martinez oversees all district offices operations and work flow. He is responsible for recruiting, hiring, training, and managing district staff; he also represents Congressman Joe Garcia at events; monitors district issues and politics, while conducting staff outreach. Mr. Martinez also develops and implements policy objectives, strategies and operating plans for the Congressman's district offices and directs all activities and staff in the district.

Previously, as the Interim Chief of Staff, Mr. Martinez, was the Member's chief policy advisor. He was responsible for developing and implementing position strategies and operating plans for the Member's offices and managing and directing all activities and staff of the Member's Washington D.C. and district offices including overseeing the office budget. Mr. Martinez acted as the Member's principal liaison and responded to office visits and telephone inquiries from constituents and various interest groups.

As Hispanic Vote Director, Mr. Martinez managed community-oriented, metric-driven program to register, engage and turnout Hispanic voters in support of President Barack Obama's re-election in partnership with field, political, communications, digital, data, voter protection and operations departments. He implemented local capacity-building efforts – developing training materials in English and Spanish, organizing voter education events, engaging community stakeholders as strategic partners in organizing structure and contributed to field program by organizing 100's of Hispanic engagement activities across Florida recruiting over 200 volunteers.

Other positions Mr. Martinez has held include Hispanic Outreach Director for Democracy at Stake, Managing Partner of Martinez Consulting Group, Regional Manager – Prestige Builders Group; Senior Account Manager – Public Relations Agencies and Public Information Officer – Miami-Dade Aviation Dept.

Mr. Martinez earned a Bachelors Degree in Public Relations and Communications from Florida International University and Associates in Arts from Miami-Dade Community College.

Jenny Equijarosa – Director / Parent Representative

Ms. Esquijarosa is a graduate from Florida International University, school of Journalism and Mass Communications. Her background in event planning and marketing makes her a valuable asset to the Somerset Board. Additionally, Ms. Equijarosa is a charter school parent, having served on the Pinecrest Academy Charter School Board. Responsibilities include logistics & production of dozens of local and nationwide events ranging from private functions of 50 guests, to public events and street festivals of 50,000 consumers. Furthermore, she coordinated marketing, promotional and public relations programs for the live entertainment division, including an exclusive concert series for the Florida Marlins. Ms. Esquijaosa has been with the Somerset Board since 2014.

Tony Morales- Director / Student Alumnus

Tony Morales is a proud alumnus of Somerset Academy Charter High school. Graduating summa cum laude from Broward College, he obtained his Associates Degree and is now currently attending the University of Pennsylvania.

He currently serves as the Chairperson of the Board of Directors for *Under A Tree, Inc.*, a nonprofit that works with educational administrators, postsecondary academics, management consultants, venture capitalists, business leaders, and politicians, to connect diverse student populations with transformational leadership education and high-profile mentorship.

Also the CEO of *Prepory*, he develops college admissions consultancy strategies, including human capital sourcing, international marketing, curriculum crafting, and operations flow formulation.

Mr. Morales serves as Consulting Director for 180 Degrees Consulting, the world's largest nonprofit student consultancy. In that capacity, he leads projects to drive organizational change across clients including Camden City Public Schools in New Jersey and Freire Charter School in Pennsylvania. Previously, he served as Director of Strategy and Analytics and Director of Compliance and Governmental Affairs for Academica Virtual Education.

George B. Ozuna – Director

George B. Ozuna is a Hydrologist with the U.S. Geological Survey (USGS) whose public service has spanned over 30 years. After graduation from the University of Texas at San Antonio with a B.S in Geology in 1980 he was hired by the USGS as a hydrologist in 1981, and assigned to the San Antonio office. Initially, he was a team member for a project collecting and analyzing data on the Edwards aquifer. From 1984 to 1990 he served as a project chief on several different studies that included such work as: monitoring well installation, aquifer testing, evaluating shallow ground-water systems, and describing the surface hydrogeology. In June 1991, he became the San Antonio Water Quality Specialist, assisting the Office Chief in the development of water-quality projects in the office. In 1993, George was selected as the San Antonio Office Chief as Supervisory Hydrologist and 2009 was promoted to a new position as Deputy Director for the USGS Texas Water Science Center. In January 2013 he took on a new position as Senior Program Manager.

George has worked tirelessly throughout his USGS career to apply his hydrologic knowledge and research to address water issues in the San Antonio area. His outreach efforts to the area's predominantly Hispanic community have been a major factor in the link between the USGS and the San Antonio Hispanic community. This is evidenced by his personalized educational lectures to the area schools and communities and his student mentorship program. Frequently, these efforts have been on George's personal time and paid for out of his own pocket.

In his career with the USGS, he continually is involved in diversity efforts; he served as a vocal member of the Ethnic Minority Advisory Committee and actively on the USGS Bureau Outreach and Recruitment Team. As the USGS representative, George served on the committee that prepared the Department of the Interior Hispanic Association of Colleges and Universities (HACU) Memorandum of Understanding. His participation in the diversity programs for the USGS extended the USGS diversity programs goals into his own office and serve as a model of success for all of the USGS.

To his staff, the students he has mentored, the Hispanic community within San Antonio, and his family, George is an extraordinary modest unsung champion. He is a man of integrity in both his professional and personal life. He has sacrificed many opportunities to leave the San Antonio area for career advancement in order to be an active resource to the Hispanic community of his ancestors. He has maintained an honest obligation regarding the science impact of his hydrology discipline that makes a huge difference to the welfare of the Hispanic community where he lives and works. On the job and after work, his colleagues and neighbors admire and respect him as a person that the San Antonio community as a whole and the Hispanic community in particular can count on to always act selflessly on their behalf.

George is widowed after 30 years of marriage to his wife Ninfa and has two children; Andrea, 22, is a graduate of Incarnate Word High School and now a senior at Rockhurst University. Their son Matthew, 21, is a graduate of Central Catholic High School and a junior at University of North Texas.

Louis J. Marin – Director

Louis Marin is the Compliance Officer at Generations Federal Credit Union since June 2013. In that capacity, Marin is responsible for monitoring both Federal and State laws and regulations applicable to Credit Union operations administering loss prevention programs, managing security, vendor management programs and risk management processes. In addition, he serves as the Security Officer for the \$400 million, 48,000 member credit union. A native of San Antonio, Texas, Marin obtained his Bachelor's of Business Administration degree in Accounting from University of Texas at San Antonio in 1981. After an extensive career in the private and public sectors, Marin began working with the credit unions in 2004, where he served as the Vice-President of Project Management, until his currently held position. He is married to his wife Sandra and they have two children; Danielle and James. He serves on several volunteer committees and is a certified Sports Official in basketball, soccer, football and softball.

F. Outline the methods to be used for resolving disputes between a parent and the school.

The school's governing board will appoint a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes. The representative may be a governing board member, charter school employee, or individual contracted to represent the governing board. The representative's contact information will be provided annually in writing to parents and posted prominently on the charter school's website if a website is maintained by the school. The appointed representative and charter school principal or director, or his equivalent, will be physically present at board meetings in accordance with

1002.33 (7)(d)(1) and 1002.33(7)(d)(2), Florida Statutes.

Positive relations between the School and its parents and families are a primary concern. For that reason, every effort will be made to handle disputes in the most positive way possible. The following steps have been outlined in order to facilitate resolution of such issues:

- Step 1: Make an appointment to clarify issue with your student's teacher (if applicable).
- Step 2: Make appointment to clarify issue with the school administrator.
- Step 3: Contact Educational Support Provider
- Step 4: Contact Board Appointed Parent Liaison
- Step 5: State concerns at a scheduled Governing Board meeting.

If the school is filing the application in conjunction with a college, university, museum, educational institution, another nonprofit organization or any other partner, provide the following information:

- G. Name of the partner organization. n/a*
- H. Name of the contact person at the partner organization and that person's full contact information. n/a*
- I. A description of the nature and purpose of the school's partnership with the organization. n/a*
- J. An explanation of how the partner organization will be involved in the governance of the school. n/a*

Section 10: Management

- A. *Describe the management structure of the school. Include job descriptions for each administrative position and identify key roles, responsibilities and accountability.*

The management structure for the school's day-to-day operations will be as follows:

The Governing Board will hire and oversee the school principal. **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 hire, oversee, and evaluate faculty and staff. 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 principal will report to the board on the school's operations and finances at minimum at every governing board meeting and will be expected to communicate with the board as often as needed by the School and/or board members in order for school's operational needs to be met.

The administration will implement policies and procedures for the daily operations of the school. The principal will delegate duties to administrative support staff to ensure that daily operations, resources, policies and procedures are being implemented in accordance with the school's mission. Faculty and staff will be responsible for carrying out these procedures in their day-to-day duties, activities, and interactions with students, teachers, and parents of the school.

The duties and key roles for these key personnel are detailed in the job descriptions, Appendix D.

The Board expects it will enter into a service agreement with Academica, an Educational Services and Support Provider, to provide off-site support to the school. The support services to be provided are central office functions including but not limited to: assistance with facilities design and maintenance, staffing recommendations and human resource coordination, curriculum support, research and updating, sponsor relations and reporting, program marketing, general accounting services including bookkeeping, payables, asset management, budget preparation, risk management, cash flow analysis, and preparation of financial statements provided to the Governing Board for oversight and approval.

The Sample ESP agreement, in Appendix C, herein includes all anticipated professional support services to be provided.

Financial Oversight and Management - The Governing Board has the ultimate responsibility of ensuring that the school's finances are managed properly. As per the duties described in *Section 9- Governance*, the Board will annually adopt and maintain an operating budget and maintain oversight of all school-based finances. The Governing Board will ensure that the charter school has retained the services of a certified public accountant for the

annual financial audit. The ESP, as contracted by the Board, will assist the School with additional preparation and reporting of the school's finances.

The school principal, with support from the ESP, will prepare the estimated budget using anticipated enrollment projections prior to the beginning of each fiscal year. Hiring and procurement decisions will be made at that time. Enrollment will be closely monitored in order to make sure that appropriate master schedules and hiring decisions remain within budgetary constraints. Budget reports will be prepared and presented to the Sponsor and the Board on a monthly basis for oversight. Budgets will be prepared and presented to the Board at all quarterly board meetings.

The board has also established financial policies and internal controls for the school's operational and internal accounts. These policies and controls are detailed in Section 18, *Financial Management and Oversight*, of this application.

B. Outline the criteria and process that will be used to select the school's leader and the process by which the school leader will be evaluated.

The school principal will be hired by the board, and will be responsible for all aspects of school operations within the scope of operating policy and budgetary approval by the Governing Board. The Board intends to recruit talented individuals who have knowledge of and experience with instructional, educational, and school-site matters. The school will adhere to the anti-discrimination provisions of s. 1000.05, Florida Statutes.

At minimum, the Governing Board will seek an individual who has:

- extensive administrative and teaching experience;
- State of Florida Educational Leadership Certification;
- experience working with school or advisory educational boards;
- strong managerial capabilities;
- knowledge of the needs of student population;
- positive evaluations from previous administrative position(s);
- letters of recommendation;
- excellent communication skills; and
- demonstrated capacity to meet and or exceed the Florida Principal Leadership Standards

Administrator Evaluations-

In compliance with s. 1012.34, F.S., the administrator's evaluation must, at minimum, be based on the following components:

1. **Performance of students.** *At least* one-third of a performance evaluation will be based upon data and indicators of student performance* This portion of the evaluation will include growth or achievement data of the students attending the school over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available will be used.

*Student learning growth will be assessed annually and measured by statewide assessments using performance standards adopted into State Board Rule for courses beginning in 2015-16. For courses/subjects not measured by statewide assessments, and courses with statewide assessments without a state-adopted growth model, the school will abide by the district's adoption of either all, some or none of the results of statewide assessments in the performance of students component. (s. 1012.34, F.S.)

2. Instructional Leadership - *At least* one-third of the performance evaluation must be based on instructional leadership. Evaluation criteria for instructional leadership must include indicators based upon each of the leadership standards adopted by the State Board of Education under s. 1012.986, including: performance measures related to effectiveness of classroom teachers, recruitment and retention of effective & highly effective teachers, improvement in the percentage of instructional personnel rated as highly effective & effective, appropriate use of evaluation criteria and other practices that result in student learning growth.

3. Professional & Job Responsibilities - the remainder of the performance evaluation may include, but is not limited to, professional and job responsibilities as adopted by State Board of Education and/or the Governing Board of the school and may also include a mechanism to give parents and teachers an opportunity to provide input into the administrator's performance assessment, when appropriate.

Accordingly, the school will use the **SDIRC School Leader Evaluation System** -which meets the above statutory requirements and is aligned to the Florida Principal Leadership Standards, approved by the Florida Department of Education.

The governing board will conduct formal administrator evaluations annually in accordance with s. 1012.34, F.S.

The evaluation systems for school administrators must:

- Be designed to support effective instruction and student learning growth, and performance evaluation results must be used when developing district and school level improvement plans.
- Provide appropriate instruments, procedures, timely feedback, and criteria for continuous quality improvement of the professional skills of instructional personnel and school administrators, and performance evaluation results must be used when identifying professional development.
- Include a mechanism to examine performance data from multiple sources, including opportunities for parents to provide input into employee performance evaluations when appropriate.
- Identify those teaching fields for which special evaluation procedures and criteria are necessary.
- Differentiate among four levels of performance as follows:
 1. Highly effective.
 2. Effective.
 3. Needs improvement or, for instructional personnel in the first 3 years of employment who need improvement, developing.
 4. Unsatisfactory.
- Provide for training and monitoring programs based upon guidelines provided by the department to ensure that all individuals with evaluation responsibilities understand the proper use of the evaluation criteria and procedures.

C. Provide a staffing plan for each year of the charter term aligned with the school's projected enrollment as detailed on the cover page of this application.

**See below and Appendix B Budget – Staffing Matrix*

Costs for educational staff and administrators are forecast using the published pay scale in effect in the district where the school is located as a guide. The number of instructional personnel is in line with Florida's laws relating to class size.

- Teacher Salaries were derived at by using an average salary of \$39,500 teacher for Year 1, with a CPI of approximately 2% for every year thereafter.
- Paraprofessionals are budgeted at an average salary of \$ 18,000.
- Substitute teacher costs assumes that substitutes will be hired for 10 days/full-time teacher at a rate of \$110/day.
- Administrative Salaries include a Principal, \$ 85,000
- Clerical and Administrative assistant salaries include those for Registrar, Administrative Assistants/Clerical personnel
- Contract Services include professional fees paid to entities such as the Services and Support Provider, Speech Therapist, and other ESE service providers.
- As noted in the detailed Revenue Worksheet included in the application, the budget anticipates that 12% of students will be classified as ESE. There is room in the budget to modify the amount paid for ESE services under Miscellaneous and in the Budget Surplus, should the rate of contracted services for ESE and ESOL increase due to the various needs of the students once enrolled.
- Employee Benefits are calculated at a rate of 23% of all salaries (excluding contracted services). This includes health insurance costs, 401k contributions, tuition reimbursements, Worker's Compensation, and all mandatory federal and state employment taxes. As noted in the application, for employee insurance and benefits selection, the Governing Board has engaged the services of ADP Totalsource, a professional employer organization that provides human resource services to small and moderate size employers. The use of a professional employer organization allows the staff of the School to enjoy the same level of benefits that are available to employees of large organization such as Fortune 500 companies (including health/dental/vision insurance and Retirement/401k plans).

D. Explain the school's plan for recruitment, selection, development, and evaluation of staff.

The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff.

Recruitment – The School will ensure that faculty members are certified, highly qualified professional personnel.

Accordingly, the School will:

- Recruit teachers through the State-sponsored, *Department of Education, Teach in Florida* website,
- Coordinate efforts to partner with postsecondary educational institutions to serve as host school for interns whenever possible, and
- Organize other efforts to attract in-field experts to serve as teachers in the various disciplines that require higher levels of academic content delivery.

Recruitment efforts will also include advertisements in local newspapers and on the school's website, presentations and fliers at local universities, school job fairs, and via word of mouth. Considerable effort will be taken during interviews to hire the most qualified candidates that cumulatively represent the diverse racial/ethnic background of the local community and county that we serve.

Selection Process- The school will look for candidates who demonstrate the following qualifications:

Administration

- Educational background: Master's Degree or higher
- Extensive administrative and teaching experience
- State of Florida Certification in Educational Leadership
- Vast experience in working with school or advisory educational boards
- Strong managerial capabilities
- Knowledge of the needs of the student population served by the School
- Positive evaluations from previous administrative position
- Letters of recommendation
- Excellent communication skills

Faculty/Staff

- Educational background: Bachelor's Degree or higher in field
 - State Certification for the required position
 - Excellent presentation and interpersonal skills
 - Satisfactory recommendation and/or evaluations from previous employer
 - Personal characteristics, knowledge, and belief in the school's mission
 - An ability and motivation to work as part of a team in a small-school setting with parental involvement
 - References/Letters of Recommendation

Hiring Process - The School's Governing Board will appoint a screening committee to recruit, interview and recommend to the board qualified candidates for Administrative positions, as needed. This committee may include current charter school administrators, employees of the organization, current board members and ESP personnel. Based on the recommendations of the committee, the Board conducts final interviews of the most qualified candidates and hires the Principal and any assistance principals (as the need arises).

The Principal, once hired, recruits teachers and may appoint a school-based committee to screen highly - qualified and certified teachers. This committee develops an interview questionnaire for specific positions, conducts initial screening interviews and makes recommendations to the principal. The principal reviews recommendations, conducts final interview, and makes all final hiring decisions within the scope of the budget, as approved by the Governing Board.

The school will not employ an individual to provide instructional services if the individual's certificate or license as an educator is suspended or revoked by this or any other state. The school agrees to fingerprint all employees as required by Section 1012.32, F.S., all employees agree to background checks, and drug-screening. The School will adhere to the antidiscrimination provisions of s. 1000.05, Florida Statutes. Furthermore, the school will not discriminate based on actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation in the hiring of its employees.

Employee Evaluations- In compliance with s. 1012.34, F.S., instructional personnel evaluations must, at minimum, be based on the following components:

1. **Performance of students*** – in accordance with s. 1012.34, F.S., *At least* one-third of a performance evaluation will be based upon data and indicators of student performance. This will include growth or achievement data of the teacher's students.

*Student learning growth will be assessed annually and measured by statewide assessments using performance standards adopted into State Board Rule for courses beginning in 2015-16. For courses/subjects not measured by statewide assessments, and courses with statewide assessments without a state-adopted growth model, the school will abide by the district's adoption of either all, some or none of the results of statewide assessments in the performance of students component. (s. 1012.34, F.S.)

2. **Instructional practice.** *At least* one-third of the performance evaluation will be based upon instructional practice. Evaluation criteria used when annually observing classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, will include indicators based upon each of the Florida Educator Accomplished Practices (FEAPs) adopted by the State Board of Education. For instructional personnel who are not classroom teachers, evaluation criteria will be based upon indicators of the Florida Educator Accomplished Practices (FEAPs) and may include specific job expectations related to student support.

3. **Other indicators** –the remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as those recommended by the State Board of Education and/or identified by the approved plan, peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice.

Accordingly, the school will implement SDIRC Teacher Evaluation Procedures (TEP) Manual in alignment with the Florida Educator Accomplished Practices (FEAPs) and in compliance with s.1012.34, F.S.

All teachers will be formally evaluated on an annual basis. Newly hired teachers (new to the district and/or new to the profession) will be formally evaluated at least twice in the first year of teaching and will be under a probationary contract. All personnel must be fully informed of the criteria and procedures associated with the evaluation process before the evaluation takes place. Instructional personnel and administrative personnel who have been evaluated as less than effective must participate in professional development programs as part of the improvement prescription (s. 1012.98, F.S.)

The CWT (Classroom Walk -Through) Program will be used frequently to provide feedback on objective - setting, grade level appropriateness of lessons, appropriate higher-level thinking strategies and appropriate use of texts and materials. Instructional strategies, classroom management skills, and engagement of learners in the classroom will also be observed and teacher performance will be evaluated as a means to inform instruction and provide for professional growth opportunities.

Non-instructional staff, such as clerical staff will also be evaluated and receive feedback on their performance via in-house assessment tools and individual conferences with the principal or designee.

The evaluation systems for school instructional personnel must:

- Be designed to support effective instruction and student learning growth, and performance evaluation results must be used when developing district and school level improvement plans.
- Provide appropriate instruments, procedures, timely feedback, and criteria for continuous quality improvement of the professional skills of instructional personnel and school administrators, and performance evaluation

results must be used when identifying professional development.

- Include a mechanism to examine performance data from multiple sources, including opportunities for parents to provide input into employee performance evaluations when appropriate.
- Identify those teaching fields for which special evaluation procedures and criteria are necessary.
- Differentiate among four levels of performance as follows:
 1. Highly effective.
 2. Effective.
 3. Needs improvement or, for instructional personnel in the first 3 years of employment who need improvement, developing.
 4. Unsatisfactory.
- Provide for training and monitoring programs based upon guidelines provided by the department to ensure that all individuals with evaluation responsibilities understand the proper use of the evaluation criteria and procedures.

Staff Development Plan - In setting high expectations for both students and teachers, the School will be committed to maintaining the level of high quality instructors by implementing a comprehensive professional development plan. The school will support the professional development needs of all professional staff by subsidizing college classes, facilitating the attainment of continuing education credits, and offering trainings.

Teacher training will be offered throughout the school year in a variety of forms. Select teachers will attend local, state and national conferences and serve as trainer to the remainder of the staff upon return to the School. Appropriate and relevant school wide training will occur on teacher planning days as well as on early release dates. All staff will participate in school-initiated and other relevant and necessary workshops for professional development, and a member of the administrative team will coordinate, assist and monitor the staff development process. In-house workshops and meetings will be held monthly by administrators and may occur as often as biweekly through team leaders, in order to facilitate support, encourage communication, allow for team planning, and troubleshoot concerns and needs.

All Staff will be offered, at minimum, the following school-site and district-based trainings:

- Curriculum Implementation by Subject/Specialty – Teachers will participate in school-wide trainings and individual department trainings throughout the school year related to curriculum implementation, Florida Standards and FSA implementation - These include but are not limited to: *Horizontal and Vertical team planning, CollegeBoard's SpringBoard Training, Implementing Florida Standards in English/ Language Arts and Mathematics instruction.*
- Comprehensive Research-Based Reading Plan Implementation and Instructional Reading Strategies Across The Curriculum
- Differentiated Instruction – This training teaches teachers and coaches how to differentiate and individualize instruction in order to create effective targeted instructional lessons and tutoring to increase student achievement and maximize instructional time.
- Data-Driven Decision-Making – Administrators and staff learn how to analyze, extrapolate and disaggregate school data from a variety of sources and to use this data to create effective school improvement plans and increase student achievement.
- PS RtI MTSSS Framework – Staff learn to create RtI Leadership team that utilizes the Problem-Solving (PS) model to meet the academic and behavioral needs of all students.

- Technology for the Next Generation – Staff will participate in hands-on technology workshops to learn how to integrate technology into the classroom. The purpose is to ensure schools are growing with technology to ensure students and teachers are prepared for the expectations of the 21st century and national technology standards.
- Promethean Board Trainings: Beginner/Intermediate
- Safety and Security – Safety and security training will instruct staff on daily safety procedures, and how to prevent and protect the school and students, to handle emergency situations, and to recognize potential threats in accordance with the school safety plan.
- Individual Professional Development Plan (IPDP) – In addition to school wide professional development opportunities, faculty members will each complete an Individual Professional Development Plan (IPDP) as a means to document and identify areas for personal targeted professional growth, including the identification of strategies for obtaining specified goals, its' compatibility to ensuring the professional development exercise will serve to benefit the student, and a timeframe in which the staff development exercise should occur. All IPDPs will be approved by the Principal, or designee, at such time the principal may elect to recommend additional recommended professional development that should occur within a given timeframe. The principal or member of the administrative staff, together with the teacher, will commit to the IPDP, including the allocation of necessary resources for plan implementation, and observation of new/struggling teachers by veteran/mentor teachers to implement support strategies.

The professional development plan for administrators will encompass both internal and district-based in-service trainings. Administrators may also participate in professional development conducted through: the National Association of Secondary School principal; the Southern Association of Colleges and Schools/AdvancEd; Association for Supervision and Curriculum Development; and state trainings.

At a minimum, administrators will be encouraged to participate in the following professional development trainings and conferences:

- Florida Annual State Charter School Conference - administrators will attend state conference on an annual basis.
- Clinical Educator Training –This training provides quality support for developing administrators for the classroom or other educational environments such as the student services area. The Clinical Educator Program is designed to assist experienced educators as they exercise the very critical task of supporting and mentoring developing professionals in a variety of settings. This course helps develop skills for coaches and mentors in a formative observation, clinical supervision, feedback skills, and professional development planning for increased instructional effectiveness. The Florida Performance Measurement System's formative and summative processes are incorporated.
- Classroom Walk-through Training - Provides school leaders with strategies and tools to effectively structure classroom visits and follow-up reflection. Reflective thinking about one's practice provides an effective strategy for change and improvement by fostering a process of communication between the instructional leaders and the teacher to increase the focus on student achievement. The process provides a powerful strategy for increasing student achievement; a strategy for classroom visits that focuses on teaching and learning; methodology for analyzing the classroom for feedback purposes, and the use of reflective conversation for providing feedback.

- Budget Training for Administrators – This training addresses school budgeting as it pertains to both the school's operating budget and internal accounting policies and procedures, *Financial and Program Cost Accounting and Reporting for Florida Schools* (Redbook) requirements, and checks and balances to ensure a sound budget.
- Master Scheduling for Administrators – Administrators are trained on creating an efficient and effective master schedule that meets the national, state and district course requirements, is financially sound, and that meets class size requirements.
- Developing the School's Improvement Plan – This training assists school administrators to develop a sound and effective school improvement plan to ensure an equitable and high-quality school improvement plan. This process includes data analysis, goal-setting, budget planning, professional development planning and reflective practices.
- Principal Chat Sessions – Charter School Administrators meet by level (secondary, elementary) to go over pertinent topics and to share best practices. These sessions include curriculum development, standards implementation, scheduling, educational changes, innovative programs, and more. Experienced administrators share their best practices for using student achievement data with newly appointed assistant principals.

Retention of Staff: The School wishes to provide the best benefits and employee services possible. Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the School will amply demonstrate their commitment to employees by responding effectively to employee concerns.

A number of the programs (Social Security, workers' compensation, and unemployment insurance) cover all employees in the manner prescribed by law. Additionally, the school will provide a wide range of benefits such as Flexible Benefits Plan; Direct Deposit; Retirement/401(k) Savings Plan; Bereavement Leave; Dental Insurance; Family Medical Leave; Financial Counseling; Health Insurance; Holidays; Life Insurance; Long-Term Disability; Sick Leave; Vision Care Insurance to ensure the retaining of qualified and capable staff. These fringe benefits are reflected in the budget – See Appendix B

Other programs include:

Educational Assistance/Tuition Reimbursement: The School recognizes that the skills and knowledge of its employees are critical to the success of the institution. The educational assistance program encourages personal development through formal education so that employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within the School. The following criteria will be used for Tuition Reimbursement for Full-time Certified Teacher Employees

Employee Assistance Program: The School cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. Through the Employee Assistance Program (EAP), the school will provide confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress

Flexible Spending Account (FSA): A Flexible Spending Account (FSA) program that allows employees to have pre-

tax dollars deducted from their salaries to pay for eligible out-of-pocket expenses. The pre-tax contributions made to the FSA can be used to pay for predictable non-reimbursed health care expenses and dependent care expenses during the plan year. Through the FSA program, staff can reduce taxable income without reducing real income, in order to keep more of the money they earn.

Support for Beginning and Struggling Teachers: Observation of new and struggling teachers by veteran teachers and support strategies will be implemented as applicable. A new educator support system format will also be used as a means to offer support to beginning teachers, through the assigning of a willing mentor, who will be assigned for struggling and/or beginning teachers.

Section 11: Education Service Providers

If the school intends to enter into a contract with an Education Service Provider (ESP)⁴:

A. Describe the services to be provided by the ESP.

The ESP's services include assistance with facilities design, staffing recommendations and human resource coordination, curriculum development, research and data updating, sponsor relations and reporting, program marketing, and bookkeeping, budgeting, and financial forecasting, provided to the Governing Board for its oversight and approval.

B. Provide a draft of the proposed contract between the school and the ESP including, at a minimum, proposed services, performance evaluation measures, fee structure, renewal and termination provisions, and terms of property ownership (real, intellectual and personal).

A sample contract that would be negotiated between the School and the ESP is included herein as *Appendix C Sample ESP Agreement*.

Additionally, 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.

C. Unless the ESP is the parent non-profit organization, explain why the ESP was selected, including what due diligence efforts were conducted to inform the selection and how the relationship with the ESP will further the school's mission.

The Board analyzed data regarding several ESP's currently working with charter schools in Florida and concluded that the ESP chosen offered the most competitive price and had a proven track record of success.

The ESP is one of an affiliated group of charter school service and support entities, which compose one of Florida's longest serving and most successful charter school service and support organizations. Currently working with over 120 charter schools, in Florida and throughout the country, the ESP's mission is to facilitate the vision of the School's governing board by providing the services and support necessary to allow each school to fulfill its mission.

The ESP was selected for the following reasons including, but not limited to:

- The company is staffed by professionals and educators with extensive knowledge of and experience with Florida

⁴ An Education Service Provider (ESP) is an organization that provides comprehensive services to a school. Organized as non-profit or for-profit companies, ESPs generally fall into two categories:

- *Educational Management Organizations (EMOs)* that provide comprehensive school management services and may provide school designs and/or educational programming as well, and
- *Comprehensive School Design Providers* that offer a replicable school model or common pedagogical, instructional and governance approach.

Charter Schools.

- The president of the ESP, Fernando Zulueta, is a founding Board Member of the Florida Consortium of Charter Schools, and a Board Member of The National Alliance for Public Charter Schools. Mr. Zulueta has received numerous awards for his work with charter schools including the "Cervantes Award" sponsored by Nova Southeastern University for significant efforts to support excellence in the education of Hispanic students.
- The ESP's affiliated group serves the largest number of high-performing (HP) schools of any charter school service organization in Florida. (See evidence in Addendum C)
- The ESP's affiliated group was the first charter school service and support entity in Florida to seek SACS/AdvancED accreditation for the schools it serves, and all of the schools it serves are either fully accredited or in the process of obtaining accreditation. For example, Somerset Academy, Inc., one of the charter school networks serviced by the ESP, was the first charter school system in the Nation to receive District Accreditation from SACS/AdvancEd. Mater Academy, Inc., another charter school network serviced by the ESP, was also awarded District Accreditation from SACS/AdvancED.
- The White House's College Opportunity Agenda & the Harvard Graduate School of Education has invited the administration of Mater Academy Charter Middle/High, a charter school serviced by the ESP, to be part of a select gathering of thought leaders and decision makers focused on increasing access to college for all Americans. The school was presented with an Inspiration Award from the College Board for being one of the three most inspiring secondary schools in America.
- The exemplary academic performance and fiscal soundness achieved for its charter school clients by this service and support organization has resulted in 15-year charter renewals for all schools which have had initial contracts completed. (see evidence in Addendum C)

D. Explain the ESP's roles and responsibilities for the financial management of the proposed charter school, if applicable, and the internal controls that will be in place to guide this relationship.

The ESP will conduct general accounting services including bookkeeping, purchasing support, payables, asset management, budget preparation, cash flow analysis, and preparation of interim financial statements and assistance with the work of the school's independent certified auditor. The school principal/administrator is responsible for all aspects of school operations within the scope of operating policy and budgetary approval by the Governing Board. The ESP, contracted by the board, will work with the school principal to provide financial forecasting services to the Governing Board for its oversight and approval.

The principal will prepare a school-site budget, report at least quarterly to the Governing Board on the progress of the site-based budget. The ESP will assist the Board and the principal in developing a budget that will be supportive of an optimal educational experience for students, while maintaining fiscal soundness and accountability. The principal maintains authority to make the hiring and spending decisions, which affect the budget. The ESP's role is to monitor the budget and advise the school and Board on how to remain fiscally sound.

Accounts- State funds are received by the district/fiscal agent. The district/fiscal agent then wires the funds directly to the school's account. The ESP does NOT receive said funds. The ESP will simply process school invoices relating to daily operations. The accounts payable clerk will code invoices per the "Red Book", verify the accuracy of the invoice, and send the invoice to the school principal for approval. The school's internal fund accounts will all be maintained at the school site under the direction of the school administrator. These accounts will be reconciled monthly by the school treasurer.

E. Unless the ESP is the parent non-profit organization, explain how the governing board will ensure that an "arm's length," performance-based relationship exists between the governing board and the ESP.

The Governing Board will ensure that an "arm's length" performance-based relationship exists between the governing board and the ESP as described in the questions above. 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 charges a flat annual fee per student enrolled at the school.

The ESP was established as a for-profit entity, similar to most organizations or vendors that provide services to public school districts and other charter schools (i.e. law firms, accounting firms, software companies, speech therapy agencies, educational materials vendors, uniform companies, etc.).

The Boards annually evaluates the ESP, as described above, and determines continuation and renewal of services based on the ESP's performance. The ESP is hired by the Board to provide certain services, which support the operations of the school. The principal, as the leader, is the individual responsible for the day-to-day operations of the school. Both the ESP and the principal report to the Governing Board, which has the ultimate authority to hire and fire them. Although the ESP may provide support and guidance to principals, it does NOT hire these individuals. They are hired and report directly to their Governing Boards. The ESP does not sign off on annual performance evaluations for principals or staff.

The ESP does not establish or implement a school's curriculum. The ESP does, however, assist the Board and the school in developing their own curriculum by providing them with the resources and tools for research and development, strategic planning, and sharing of best practices of other successful charter schools.

F. Provide a summary of the ESP's history, including its educational philosophy and background and experience of senior management.

Academica is one of the Nation's most experienced and successful charter school service and support organizations. Founded in 1999 on the principle that each charter school is a unique educational environment governed by an independent board of directors that best knows the right path for its school, it is Academica's mission is to facilitate that governing board's vision. Academica has a proven track record of developing growing networks of high performing charter schools. (See Addendum C).

As one of the longest-serving and successful charter school service and support organizations in the nation, the company serves more than 120 charter schools in Florida, California, Nevada, Texas, Utah, and Washington D.C. providing educational programs from pre-kindergarten through high school.

In Florida, Academica schools have been recognized on a local, state, and national level for their achievements. For example, the Somerset Academy and Mater Academy Schools were recently designated by the Southern Association of Colleges & Schools (SACS) as the first fully accredited charter school systems in the United States.

Further, International Studies Charter High School was ranked #13 in the nation as one of the nations "Best High Schools" by U.S. News & World Report and Newsweek magazines and #1 in the state of Florida, this year. The

Advanced Placement® participation rate at International Studies Charter High School is 100 percent. It was awarded a Gold Medal based on its performance on state assessments and college readiness. Academica-serviced high schools represented 5 out of the top 25 schools while 14 Academica-serviced schools were ranked overall. Last year, two Academica-serviced schools were 2014 National Blue Ribbon Award honorees: Doral Performing Arts & Entertainment Academy and Mater Gardens Academy. Additionally, the Somerset and Mater Academy schools earned District accreditation from the Southern Association of Colleges & Schools (SACS) -- the first, and only, fully accredited charter school systems in the United States. On average, Academica's charter schools earned a letter grade of "A" during the 2014 testing year from the Florida Department of Education.

A president of the ESP, Fernando Zulueta, is a founding Board Member of the Florida Consortium of Charter Schools, and a Board Member of The National Alliance for Public Charter Schools. Mr. Zulueta has received numerous awards for his work with charter schools including the "Cervantes Award" sponsored by Nova Southeastern University for significant efforts to support excellence in the education of Hispanic students.

G. Provide a complete list of other charter schools the ESP operates or previously operated using Addendum C (Form IECF-M1A).

Please see attached Addendum C

Section 12: Human Resources and Employment

A. *Explain the school's compensation plan, including whether staff will be publicly or privately employed.*

The School will be a not-for-profit, private employer, and will not participate in the Florida Retirement System. Full time, salaried employees will be entitled to Health Insurance and other benefits as detailed below. For employee insurance and benefits selection, the Governing Board has engaged the services of ADP Totalsource, a professional employer organization that provides human resource services to small and moderate size employers. The use of a professional employer organization allows the staff of the School to enjoy the same level of benefits that are available to employees of large organization such as Fortune 500 companies (including health/dental/vision insurance and Retirement/401k plans). More information on ADP is found on www.adptotalsource.com.

The proposed school will use its Governing Board's adopted performance-based salary schedule for instructional personnel and school administrators, in accordance with s. 1012.22(1)(c) relating to *Compensation and Salary Schedules*. The Board's plan includes a base salary schedule for classroom teachers, other instructional personnel, and school administrators in which annual adjustments are based on performance as follows:

- An employee who is "**highly effective**," as determined by his or her evaluation, would receive a salary increase that must be greater than the highest annual salary adjustment available to that individual through any other salary schedule adopted by the board
- An employee who is "**effective**," as determined by his or her evaluation, would receive a salary increase between 50-75 % of the annual salary increase provided to a highly effective employee.
- An employee who is in "**need of improvement (or developing)**" or is "**unsatisfactory**," as determined by his or her evaluation would not be eligible for a salary increase.

Such adjustments will be in addition to the base salary schedule that is not a bonus and becomes part of the employee's permanent base salary and shall be considered compensation under s.121.021(22).

Advanced Degrees will not be used for base salary calculations, but may be used for supplements. Supplements will be annual additions to the base pay, but will not be not part of the continuing base salary.

B. *Describe the personnel policies and procedures to which staff will be required to adhere, including expectations for participation in the school's professional development program. If personnel policies and procedures have not been developed provide a clear plan, including timeline, for the development and approval by governing board.*

The school will adhere to all antidiscrimination provisions of section 1000.05, F.S. The school will not discriminate based on actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation in the hiring of its employees. All faculty and staff members employed by the School will possess the personal characteristics, knowledge base of and belief in the educational and curriculum design as described in this proposal, as well as an ability and motivation to work as part of a team with parental involvement. The School will look for personnel who bring with them a sense of enthusiasm and commitment as well as a strong belief in and understanding of the charter school concept.

Employees are expected to observe high standards of job performance and professional conduct. When performance or conduct does not meet standards, the School may terminate employment, or it may endeavor, if it deems appropriate, to provide the employee a reasonable opportunity to correct the problem. If, however, a corrective opportunity is given and the school determines that the employee has failed to make the correction, he or she will be subject to further discipline, including termination.

Under the No Child Left Behind Act (NCLB) of 2001, all teachers must be "highly qualified" to teach in the school. The definition of a highly qualified teacher includes meeting at least the following three criteria:

1. Having a bachelor's degree
2. Having State credentials or certificate
3. Demonstrated core academic subject matter competence

All instructional and non-instructional personnel who are hired or contracted to fill positions and members of the governing board of the school must undergo background screening as required by Section 1012.32, F.S. The school will be a safe, Drug-Free and Tobacco-Free Environment. All employees will be required to undergo background checks and drug-screenings.

Additionally, school employees will be required to adhere to The Code of Ethics of the Education Professional in Florida as defined in FAC Rule 6A – 10.080.

Contracts: Instructional personnel will receive either a probationary contract (for instructional personnel new to the profession or new to the district) or an annual contract (for personnel who have completed a probationary contract or are already under an annual contract). The contracts will provide just cause reasons, and process, for suspension or dismissal of instructional personnel during the term of an annual contract. At the end of the probationary contract, the Governing Board may choose to award or not award the Teacher an annual contract pursuant to §1012.335, Florida Statutes, with or without cause. Teachers will be evaluated in accordance with provisions of §1012.34, Florida Statutes.

The rules set forth below are not exhaustive and are intended to provide employees with illustrations and fair notice of what is expected from them. Obviously, however, such listing cannot identify every situation of unacceptable conduct and performance. Employees should be aware that conduct not specifically listed below, but which adversely affects or is otherwise detrimental to the interests of the school, to students, or to other employees, may also result in disciplinary action.

Probation Period

Pursuant to Florida Statute, Section 1012.335, all instructional personnel will be issued a probationary employment contract for a period of one school year upon initial employment in the school.

Voluntary Termination

The School will consider an employee to have voluntarily terminated or abandoned his or her employment if an employee does any of the following:

- Elects to resign from the school.
- Fails to return from an approved leave of absence on the date specified by the school.
- Fails to return to work without notice to the school for three (3) consecutive days.

Involuntary Termination

The School expressly reserves the right to discharge employees for cause, but without being in violation of the laws of the State of Florida and the United States of America. The School assures thorough, consistent, and even-handed termination procedures. Terminated employees will receive all earned pay to the next regular pay period. An employee may be terminated involuntarily for any reason not prohibited by law, including a leave of absence in excess of 180 days, incompetency, misconduct, or other violations of the school's rules of conduct for employees. Involuntary termination, other than for an administrative reason or abandonment of employment, will result in forfeiture of all earned accrued compensation, other than as required to be paid by law.

Job Performance: Employees may be disciplined/discharged for poor job performance, including but not limited to, the following:

- Below-average work quality or quantity
- Poor attitude or lack of cooperation
- Excess absenteeism, tardiness, or abuse of break or lunch privileges
- Failure to follow instructions or procedures
- Failure to follow established safety/security procedures

Additionally, school employees will be required to adhere to The Code of Ethics of the Education Professional in Florida as defined in FAC Rule 6A – 10.080.

Misconduct: All school instructional personnel will be required to adhere to the Principles of Professional Conduct for the Education Profession in Florida as defined in FAC Rule 6A-10.081. Violation of any principles detailed therein shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law. In addition, any employee may be disciplined or discharged for misconduct, including but not limited to the following:

- Dishonesty;
- Insubordination;
- Theft;
- Discourtesy (to students, parents, peers, supervisors, etc.);
- Misusing or destroying school property or the property of another;
- Disclosing or using confidential or proprietary information without authorization;
- Falsifying or altering school records, including the application for employment;
- Interfering with the work performance of others;
- Harassing other employees or students;
- Being under the influence of, manufacturing, dispensing, distributing, using, or possessing alcohol or illegal or controlled substances on school property or while conducting school business or supervising students;
- Possessing a firearm or other dangerous weapon on school property or while conducting school business;
- Conduct which raises a threat to the safety and well being of the school, its employees, students, or property, including being charged or convicted of a crime that indicates unfitness for the job; and/or
- Failing to report to the school any charge or conviction under any criminal, drug, state or felony arrests.

*Employees must self-report within forty-eight (48) hours to appropriate authorities (as determined by district) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a

pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of Sections 943.0585(4)(c) and 943.059(4)(c), Florida Statutes.

- Failing to immediately report suspicion or knowledge of child abuse, abandonment or neglect.

*The school will follow the district policy regarding any and all procedures for reporting child abuse, abandonment or neglect. All employees who know or have reasonable cause to suspect that a child is an abused, abandoned, or neglected child, must report such knowledge or suspicion immediately to the Department of Children and Families Florida Abuse hotline. The employee should immediately notify the school principal and follow the districts procedures including completion of appropriate reporting documentation. Failure to immediately report suspected child abuse, abandonment, or neglect may result in termination by the school and criminal penalties by law enforcement authorities.

The school may proceed directly to a written reprimand or to termination for misconduct or performance deficiency, without resort to prior disciplinary steps, when the school deems such action is appropriate. If an employee is recommended for dismissal by the principal of the school, the principal will propose such dismissal at a meeting of the Board of the School. The employee shall have the right to contest the dismissal at the board meeting and present testimony or evidence in connection with the dismissal action.

Professional Development

In setting high expectations for both students and teachers, the School will be committed to maintaining the level of high quality instructors by implementing a comprehensive professional development plan. The school will support the professional development needs of all professional staff by subsidizing college classes, facilitating the attainment of continuing education credits, and offering trainings.

Teacher training will be offered throughout the school year in a variety of forms. Select teachers will attend local, state and national conferences and serve as trainer to the remainder of the staff upon return to the School. Appropriate and relevant school wide training will occur on teacher planning days as well as on early release dates. All staff will participate in school-initiated and other relevant and necessary workshops for professional development, and a member of the administrative team will coordinate, assist and monitor the staff development process. The Educational Service Provider may also prepare staff development meetings in which the school may elect to participate. In-house workshops and meetings will be held monthly by administrators and may occur as often as biweekly through team leaders, in order to facilitate support, encourage communication, allow for team planning, and troubleshoot concerns and needs.

All Staff will be offered, at minimum, the following school-site and district-based trainings:

- Curriculum Implementation by Subject/Specialty – Teachers will participate in school-wide trainings and individual department trainings throughout the school year related to curriculum implementation, Florida Standards and FSA implementation - These include but are not limited to: *Horizontal and Vertical team planning, CollegeBoard's SpringBoard Training, Implementing Florida Standards in English/Language Arts and Mathematics instruction.*
- Comprehensive Research-Based Reading Plan Implementation and Instructional Reading Strategies Across The Curriculum
- Differentiated Instruction – This training teaches teachers and coaches how to differentiate and individualize instruction in order to create effective targeted instructional lessons and tutoring to increase student achievement and maximize instructional time.

- Data-Driven Decision-Making – Administrators and staff learn how to analyze, extrapolate and disaggregate school data from a variety of sources and to use this data to create effective school improvement plans and increase student achievement.
- PS RtI MTSS Framework – Staff learn to create RtI Leadership team that utilizes the Problem-Solving (PS) model to meet the academic and behavioral needs of all students.
- Technology for the Next Generation – Staff will participate in hands-on technology workshops to learn how to integrate technology into the classroom. The purpose is to ensure schools are growing with technology to ensure students and teachers are prepared for the expectations of the 21st century and national technology standards.
- Promethean Board Trainings: Beginner/Intermediate
- Safety and Security – Safety and security training will instruct staff on daily safety procedures, and how to prevent and protect the school and students, to handle emergency situations, and to recognize potential threats in accordance with the school safety plan.
- Individual Professional Development Plan (IPDP) - In addition to school wide professional development opportunities, faculty members will each complete an Individual Professional Development Plan (IPDP) as a means to document and identify areas for personal targeted professional growth, including the identification of strategies for obtaining specified goals, its' compatibility to ensuring the professional development exercise will serve to benefit the student, and a timeframe in which the staff development exercise should occur. All IPDPs will be approved by the Principal, or designee, at such time the principal may elect to recommend additional recommended professional development that should occur within a given timeframe. The principal or member of the administrative staff, together with the teacher, will commit to the IPDP, including the allocation of necessary resources for plan implementation, and observation of new/struggling teachers by veteran/mentor teachers to implement support strategies.

The professional development plan for administrators will encompass both internal and district-based in-service trainings. Administrators may also participate in professional development conducted through: the National Association of Secondary School principals; the Southern Association of Colleges and Schools/AdvancEd; Association for Supervision and Curriculum Development; and state trainings.

At a minimum, administrators will be encouraged to participate in the following professional development trainings and conferences:

- Florida Annual State Charter School Conference - administrators will attend state conference on an annual basis.
- Clinical Educator Training –This training provides quality support for developing administrators for the classroom or other educational environments such as the student services area. The Clinical Educator Program is designed to assist experienced educators as they exercise the very critical task of supporting and mentoring developing professionals in a variety of settings. This course helps develop skills for coaches and mentors in a formative observation, clinical supervision, feedback skills, and professional development planning for increased instructional effectiveness. The Florida Performance Measurement System's formative and summative processes are incorporated.
- Teacher Formal Observation for Principals (IPEGS): Training is provided through the District.

- Classroom Walk-through Training - Provides school leaders with strategies and tools to effectively structure classroom visits and follow-up reflection. Reflective thinking about one's practice provides an effective strategy for change and improvement by fostering a process of communication between the instructional leaders and the teacher to increase the focus on student achievement. The process provides a powerful strategy for increasing student achievement; a strategy for classroom visits that focuses on teaching and learning; methodology for analyzing the classroom for feedback purposes, and the use of reflective conversation for providing feedback.
- Budget Training for Administrators – This training addresses school budgeting as it pertains to both the school's operating budget and internal accounting policies and procedures, *Financial and Program Cost Accounting and Reporting for Florida Schools* (Redbook) requirements, and checks and balances to ensure a sound budget.
- Master Scheduling for Administrators – Administrators are trained on creating an efficient and effective master schedule that meets the national, state and district course requirements, is financially sound, and that meets class size requirements.
- Developing the School's Improvement Plan – This training assists school administrators to develop a sound and effective school improvement plan to ensure an equitable and high-quality school improvement plan. This process includes data analysis, goal-setting, budget planning, professional development planning and reflective practices.
- Principal Chat Sessions – Charter School Administrators meet by level (secondary, elementary) to go over pertinent topics and to share best practices. These sessions include curriculum development, standards implementation, scheduling, educational changes, innovative programs, and more. Experienced administrators share their best practices for using student achievement data with newly appointed assistant principals.

The Reading Coach, in conjunction with the Literacy Leadership Team, will design workshops to address the needs of classroom instruction. The Reading Coach will meet with the reading committee and grade levels/departments to review these results and share best practices. For further intensification, demonstration lessons, in-class coaching, peer observation and additional professional development opportunities will be made available to the faculty.

The reading team will also provide classroom support and on-site teacher professional development in utilizing reading intervention programs. In addition to providing classroom support seminars, the school will participate in a series of instructional workshops to actively engage students:

- Differentiated Instruction (3 suggested sessions)
- Content-Area Classroom Libraries (1 suggested session)
- Vocabulary Strategies/ Word Walls (1 suggested session)
- Reciprocal Teaching (3 suggested sessions)

School Instructional Leadership team –consisting of the principal, assistant principal, grade level chairs, ESE and ESOL teachers, Reading Coach and Media Specialist --- will monitor and analyze data to maintain a problem solving system that brings out the best in our school, teachers, and our students. The leadership team will meet weekly to:

- Evaluate data and correlate to instructional decisions;
- Review progress-monitoring data at the grade level and classroom level to identify students and their academic levels.
- Identify professional development to enhance students' achievement levels.
- Collaborate regularly, problem solve, share effective practices, evaluate implementation, make decisions, and practice new programs and skills.
- Facilitate the process of building consensus, increasing infrastructure, and making decisions about implementation.

In addition to school wide professional development opportunities, faculty members will each complete an Individual Professional Development Plan (IPDP) as a means to document and identify areas for personal targeted professional growth, including the identification of strategies for obtaining specified goals, its' compatibility to ensuring the professional development exercise will serve to benefit the student, and a timeframe in which the staff development exercise should occur. All IPDPs will be approved by the Principal, or his/her designee, at such time the principal may elect to recommend additional recommended professional development that should occur within a given timeframe.

The principal or member of the administrative staff, together with the teacher, will commit to the IPDP, including the allocation of necessary resources for plan implementation, and observation of new/struggling teachers by veteran/mentor teachers to implement support strategies.

Section 13: Student Recruitment and Enrollment

- A. *Describe the plan for recruiting students, including strategies for reaching the school's targeted populations and those that might otherwise not have easy access to information on available educational options.*

Somerset Academy Middle Vero Beach expects to serve a student population reflective of the Indian River County with a higher minority rate than the traditional public schools given the research. The current Somerset Academy, Inc. student population is 12% White, 32% Black, 51% Hispanic, 5% other. In order to meet the federally mandated Desegregation Order, the school will openly market enrollment to the entire district as it is done in all Somerset Academy schools throughout the network.

Their marketing campaign, alongside their lack of zoning boundaries, allows for a more diverse student population. The School will make great efforts to reach families reflective of the demographic of the County. A comprehensive advertising and promotional plan will include the use print, broadcast and online media – including minority and community periodicals -- to disseminate information about the school's educational program and open enrollment period.

According to the FLDOE Membership by Race 2013-2014 Study, Indian River's student population by Race reflects approximately 57% White, 16% Black, 1% Asian, and about 21% of the population's ethnicity is Hispanic and about 5% was classified under Other. Close to 94% of the students in Indian River are enrolled in traditional public schools with less than 6% enrolled in private schools. Moreover there is approximately 11% of the population under poverty level in Indian River Country.

Promotional flyers and/or brochures will be distributed to community groups and churches to ensure that harder-to-reach families are aware of the school and their eligibility to apply for enrollment. This information will also be posted in local public facilities such as the post office, community centers, libraries and other locations of public access. In order to best reach out to the county's growing diverse population, informational materials will be available in multiple languages as needed.

The School will distribute press releases and/or public service announcements to various media outlets to promote the open enrollment period, open house and other essential details about the school and its programs. A banner will also be posted on site with relevant information.

Once opened, parents and community partners will be encouraged to inform family, friends, and their community groups about the School. Local elected officials and community leaders will be invited to visit the School. They will also be given an updated on the program's growth and asked to share open enrollment information with their constituents through their newsletter and upcoming community meetings.

In order to be in compliance with the LEA's obligations under its desegregation plan or court order, the School will strive to mirror the strategies utilized by Indian River County School District to fulfill minority student ratios. In addition:

- The school will communicate regularly with the NAACP Education Committee for guidance in both marketing and recruiting.

- The school will schedule to visit pre-schools and day care centers in order to educate all parents and students as to school choice.
- The school will advertise its parent information meetings via various media outlets.
- The school will produce video productions aired on local television highlighting the curriculum and accomplishments of Somerset Academy, Inc. and the opening of the school.

B. Explain how the school will achieve a racial/ethnic balance reflective of the community it serves or with the racial/ethnic range of other local public schools.

Pupils will be considered for admission without regard to ethnicity, national origin, gender, or achievement level. The school expects to achieve a racial/ethnic balance reflective of the traditional public schools in the school district.

The school's promotional plan aims to reach a broad audience and, accordingly, all racial/ethnic groups within it as described above. By disseminating information in multiple languages to various media -- including minority and community periodicals, and postcard mailers delivered directly to residential addresses in various communities, the racial/ethnic balance of the School should be equivalent to that of public schools within the County.

Informational meetings will be held in a variety of community forums, to ensure that a diverse set of families are reached and given the opportunity to learn about the educational opportunity at the School. The governing board and administrators will also work with diverse community groups to seek assistance in disseminating information.

Additionally, a significant effort will be made to bring the ratio of minority teachers in the teaching populations in line with the ratio of minority students in the student population.

C. Describe the school's enrollment policies and procedures, including an explanation of the enrollment timeline, criteria and/or any preferences for enrollment, and lottery process.

Admission Policy - In accordance with federal and state anti-discrimination laws and in accordance with the Florida Educational Equity Act, Section 1000.05(2)(a), the School will not discriminate on the basis of race, ethnicity, national origin, gender, or disability against a student in its school admission process. An open admissions policy will be implemented wherein the School will be open to any student residing in the County. Any eligible student, as described in F.S. §1002.33(10), who submits an application (prior to the posted deadline) shall be considered, unless the number of applications exceeds the capacity of the program, class, grade level, or building. In such case, all applicants shall have an equal chance of being admitted through a random selection/lottery process. If the number of applications falls short of the established capacity, supplemental registration periods may be held for the purpose of reaching student capacity.

Any pupil enrolled in a school of the Indian River County School District for the first time shall be required to present certification of a medical exam performed within one year prior to entry into Florida schools. Certification of immunization is also required from those communicable diseases identified by the Department of Children and Family Services: poliomyelitis, diphtheria, rubella, rubeola, pertussis, mumps, and tetanus. An exemption may be granted as provided in Section 1003.22, Florida Statutes. Any student previously enrolled in a public school outside the State of Florida who seeks admission to school within the District shall be admitted under the same admission requirements established in the state in which the student resided prior to moving to Indian River County.

However, any student who does not present a certification of school entry health examination and immunization within thirty (30) days will be refused attendance in school until the requirement is completed. An exemption may be granted as provided in F.S. 1003.22. A pupil enrolled as an original entry shall present evidence of date of birth as outlined in Section 1003.21, Florida Statutes

Enrollment Preferences - In accordance with 1002.33(10)(d), F.S. the charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.
2. Students who are the children of a member of the governing board of the charter school.
3. Students who are the children of an employee of the charter school.
4. Students who are the children of: An employee of the business partner of a charter school-in-the workplace established under paragraph (15)(b) or a resident of the municipality in which such charter school is located; or A resident of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c).
5. Students who are the children of an active duty member of any branch of the United States Armed Forces.

In order to minimize any traffic impact caused by the school and ensure that the school is available to serve the residents of the neighborhood where the school is located, the Governing Board of the charter school may elect to limit the enrollment process to target students residing within a reasonable distance of the school as provided under Florida law.

Enrollment Limitation - In accordance to 1002.33(10)(e), F.S. the charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.
2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.
3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).
4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8 or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.
5. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.
6. Students living in a development in which a business entity provides the school facility and related property having an appraised value of at least \$10 million to be used as a charter school for the development. Students living in the development shall be entitled to 50 percent of the student stations in the charter school. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions.

Enrollment Timeline (Approximate Dates):

May 15 th	Student Registration Begins
May 30 th	Students who have registered will be officially enrolled. If number of applicants exceeds capacity, lottery will be conducted.
June 1 st	Second Registration Period Begins

June 15 th	Students who have registered will be officially enrolled. If number of applicants exceeds capacity, lottery will be conducted.
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D. Explain any student and/or family contracts that will be used as a requisite for initial and continued enrollment in the school. Describe if and how the school will enforce such contracts.

As noted in the sample Parent Contract provided as Appendix E, through the contract, parents and students agree, as members of the school's family, to abide by all of the school rules and regulations. Through the contract, parents agree, as stakeholders in the school, to abide by all of the school rules and regulations. The sample parent contract stipulates various items that will be utilized in support of the child's education. For example, parental involvement in the educational process is a major initiative. Therefore, one of the stipulations of the contract is that parents willingly agree to hours of service as an investment in the child's education. Please see *Appendix C - Sample ESP Agreement*. The School will provide various options to complete such volunteer obligation, in accordance with State law and detailed below.

The School shall implement parent/guardian contracts as provided by law. The school will work to resolve matters regarding the parent/guardian contract by: 1) setting up a parent/guardian conference (via telephone or in person) to discuss and work with the parent/guardian toward a mutually satisfactory resolution and/or 2) providing opportunities for parents/guardians to fulfill their responsibilities under the contract.

E. Explain any other efforts to encourage parental and community involvement, if applicable.

Parental and community involvement in the School is a fundamental and required part of the philosophy and operation of the School. The goal is to encourage parents to be active participants in their child's education, and give the community ownership of a high quality educational program, and teach children to be civic-minded and socially responsible. Parents and community members will have extensive opportunities for involvement in aspects of school operations. Through the parent/teacher group, School Advisory Council (SAC) and other such committees, parent and community representation and decision making in the educational processes of the School is possible. Similarly, the administration will also require the faculty and staff of the School to uphold a strong belief in and understanding of the charter school concept through the inclusion of parents in the educational process. Through open lines of communications, faculty and staff will also encourage parental involvement through such endeavors as follow:

- Parental Service Contracts – parents agree to volunteer with their child's teacher and/or be involved in other ways in school activities.
- School Advisory Council (SAC) This group will consist of school personnel, parents, students, local business, and community members. Members will be able to address and vote on pertinent school matters on a regular basis.
- Quarterly Parent/Teacher Conferences – hosted in the evenings at the School where parents can discuss topics that affect their children's educational progress.
- Open houses, Career Fairs, Family Day - events held to recruit new students, maintain communication and involvement between the School and the surrounding community.
- School Website, Newsletters, and Event Calendar – updated regularly to disseminate information and

maintain open lines of communication in the community.

- Community Service Projects – students, faculty and parents will participate in activities to help, give back to, and connect with, the community.

Parent Workshops on education-related topics, such as decision-making regarding school performance and student assessment needs will be offered. Parent/Teacher Conferences and the electronic grade book, will also encourage parents to be fully involved in the School's operations and will promote parental partnerships in the educational process. Volunteer opportunities to complete parent participation hours (communicated through newsletters, the School website, email and calls home) will be plentiful and yearlong. Some of these will include activities such as chaperoning field trips, assisting with class and community service projects, helping in the library, participating in Career Week and Family Day, and assisting with the School store.

Additionally, the school seeks to partner with a local charter high school with similar language programs in order to form a partnership in which students will be exposed to the educational options open to them should they seek to further their foreign language studies.

IV. BUSINESS PLAN

Section 14: Facilities

If the site is not acquired:

A. Explain the school's facility needs, including desired location, size, and layout of space.

The Board plans to either lease a facility or engage an experienced charter school facilities developer to acquire, design, plan and construct facilities for lease, which are appropriate to the needs of the School. The School would need a one or multi-story structure built or renovated to meet all requisite codes and life-safety regulations set forth by the applicable governing agency.

Size and Layout of Space: The facility will have an adequate number of classrooms designed to meet or exceed all pertinent classroom design standards set forth by the governing agency. The proposed K-5 school facility will include program elements such as traditional classrooms, computer labs, multi-media instructional areas, lunch / multi-purpose room, food prep areas, and indoor and outdoor activity spaces.

In accordance with 1002.33(18)(a)(b) F.S., The school facility will comply with the Florida Building Code pursuant to chapter 553, with the exception of State Requirements for Educational Facilities, the exception of SREF. The school's facility will comply with the Florida Fire Prevention Code, pursuant to s. 633.208. The school has projecting a minimum of 55-60 sq. ft. per student station.

B. Provide an estimate of the costs of the anticipated facility needs and describe how such estimates have been derived.

- *The financial plan for the proposed school should align with the facilities-related costs described.*

The Governing Board expects that it will enter into a triple-net, long-term lease for the facilities. The Board and the ESP have undertaken several such leases, and have budgeted for anticipated lease and other facilities costs in the financial data provided in **Appendix B**. The Board has obtained confirmation that the budgeted amounts comport with the current forecast of lease conditions.

Estimate of Costs - These Budget projections in **Appendix B** have been derived from actual historical data from other comparable charter school facilities leased by the board, and from experienced charter school facilities developers, updated based upon widely-reported cost escalations for land and construction costs for the corporation's charter school programs.

Lease of Facilities: The amount assumes an average cost of \$900 per student station in the budget, with a 3% increase for CPI. This amount is comparable to that paid by several other charter schools with similar enrollment numbers which have opened recently. It is the intent of this proposed school to try to negotiate under similar terms when entering into new leases. The figures are based on statistical expense data compiled from the applicant's other successful charter schools currently operating in Florida. The fees included are comparable to the average annual amounts paid by other charter schools with similar enrollment numbers. Lease payments will commence upon the taking of possession of the facilities by the School.

Long-term leasing provides to the School the ability for the School's Governing Board to focus on its core mission (education and educational programming), outsourcing the design, acquisition, permitting, financing, and construction of facilities to experienced entities in those markets, creating long-term guaranteed access to needed physical plant without the associated risks of ownership. The lease documents will provide that so long as the School is meeting its rent and other obligations, even the foreclosure of the property by the developer's lender will not affect the School's continuing rights to possession and use of the facilities under the lease.

Utilities and maintenance cost estimates are shown in the proposed budget and amounts are comparable to the average annual costs paid by other charter schools with similar enrollment numbers. Water and sewer and electricity bills are set at \$2,680/Classroom.

Operations of Facility/Plant includes Purchased Service - CAM (Custodial, fire and alarm, pest control), Property Insurance and Utilities.

C. Explain the strategy and schedule that will be employed to secure an adequate facility.

The Governing Board will direct its ESP to bring to the Board a recommendation for a quality educational facility to be leased by the School.

Projected Schedule

Nov- Dec	- Facility Search
Jan	- Facilities Identification and Negotiations upon charter approval by Sponsoring District
Feb-July	- Execute Lease/Conduct Maintenance and Repairs
July	- Final Preparations of Facilities
July	- Conduct Final Facilities and Safety Inspections

The ESP has extensive experience in identifying facilities and facilities developers, and has successfully assisted other charter school applicants in securing state-of-the-art charter school campuses. The ESP works with reputable and experienced charter property developers, who have access to a network of financial institutions ready to commit the necessary capital for build-to-lease facilities. The developers have also demonstrated abilities in securing the necessary local governmental approvals for charter school purposes and required financing. They have relationships with award-winning design and engineering firms, as well as contractors with a track record of timely completion of excellent facilities meeting the needs of the School.

Safety, Permitting, and Inspections - The facility will meet all requirements for educational facilities in accordance with 1002.33(18)(a)(b) - the Florida Building Code pursuant to chapter 553, with the exception of SREF and state minimum fire protection codes pursuant to Section 633.028, F.S., as adopted by the County. The facility will meet all such requirements for education facilities, including but not limited to, restrooms, fire safety, campus security, air quality control, weather proofing, etc.

The School will participate in the Sponsor's annual site compliance visits for the purpose of reviewing and documenting, as appropriate, compliance with applicable health and safety requirements. Other inspection agencies

may include inspections of kitchens and related spaces as well as Department of Labor and Employment to for OSHA compliance. The School will show proof of the annual inspections prior to the first day of operations.

D. Describe the back-up facilities plan.

The School's Governing Board expects to finalize negotiations with a potential landlord prior to charter contract negotiations with the Sponsor. If unsuccessful, negotiation will commence immediately with an experienced developer. The Governing Board will require periodic updates from its ESP concerning the progress that is being made in final identification of a suitable site and developer to acquire, construct and lease the facilities. **In the event that issuance of the Certificate of Occupancy is for any reason not expected in a timely fashion, the School's Governing Board intends to direct the ESP to locate alternative facilities options suitable for school use immediately for the Board's review. The Governing Board will require periodic updates from its ESP concerning the progress that is being made in final identification of a suitable facility. Any such facility shall be zoned for educational use and contain the adequate number of classrooms designed to meet or exceed all pertinent classroom design standards set forth by the governing agency.**

E. Describe the plan and methods the school will employ to comply with Florida's constitutional class size requirements.

The school plans to implement methods, which will ensure that is compliant with Florida's laws relating to class size as it applies to charter schools. For example, the school will ensure that the facilities it occupies are equipped with the number of classrooms needed to accommodate the necessary number of classes. In addition, the school's Board will adopt annual budgets, which include sufficient certified teachers to achieve the student-to-teacher ratios, which are legally applicable.

Section 15: Transportation Service

- A. *Describe the school's plan for transportation, including any plans for contracting services. Your plan should discuss, to the greatest extent possible, the issues relevant to the school's transportation plans.*⁵

The School's plan for transportation, including any plans for contracting services, will be pursuant to Florida's Charter School Legislation and consistent with the requirements subpart I.E. of Chapter 1006 and 1012.45, F.S. The School transportation plan will abide by applicable district, state, and federal rules and regulations. Accordingly, the School will ensure that transportation is not a barrier to equal access within a reasonable distance of the School, as required by section 1002.33, F.S. The School's plan for providing reasonable and equitable transportation opportunities for all students is as follows:

Parent Transportation Agreements: The School's plans for contracting services, as described in Florida law, §1002.33(20)(c) F.S., provides that the governing body of the charter school may provide transportation through an agreement or contract with a private provider or with parents.

The School will enter into agreements with the parents/guardians to provide transportation for their children as stipulated in the school's proposed parental involvement agreements wherein parents receive volunteer hours. The school believes that the time a parent can spend daily transporting the student (his or her child) to the school is a valuable opportunity for the parent and student to strengthen their bond and share information regarding the day's activities and events at the school.

Ensuring Equal Access: The school will ensure that transportation is not a barrier to equal access within a reasonable distance of the School, as provided in the Florida's Charter School Legislation. In the case transportation is needed and if the parent advises the School that there is a hardship, and he/she is unable to provide the transportation, the School will provide transportation within a defined reasonable distance. In such cases, the School shall be responsible for transporting all students in a non-discriminatory manner to and from the School who reside within a reasonable distance of the School or who otherwise are entitled to transportation by law. In these situations, the School may provide transportation by contracting with an independent private transportation provider approved by the Sponsor.

Transportation for ESE Students: The School may contract with a Sponsor-approved private transportation carrier to provide specialized transportation for students with disabilities based on their particular student needs and that which may be specified in a student's IEP. In such case, the School will provide the Sponsor the name and information of the Sponsor-approved private transportation firm.

Private Providers: The School will provide the Sponsor with the names and contact information of any and all contracted private providers in ensuring monitoring of compliance for the safe transporting of students. The School will comply with all applicable requirements of Fla. Stat. 1012.45 and review these rules and statutes at least annually for any changes thereto in ensuring compliance with statutes and rules pertaining to the safety of transported students.

Transportation Plan for Eligible Students: It is the intent of Somerset to provide transportation as previously described in this section and required by law. The proposed budget for the school includes a line item to provide such transportation. In addition, once Somerset has established enrollment for the opening of the school year it will

⁵ The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter. (Section 1002.33(20)(c), Florida Statutes)

map the residence of each student on a map of Indian River County. The purpose of this map will be to establish pick-up and drop-off points for students in the event that transportation is needed. By clustering the pick-up and drop-off areas as is done in districts across the state Somerset will be able to provide the service in a cost effective manner serving a larger number of students.

Section 16: Food Service

A. Describe the school's plan for food services, including any plans for contracting services or plans to participate in the National School Lunch Program.

An organized meal service that meets local health, state and federal regulations will be offered at the school site. Nutritious meals will be provided in accordance with The Healthy, Hunger-Free Kids Act of 2010 and the USDA Dietary Guidelines of meal component and portion size requirements. The school will either prepare its own food in which case the school will have a food service preparation area with all of the necessary equipment for preparing and holding the food or the school will contract with a FDACS registered vendor to provide the food and equipment necessary for holding the food at required temperatures. All meals will be distributed to students using a point of sale accountability procedure.

Somerset Academy, Inc. is an approved Sponsor of the National School Lunch Program (NSLP) and therefore the School will participate in the free/reduced priced meal program. The School will be an approved site under Somerset Academy, Inc. NSLP Sponsorship and will provide free and reduced priced meals for eligible children. Eligible children are children from households with gross incomes within the free and reduced limits on the Federal Income Guidelines.

Schools have a Verification Plan that is implemented each school year. During the verification period, the confirmations of eligibility for free and reduced priced meal benefits under the National School Lunch Program are completed. Verification includes income documentation or confirmation that the child is included in a currently certified Temporary Assistance to Needy Families (TANF) assistance unit, SNAP, or Food Distribution Program on Indian Reservation (FDPIR). Verification efforts are not required for students who have been directly certified, homeless certified, and migrant certified or designated as a runaway youth. Directly certified students, migrant children, homeless and runaway youth are granted automatic eligibility for free meal benefits.

The School will process all necessary lunch applications; adhere to program operation and record keeping requirements; and use of the Florida Automated Nutrition System (FANS). The School will implement the following procedure for processing Free/Reduced Lunch Applications:

- Disseminate lunch applications to all students upon enrollment
- Collect lunch applications and determine applications, according to Florida Income Eligibility Guidelines, published in the Federal Register by Food & Nutrition Service, USDA;
- Enter determinations for each child into district mainframe or via direction provided by district;
- Provide students with notice of eligibility;
- Serve/Charge student lunches in accordance with determined eligibility;
- Submit claims for reimbursement within 30 days of the following month for each approved month of the school year once approved by the NSLP.

Contracting Services - The School may contract with an independent provider to prepare and provide meals, or the school may prepare and serve the meals to students. If an independent provider is required, the school will solicit bids from registered vendors for food service. The private vendor selected by the school will prepare and deliver food to the school in accordance with standards established by the Florida Department of Professional and

Business Regulations. The private vendor will be required to maintain and supply the school with equipment to hold the meals and daily records of all lunches served and current copies of inspection and insurance certificates.

Lunch Area - The school facility will include a lunchroom or, at minimum, a seating area that meets state nutritional and sanitation standards. The School agrees to have two satisfactory health inspections conducted on a yearly basis, by the State Department of Health, County Department, as required, to maintain Permit for Food Service.

Section 17: Budget

- A. *Provide an operating budget covering each year of the requested charter term that contains revenue projections, expenses and anticipated fund balances. The budget should be based on the projected student enrollment indicated on the cover page of the application.*

See Appendix B - Budgets

- B. *Provide a start-up budget that contains a balance sheet, revenue projections, including source of revenues, expenses, and anticipated fund balance. The start-up budget must cover any period prior to the beginning of FTE payments in which the school will expend funds on activities necessary for the successful start-up of the school.*

See Appendix B - Start Up Budget, Budget Summary, Asset/Liability/Fund Balance Sheet, Revenue Estimate Worksheet

- C. *Provide a detailed narrative description of the revenue and expenditure assumptions on which the operating and start-up budget are based. The budget narrative should provide sufficient information to fully understand how budgetary figures were determined.*

The school's budget forecast was developed using statistical data collected from a decade's worth of operations at more than 100 charter schools successfully operating in Florida. Additionally, representatives of the charter applicant have attended state and district sponsored charter school budget training workshops in prior years. The data and methodology used to prepare the budget forecast is highly reliable, and every one of more than 90 charter schools that developed budgets using this system completed the past school year with a budget surplus.

The budget contains the following sections to help the reader follow the assumptions presented in the budget:

School Design – In this section the number of classrooms and students is presented in four different formats along with the percentage of ESE, ESOL, and students qualifying for free and reduced lunch meals.

Staffing Plan – This section is to provide the calculation for the number of staff members for each position along with the proposed average pay for each position.

FEFP Revenue – These sections are from the Florida Department of Education Revenue worksheet for the 2015-2016 school year. It is used to calculate the gross State Funding. A section is created for each year of the charter. For years 2-4 Revenue Growth is calculated applying a specified growth to each year.

Five Year Budget – The complete five-year budget is presented in this section. For each year of the budget there is a proposed budget enrollment;

The revenues are calculated based on the number of students using the Revenue Worksheet for each year based on the enrollment by grade level, ESE, and ESOL.

- The expenditures are calculated based on a function of each line item. Each line item has a cost and a basis for the calculation. For example Student Activities have a cost of \$40.00 and a basis of Student. The budgeted amount would be the cost multiplied by the number of students.
- For salaries the total number of position is presented from the Staffing plan section multiplied by the average pay.
- Expense inflation is set below each year and is calculated throughout the budget.
- The budget is broken up into the different funds conforming to the Red Book format.

Start up Budget – The budgeted amounts of revenue and expenditures before the school’s first fiscal year of operation are presented in this section.

Budget Monthly Years 1-5 – In these sections the annual budget is presented in a monthly format on a cash basis for each of the years of the charter. The ESP has negotiated payment terms with various vendors and the amounts shown follow the payment terms received.

Start-Up Budget Revenue: The school will apply for a \$25,000 planning and design grant, as provided by the Charter School Implementation Grant Program. If awarded, the grant will assist the school with the start-up costs which will be incurred prior to the period when the school will begin to receive operational funding from the sponsor. In the event that the start-up grant is not awarded, the school has identified a non-profit charter school lender that will provide a line of credit to support the opening expenditure (See Appendix G Lender Commitment Letter)

Startup Budget Expenses: The startup budget expenses as detailed above by object and function are based on the critical expenses for planning and program design and include: marketing efforts for 3 months prior to school opening; office materials and equipment and office computer; and professional services for staff recruitment and professional development.

Balance Sheet

Budget Narrative

Operating Budget Revenue:

FTE Revenue forecast is based upon data provided by the Florida Department of Education and the sponsoring school district at informational meetings held by sponsors for new charter school applicants. The application includes a detailed Revenue Worksheet for each year of the charter in *Appendix B*, which explains how revenue figures were derived.

The Transportation Reimbursement revenue was based on the assumptions provided in the budget notes therein.

The Lunch Program income is calculated based on an estimated percentage of F&R lunch from existing schools in the target area, plus an estimation of students paying for their own meals. The revenue and costs associated with the lunch program are detailed in the “Five Year Budget – Food Services section of the budget.

The capital outlay revenues forecasted from state capital outlay dollars are included in year 1 based on the school having SACS accreditation. In addition, included are the amount of revenue that schools with over 250 students

would receive from the sponsor's 5% allocation, since the 5% fee is applicable to only the first 250 students. The remainder is returned to the school for capital outlay purposes as defined by statute.

Operating Budget Expenditures

Expenses have been forecast using the statistical expense data compiled from over 90 successfully charter schools operating in Florida. The data is highly reliable and every one of more than 90 charter schools that developed budgets using this system this past school year completed the year with a budget surplus.

Staff: Costs for educational staff and administrators are forecast using the published pay scale in effect in the district where the school is located as a guide. The number of instructional personnel is in line with Florida Law for class size as it pertains to charter schools (see Staffing Plan in the budget).

Instructional Staff:

- Teacher Salaries were derived at by using an average salary of \$39,500/teacher for Year 1 (According to the Indian River Schools Salary Schedule, this amount is listed as starting salary for a 7/8 year teacher)
 - Teachers include ESOL certified personnel, ESE, Reading/Math Coaches
- Paraprofessionals are budgeted at an average salary of \$18,000/year
- Substitute teacher costs assume that substitutes will be hired for 10 days/full-time teacher at a rate of \$110/day.
- Supplements are calculated at 1% of all instructional salaries

Pupil Personnel Services includes an ESE Teacher/Coordinator (See Appendix D Job Descriptions) and a school nurse

Media Services A Media Specialist is included

School Administration includes a Principal \$85,000 (Years 1-5) and support personnel (see "Staffing Plan" section in the budget).

Other School Administration salaries include those for Assistant Principal, Registrar, Administrative Assistants and other Clerical personnel on as needed basis.

Additional staff includes Food Services staff, Custodian and Security

Employee Benefits are calculated at a rate of approximately 23% (see each function in the "Budget Monthly" section of the budget for exact calculation) of all salaries (excluding contracted services). This includes health insurance costs, 401k contributions, Worker's Compensation, and all mandatory federal and state employment taxes. As noted in the application, for employee insurance and benefits selection, the Governing Board has engaged the services of ADP Totalsource, a professional employer organization that provides human resource services to small and moderate size employers. The use of a professional employer organization allows the staff of the School

to enjoy the same level of benefits that are available to employees of large organization such as Fortune 500 companies (including health/dental/vision insurance and Retirement/401k plans).

Contract Services include professional fees paid to entities such as the Services and Support Provider, Speech Therapist, and other contracted instructional services. As noted in the detailed Revenue Worksheet included in the application, the budget anticipates that 14% of students will be classified as ESE. There is room in the budget to modify the amount paid for ESE services under Miscellaneous and in the Budget Surplus, should the rate of contracted services for ESE/ESOL increase due to the various needs of the students once enrolled.

Instructional Materials expenditures include Classroom Supplies and Equipment, Teacher Supplies, digital software and multimedia and Student Activities budgeted at a per student rate.

The budgeted amounts assume that the only revenue that the school will receive is FTE, and is therefore consistent with (and exceeds) the amount allocated to instructional materials under the categorical funding formulas used by the State of Florida.

Instructional Technology includes the purchase of computer equipment/Promethean boards and repairs of such, and educational software and electronic textbooks budgeted per classroom. This amount assumes that the only funding received is FTE, and does not take account possible Implementation Grant funds. The amount may be categorized as a one-time expense outright, or as the annual expense paid under a long-term financing agreement (i.e. computer leases, loan payments, etc.).

The ESP fees are budgeted by services on a per student basis as follows: Curriculum Development (Curriculum Planning, Research, Development and Evaluation) **\$115.00**, General Administration management **\$225.00**, Fiscal Services (Planning, Research, Development and Evaluation) **\$110.00**.

Staff Development covers costs for workshops and other PD activities, including, but not limited to: Data-Driven Decision Making for Teachers and Administrators: Mission and Vision: Improving Individual Student Achievement: Continuous Improvement Process.

Advertisement and Promotion includes costs related to recruiting students and staff (i.e. printing of brochures, website production, and advertisements in local media outlets)

Independent Financial Audit (Fiscal Services) cost was derived using amounts paid by schools of similar size to accounting firms that perform the Independent Audit

Food Services: Lunch Program expense is based on current figures found in the affiliated charter schools. Somerset Academy, Inc. is already approved under the National School Lunch Program and is qualified to receive reimbursements. Since we are uncertain of the precise population (and number of free and reduced lunch meals to be served) we are unable to provide a more precise budgeted structure for food service. However, an estimated amount is provided in the "Five Year Budget –Food Services" section of the budget.

Pupil Transportation Services is calculated at \$265/bus with 40% utilization

Operations of Facility/Plant includes Purchased Service - CAM (Custodial, fire and alarm, pest control), Property Insurance and Utilities. The figures included are based on statistical expense data compiled from over 90 successfully charter schools currently operating in Florida. It is the intent of this proposed school to use this data as

the threshold when planning for its new facilities. The fees included are comparable to the average annual amounts paid by other charter schools with similar enrollment numbers

Lease of Facilities: The amount assumes an average cost of \$700 per student station in the budget. This amount is comparable to that paid by several other charter schools with similar enrollment numbers which have opened recently. It is the intent of this proposed school to try to negotiate under similar terms when entering into new leases.

Maintenance of Plant: Amount listed is comparable to the average annual amounts paid by other charter schools with similar enrollment numbers

D. Provide monthly cash flow projections for the school's start-up period (i.e. from the date on which the application is approved to the beginning of the first fiscal year of operation) through the first year of operation.

See Appendix B- Budget Monthly

E. Describe the school's fundraising plan, if applicable. Report on the current status of any fundraising efforts, including verification of any fundraising monies reported in the school's start-up or operating budgets.

Fundraising will serve as a catalyst to further service the School's needs. Throughout the school year, the School will conduct fundraising activities to generate capital and to supplement the per pupil allocations. Examples of fundraising activities include Book Fairs, Yearbook Sales, Holiday Store, School Pictures, and a School Fair. The School may also apply for grants from national, state, and local foundations, as well as other sources for education grants, including the Charter School Implementation Grants. Specific grant sources will be determined, based on appropriateness and feasibility, by the school administration and Governing Board.

Additionally, the School will also receive a percentage of the sales made from school pictures, uniform sales, and yearbook sales. The School will also welcome and encourage sponsorship and donations from local business partners within the local community. This includes financial and in-kind donations that will promote the educational program from the benefit of the community

Section 18: Financial Management and Oversight

A. Describe who will manage the school's finances and how the school will ensure financial resources are properly managed.

The Governing Board has the ultimate responsibility to ensure that the School's finances are managed properly. The Board will contract with an Education Services Provider (ESP), which will assist the Board and the School Principal with the preparation and reporting of the School's finances.

The Board will review and approve a preliminary annual budget prior to the beginning of the fiscal year. The Principal of the School will prepare a school-site budget, which will include anticipated revenues and expenditures based on student enrollment. Each quarter, the Board will review the budget and make revisions, as necessary.

The Principal will manage the day-to-day operations and site-based finances, including expenditures and receivables. The Board will adopt a policy whereby the Principal will need to seek prior approval from the Board for expenditures over a pre-approved amount. The Principal will report at least quarterly to the Governing Board on the progress of the site-based budget and make recommendations and seek approval for large expenses. The Governing Board will oversee the Principal and remain responsible for all financial matters delegated to the Principal.

B. Describe the financial controls, including an annual audit and regular board review of financial statements, which will be employed to safeguard finances.

The School has established financial procedures to further safeguard its finances. The Governing Board shall annually adopt and maintain an operating budget, retain the services of a certified public accountant or auditor for the annual independent financial audit and review, and will approve the audit report, including audit findings and recommendations. In the event a financial recovery plan is necessary, the Board will monitor it and ensure such plan is appropriately maintained. The Governing Board of the School will also review and monitor the financial statements of the School on at least a quarterly basis during regularly scheduled Board Meetings.

Controls - The Board of Directors is responsible for establishing and maintaining a system of internal controls in order to provide reasonable assurance that the school's assets are safeguarded against loss from unauthorized use or disposition, and that transactions are executed in accordance with the school's authorization and recorded properly in the financial records. Specifically, the Board has established controls in accordance with all applicable federal, state and local laws and in line with accepted industry standards and best practices regarding:

- Revenues, accounts receivable, and cash receipts
- Expenditures, accounts payable, and cash disbursements
- Budgeting and financial reporting
- Risk management
- School inventory & capital assets
- Student records
- Employment records

Standard procedures utilized to ensure sound internal accounting and a system of checks and balances include:

General Accounting - utilization of accepted state codification of accounts pursuant to the Financial and Program Cost Accounting and Reporting for Florida Schools in all transactions pertaining to its operations.

Internal accounting procedures for the School pertaining to receivables and disbursements are as follows:

For receivables, all cash payments will be logged, coded by source and deposited in a timely manner. Deposits are reconciled to cash receipt logs. Disbursements will be made only to approved vendors and must be appropriately authorized. Disbursement voucher packages are prepared at the School site and authorized by the School Principal. Disbursement vouchers are submitted to the ESP with appropriate supporting documentation to substantiate the nature, account classification, business purpose and amount. Disbursement vouchers are reviewed and approved by the Principal and the ESP. For internal accounts, all disbursements require two signatures. For operating and lunch accounts, disbursements require two signatures for any check in the amount of \$2,500 or above. Checks in the amount of \$25,000 or above require that one of the signatures be that of the Board Chair. Authorized signatures on checks are limited to the Chair of the Governing Board, the president, the School Principal/designee, ESP representative, and others, as approved by the Governing Board.

Bank statements will be reconciled on a monthly basis. The School will provide regular financial statements to the Sponsor including a statement of revenues and expenditures and changes in fund balances, prepared in accordance with generally accepted accounting principles. These will be provided on the dates required by the School Board in the charter school contractual agreement between the School and the Sponsor.

Wire Transfers - copies of all wire transfers (e.g., FTE funds, grants, charter school capital outlay) into the school's banking account(s) along with supporting documentation are maintained and recorded in the general ledger by journal entry.

Internal Revenue Collection - funds collected at the school (i.e., lunch monies, fundraisers, field trips) will be initially collected by designated school staff. These funds along with supporting documents are submitted to the Financial Manager whose responsibility is to record and prepare the deposit. All deposits will be prepared in duplicate; the original goes to the financial institution and the copy remains intact in the deposit book. A copy of the financial institution validated receipt along with supporting documentation will be maintained.

Capital Expenditures - purchase orders are required for all capital expenditures and are pre-approved by the Executive Director, Principal, or Designee. Limits are set by the Board of Directors and may change as necessary. These purchase orders are prepared in duplicate with one going to the vendor and the other remaining at the school on file in the Accounting Office. Any purchase order totaling more than the limit as set by the Board of Directors requires Board action.

Operational Checking Accounts - all expenses related to the operations of the school are paid from the operating account. All operating expenditures are subject to the same approval processes as indicated for capital expenditures. All accounts are reconciled on a monthly basis and presented to the Board of Directors for review.

Authorized Check Signers - authorized signers on school accounts are limited to certain specified individuals as approved by the Board of Directors.

Segregation of Duties relating to financial controls -

The school principal/administrator will be responsible for all aspects of school operations within the scope of operating policy and budgetary approval by the Governing Board. The school's on-site administration/faculty and staff will report directly to the principal, who then reports to the Governing Board. The ESP, contracted by the board, will provide bookkeeping, and financial forecasting services to the Governing Board for its oversight and approval.

The Board, at minimum, will be responsible for:

1. reviewing and approving a preliminary annual budget prior to the beginning of the fiscal year;
2. reviewing quarterly financial statements, which include a balance sheet and statement of revenue, expenditures and changes in fund balance, at each public board meeting;
3. annually adopting and maintaining operating budget for the school
4. retaining the services of a certified public accountant/auditor to conduct the annual independent financial audit;
5. reviewing and approving the audit report, including audit findings and recommendations; and
6. reporting to all applicable legal agencies including the charter school's sponsor
7. overseeing the school's principal and all financial matters delegated to the principal

The School will provide the Sponsor with annual audited financial reports as of June 30 of each year. These reports will include a complete set of financial statements and notes thereto prepared in accordance with generally accepted accounting principles for inclusion into the Board's financial statements annually, formatted by revenue source and expenditures and detailed by function and object, as per the Sponsor's timelines.

The School will utilize the standard state codification of accounts as contained in the Financial and Program Cost Accounting and Reporting for Florida Schools, as a means of codifying all transactions pertaining to its operations for both internal and external reporting. Financial reporting will be subject to any directives issued by the State of Florida and the local school district.

C. Describe the method by which accounting records will be maintained.

The School will utilize the standard state codification of accounts as contained in the Financial and Program Cost Accounting and Reporting for Florida Schools, as a means of codifying all transactions pertaining to its operations for both internal and external reporting. Financial reporting will be subject to any directives issued by the State of Florida and Sponsor.

Additionally, these policies, identified in the Board's Policies and Procedures Manual, ensure effective internal controls over revenues, expenses and fixed assets and are evaluated on a monthly basis to ensure compliance with all statutory and regulatory authorities.

Among others, these procedures require the school to:

- Utilize the standard state codification of accounts (Redbook) as a means of codifying all transactions pertaining to its operations for both internal and external reporting; the Board reserves the right to use GAAP in accordance with the Florida Statute.
- Open an operating bank account and a school fundraising account with an FDIC insured institution
- Record transactions managed by these accounts in a QuickBooks or similar program
- Reconcile monthly reports and bank statements and keep in monthly binders at the school
- Record and log all cash and checks received and deposit daily.
- Require dual signatures for all checks over \$2500.00, as established by the Board

- Prepare disbursement voucher packages at school-site as authorized by the Principal and submit to ESP with appropriate supporting documentation
- Make disbursements only to authorized/approved vendors
- Conduct physical property inventories at the beginning and end of every school year to safeguard fixed assets.
- Categorize, label, and record all fixed assets in an Inventory Log which is updated throughout the school year as items are purchased and disposed
- Follow the procedures for proper disposal and inventory as detailed in the Internal Accounting Manual
- Retain documents for a specified amount of time

D. Describe how the school will store student and financial records.

The School will maintain both student and financial records in accordance with Chapter 119, Florida Statutes. Retention schedules established by the records and information management program of the Division of Library and Information Services of the Department of State will be followed.

The school maintains both active and archival records for current and former students in accordance with federal, state, local laws and with the regulations prescribed by the Florida Department of Education. The school ensures that all student records are kept confidential as required by applicable law.

All permanent records of students leaving the school, whether by graduation or transfer to another sponsoring district school are transferred to the sponsoring district school in which the student is enrolled. All students leaving the school to attend an out-of county school or a private educational institution shall have a copy of their permanent record forwarded to the school in which the student is enrolled. All permanent records remain in the last school in which the student was enrolled.

All student and financial records are kept in locked, fireproof cabinets or in a fireproofed locked records storage vault. Only certain school personnel have access to student records, and computerized student records are backed up regularly and stored in a secure area.

Financial Data Security - financial data will be maintained on a secured system/network. Only the School Director and authorized representatives of the Board of Directors have access to the data. Appropriate file backups and physical records will be maintained in a secure environment.

E. Describe the insurance coverage the school will obtain, including applicable health, workers compensation, general liability, property insurance and directors and officers liability coverage.

The School will maintain insurance coverage limits that either meet or exceed the District minimum insurance limit requirements. The School's insurance shall cover the School (and its subcontractors, to the extent that it is not otherwise insured) for those sources of liability which would be covered by the latest edition of the standard Workers' Compensation Policy, as filed for use in Florida by the National Council on Compensation Insurance, without restrictive endorsements as stated in the Florida Workers' Compensation Act.

Minimum Limits: There shall be no maximum limit on the amount of coverage for liability imposed by the Florida Workers' Compensation Act or any other coverage customarily insured under Part 1 of the standard Worker's Compensation Policy.

The minimum amount of coverage for those customarily insured under Part 2 of the standard Worker's Compensation Policy shall be:

EL Each Accident: \$500,000; EL Each Disease-Policy Limit: \$500,000; EL Disease-Each Employee: \$500,000

Insurance limits and deductibles are as follows:

- General Liability Limit - \$1,000,000/\$3,000,000 Deductible: \$0
- Auto or Hired Non-Owned Auto Liability Limit - \$1,000,000 Deductible: \$0
- Educators Legal Liability and Employment Practices - Limit: \$1,000,000 Deductible: \$2,500 Aggregate: \$2,000,000
- Umbrella/Excess Liability Limit: \$10,000,000 Deductible: \$10,000
- Crime Coverage – Limit: \$1,000,000 Deductible: \$25,000
- Comprehensive Property Coverage – Limit: 100% TIV Deductible: Named Windstorm 5% of TIV, \$5,000 All other Perils

The insurance carrier has AM Best financial rating of A XII, with over \$1 billion in retained earnings according to AM Best.

For Worker's Compensation: Aon Risk Services, Inc. of FL is licensed in the State of FL and Illinois National Insurance Company is rated "A (Excellent)" by AM Best Company.

Section 19: Action Plan

- A. Present a timetable for the school's start-up, including but not limited to the following key activities:
- i. Identifying and securing facility
 - ii. Recruiting and hiring staff
 - iii. Staff training
 - iv. Finalizing curriculum and other instructional materials
 - v. Governing Board training (if necessary)
 - vi. Policy Adoption by Board (if necessary)
 - vii. Enrollment Lottery, if necessary
 - viii. Acquire furniture, fixtures, equipment
 - ix. Acquire instructional materials and technology
 - x. Student enrollment

The activities included should align with the start-up budget described earlier in the application. If an activity will be paid for by a source of funding not included in the start-up budget, it should be clearly indicated. (This timetable is a projection and is not meant to be binding on the school or sponsor)

The school's projected timetable for start-up is as follows:

PROJECTED START-UP TIMELINE	
Already obtained	Applying for and securing appropriate legal status
May 1, 2015	Early submission of draft charter school application proposal (if applicable)
May 1 st - July 1 st	Sponsor Review and feedback to Applicant of draft application (if applicable)
August 3, 2015	Submission of charter school application proposal
August - November	Application Review and Board Interviews
November - December	School Board consideration of Application Facility Search Grant Solicitation
December - February	Contract Negotiations with School District Identifying and securing facility
December - January	Grant Preparation
February	Recruitment of Principal
March 2016	Finalizing curriculum and other instructional materials
March - May	Marketing and Student Recruitment Principal selection and hiring by the Board

May	Initial Recruitment of Faculty and Staff
May 15 th	Student Registration Begins
May 30 th	Student Enrollment Students who have registered will be officially enrolled. If number of applicants exceeds capacity, lottery will be conducted.
June 1 st	Second Registration Period Begins Vendor Contracts Finalized (food service, uniforms, etc)
June 15 th	Students who have registered will be officially enrolled. If number of applicants exceeds capacity, Lottery will be conducted.
May- June	Curriculum Planning and Purchasing of Materials Technology and School Furniture Purchasing Finalize Staff Recruitment and Hiring
June- July	Preparation of Facilities Finalize Faculty and Staff Hiring Policy Adoption by Board as needed Governing Board Training/Fingerprinting as needed
July- Aug	Conduct Final Facilities and Safety Inspections Staff Training (Summer Institutes) Finalize Registrations and Master Schedule Teacher fingerprinting, drug-testing, and background checks completed.
August 2016	Textbook and Furniture distribution and inventory Final Curriculum Review with lead staff Faculty Orientation Workshops – PD Student/Parent Orientations Classes Commence as per Sponsor Calendar

School-Emergency Management and Recovery Plan - The School will implement a Security Action Plan articulated in its Employee Handbook that prepares all staff for unanticipated events including but not limited to: medical, fire, hazardous, weather security, etc. The School will cooperate with the District to provide the safest school possible for the staff and students, and will incorporate all the applicable and appropriate District-approved emergency efforts in order to maintain a safe school environment. Accordingly, the School will adopt the emergency plans for fire, hurricane, tornado, and child safety currently in effect within the District.

All staff members will be trained regarding procedures for disaster preparedness plans outlining procedures for emergency situations and natural disasters. Staff will be trained to implement an action plan within an emergency situation. Both students and staff will be trained in planning for these events through routine drills and practice. Procedures and plans will be provided to teachers and the staff through the employee handbook, and parents and community members will receive information regarding emergency procedures via newsletters and parent meetings.

The Governing Board and the School will ensure that all provisions of the Jessica Lunsford Act (1012.465.F.S.) are adhered to at the school in ensuring the safety of all faculty, staff and students on the property.

V. STATEMENT OF ASSURANCES

This form must be signed by a duly authorized representative of the applicant group and submitted with the application for a charter school.

As the authorized representative of the applicant group, I hereby certify that the information submitted in this application for a charter for Somerset Academy, Inc. is accurate and true to the best of my knowledge and belief; and further, I certify that, if awarded a charter, the school:

- Will be nonsectarian in its programs, admission policies, employment practices and operations.
- Will enroll any eligible student who submits a timely application, unless the school receives a greater number of applications than there are spaces for students, in which case students will be admitted through a random selection process.
- Will adhere to the antidiscrimination provisions of section 1000.05, F.S.
- Will adhere to all applicable provision of state and federal law relating to the education of students with disabilities, including the Individuals with Disabilities Education Act; section 504 of the Rehabilitation Act of 1974; and Title II of the Americans with Disabilities Act of 1990.
- Will adhere to all applicable provisions of federal law relating to students who are limited English proficient, including Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974.
- Will participate in the statewide assessment program created under section 1008.22, F.S.
- Will comply with Florida statutes relating to public records and public meetings, including Chapter 119, Florida Statutes, and section 286.011, F.S., which are applicable to applicants even prior to being granted a charter.
- Will obtain and keep current all necessary permits, licenses and certifications related to fire, health and safety within the building and on school property.
- Will provide for an annual financial audit in accordance with section 218.39, F.S.

The governing board, at its discretion, allows Charles Gibson, Esq to sign as the legal correspondent for the school.

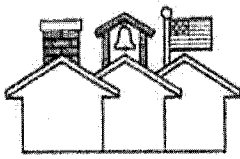
Signature

7/28/15
Date

David Concepcion, Board Chair

Printed Name

2



School District of Indian River County

1990 25th Street • Vero Beach, Florida, 32960-3395 • Telephone: 772-564-3000 • Fax: 772-569-0424

Mark J. Rendell, Ed.D. - Superintendent

October 18, 2015

CERTIFIED MAIL/RETURN RECEIPT REQUESTED AND EMAIL

Mr. David Concepcion, Board Chair (dconcepcionfl@gmail.com)
Somerset Academy, Inc.
6340 Sunset Drive
Miami, Florida 33143

Ms. Adriana Lima, Board Authorized Representative (adri5283@gmail.com)
Somerset Academy, Inc.
6340 Sunset Drive
Miami, Florida 33143

Re: Somerset Academy, Inc. high performing replication charter school application
LETTER OF DENIAL – Somerset Academy Middle School Vero Beach

Dear Mr. Concepcion and Ms. Lima:

Thank you for submitting an application to open a charter school in Indian River County. The purpose of this letter is to inform you of the status of your charter application. On October 13, 2015, your application for a high performing replication charter school (Somerset Academy Middle School Vero Beach) was denied by the School Board of Indian River County. A copy of the detailed Application Evaluation Instrument is attached to this letter and incorporated by reference.

Additionally, this letter and supporting documentation which are incorporated by reference, provide the statutory notice pursuant to section 1002.33(6)(b)3.b., Florida Statutes, of the specific reasons based upon clear and convincing evidence, your charter application was denied. Your application did not materially comply with the requirements for a high performing replication charter school application.

I. Replication

Section 1002.33(6)(b)3.b.(III), Florida Statutes, requires a proposed high performing replication charter school application to substantially replicate the educational program of one of the applicant's high performing charter schools. The application submitted, on its face, does not substantially replicate the educational program of one of your high performing charter schools, and therefore fails to meet this statutory requirement.

The application for Somerset Academy Middle School Vero Beach failed to demonstrate how the proposed school would substantially replicate the educational program of Somerset Academy Charter

"Educate and inspire every student to be successful"

Shawn R. Frost
District 1

• Dale Simchick
District 2

• Matthew McCain
District 3

• Charles G. Searcy
District 4

• Claudia Jiménez
District 5

"To serve all students with excellence"
Equal Opportunity Educator and Employer

Middle School South Miami Campus (School I.D. # 13-6053). Rather than detailing the educational program of Somerset Academy Charter Middle School South Miami Campus, the application at page 30 states the proposed charter school will implement the School District of Indian River County's Student Progression Plan to guide the progression and implementation of the charter school's curriculum, and will adopt the School District of Indian River County's approved instructional materials and Curriculum Pacing Guides. The application indicates the charter school will align its practices with the requirements and curriculum of the School District of Indian River County, and will even implement the District's Code of Student Conduct. Clearly, by the charter school committing to use the curriculum, Pacing Guides, Student Progression Plan, and Code of Student Conduct of the School District of Indian River County, it is not "substantially similar" to a charter school located in south Miami within the jurisdiction of the School Board of Miami-Dade County. Further, two appellate courts have held that in order to be substantially similar within the meaning of the high performing replication charter school statutory requirements, a proposed replicated charter school must have the same characteristics and be alike in substance or essentials to the school it is replicating. *School Board of Seminole County v. Renaissance Charter School, Inc.*, 113 So.3d 72 (Fla. 5th DCA 2013); *School Board of Polk County v. Renaissance Charter School, Inc.*, 147 So.3d 1026 (Fla. 2d DCA 2014). The instant application clearly fails to meet this requirement.

Other examples within the application of a failure to substantially replicate the educational program include:

- The application at page 76 projects an estimated 12% of students with disabilities (SWD) attending the charter school, while the charter school being replicated had too few numbers of SWD to report over the past two school years. An educational program design which addresses the needs of SWD comprising 12% of the school population is very different from an educational program design which only addresses a few students' needs.
- The application wholly fails to detail, highlight or showcase the replicated high performing school's educational design which prohibits the reviewers from analyzing this required component of the high performing replication charter school application.
- The application at page 32 states the charter school "will adopt the SDIRC Digital Classroom Plan." This statement again demonstrates the application is not replicating Somerset Academy Charter Middle School South Miami Campus, but simply implementing the School District of Indian River County's educational program.

Based on the above, the School Board of Indian River County was presented with clear and convincing evidence that the application for Somerset Academy Middle School Vero Beach failed to replicate the educational program of Somerset Academy Charter Middle School South Miami Campus (School I.D. # 13-6053), which is a statutory basis to deny the application.

II. Charter School Civil Rights Requirements

Section 1002.33(6)(b)3.b.(II), Florida Statutes, requires a proposed high performing replication charter school application to materially comply with all applicable state and local health, safety, and civil rights requirements as described in section 1002.33(9)(a)-(f), Florida Statutes. The application submitted, on its face, does not comply with all civil rights requirements and therefore fails to meet this statutory requirement.

The School Board of Indian River County is governed by a federal desegregation order, a copy of which was previously provided to you and is attached to this letter for your easy reference. The federal desegregation order requires the School Board to achieve certain racial percentages with regard to student populations as well as employees. While the application states that the school is open to all students in Indian River County, it only addresses the racial and ethnic population of specific south county schools. Further, no specific targeted population is identified to determine whether the charter school can meet the requirements of the desegregation order.

The student recruitment plan denoted in the application at page 17 and described during the interview of Governing Board members will not recruit a population to the school that will be reflective of the entire county's demographics and will therefore not comply with the desegregation order. The student recruitment plan in the application does not address the type of student transportation necessary to be in compliance with the desegregation order, nor does it discuss any affirmative recruitment of students. Likewise, the application fails to contain any information for a diverse employee recruitment effort consistent with the desegregation order requirements.

The School District reviewers did discover the companion elementary school to the high performing charter school that is being replicated is actually under investigation by the City of South Miami for racial disparity (Butler, A, 2015, January 16; Butler, A., 2015, June 1). The Miami Herald reported that 1.1% of Somerset Academy Elementary School South Miami's (School I.D. # 2007) population is African American while the community's percentage is 17%. No information or a plan to correct this problem was provided in the application, nor provided by the Governing Board members during their interview. In fact, during the interview, comments were made by Somerset Academy representatives that charter schools were somehow restricted in complying with such requirements. On the contrary, federal guidance is clear that charter schools must comply with federal desegregation orders. A copy of the May 14, 2014 "Dear Colleague" letter from the U.S. Department of Education, Office of Civil Rights is attached to this letter and incorporated by reference.

Further, state law clearly requires charter schools to "achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district," and allows charter schools to limit their enrollment process to target student populations to comply with federal requirements for a racial/ethnic balance. Section 1002.33(7)(a)8. and (10)(e)4, Florida Statutes. Due to the failure of this charter application to address the desegregation order or otherwise offer a student and staff recruit plan which will "achieve a racial/ethnic balance reflective of the community," the School Board of Indian River County was presented with clear and convincing evidence that the application for Somerset Academy Middle School Vero Beach failed to meet applicable civil rights requirements, which is a statutory basis to deny the application.

III. Financial Management Practices

Section 1002.33(6)(b)3.b.(I), Florida Statutes, requires a proposed high performing replication charter school application to materially comply or contain a balanced financial plan as described in section 1002.33(6)(a)5., Florida Statutes. The application submitted on its face does not contain a balanced financial plan and therefore fails to meet this statutory requirement.

The application provides for exceptional student education (ESE) teachers; Literacy coaches; and music, art and world language teachers. However, none of these positions are accounted for in the proposed

budget.

The application lists the following as programs and products the school will use: *Success Maker*, *CRISS* (as a supplement), lease or purchase devices for students, *Reading Plus*, *Triumphs Program* (as a supplement), *Mountain Math* (as a supplement), *Math IXL* – computer based program, and *Math Steps* (as a supplement). However, the application only budgeted \$75 per student for technology and other supplemental materials. This budgeted amount is not a realistic assessment of the per student cost to acquire these items.

The application indicates 1 food service staff member will serve all students in the first year of operation and that the school will be serving 90% of the student population. Using the figures provided in the application, this equates to 212 breakfasts and 212 lunches per day, or 424 meals per day. The total labor cost for food service staff in the budget at page 185 of the application is \$14,000 annually. This equates to \$77.77 in labor per day. This is neither a realistic staffing plan nor a realistic assessment of the cost to provide this service to students.

The application staffing plan budgets a salary for a Principal of \$42,000 in the first year, yet page 136 of the application provides the salary will be \$85,000. The staffing plan budgets a salary for an administrative assistant of \$11,500, while comparative market data shows a salary range for such a position to be between \$21,079 to \$37,963. The staffing plan fails to budget at all for any custodial staff or otherwise indicate how the facility will be cleaned. This lack of budget and/or inadequate budget will result in an underfunding of necessary services to students.

Finally, there is an inadequate separation of duties and internal controls. At page 140 of the application, disbursement vouchers are reviewed and approved by the school principal and the educational service provider (Academica). Additionally, the application provides authorized signatures on checks are limited to the Chair of the Governing Board, the President, the School Principal/designee, and educational service provider representative, and others, as approved by the Governing Board. This structure whereby the educational service provider (Academica) has the ability to approve the school's vouchers for payment and is also a signatory on the school's checks suggests an inadequate segregation of duties and poor internal controls, as essentially a vendor to the Governing Board can approve their own invoices and sign their own checks.

Due to the failure of this charter application to materially comply or contain a balanced financial plan as described in section 1002.33(6)(a)5., Florida Statutes, the School Board of Indian River County was presented with clear and convincing evidence that the application for Somerset Academy Middle School Vero Beach failed to provide a balanced financial plan, which is a statutory basis to deny the application.

In addition to the issues of material noncompliance stated above, other statutory deficiencies in the area of the charter school's educational plan are also noted:

IV. Educational Plan

A. The application fails to meet the statutory requirement for demonstrating how the school will use the guiding principles and meet the statutorily defined purpose of a charter school as required by section 1002.33(6)(a)1., Florida Statutes.

- The application is generic in scope and nature, and lacks specific details to show how it will meet the guiding principles as it applies to the school's purpose. Without measurable student outcomes there are no set priorities that are meaningful, manageable, or measurable.
- There is no clear plan of how students' acquired proficiency levels in a second language will be monitored in a school whose mission is to bilingually foster student achievement by providing a technologically, innovative, and challenging environment. Without the inclusion of specific data on the rates of levels of bilingualism it was not possible to evaluate and analyze the effectiveness of the proposed replication.
- The mission and vision of the School does not align with the Programmatic Model presented leading to a lack of clarity with respect to Bilingual/Dual Language Education vs. World Languages Programming.
- The application does not include a needs assessment nor does it include data that demonstrates effective educational programming.

B. The application fails to meet the statutory requirement for describing the educational foundation of the school and the teaching and learning strategies that will be employed as required by section 1002.33(7)(a)2., Florida Statutes.

- The application does not explain in a clear and coherent fashion the education program design or how it is similar or replicates the education program design at Somerset Academy Charter Middle School South Miami Campus.
- The application at page 26 indicates the school will provide, "A robust bilingual and culturally inquisitive curriculum aimed at the mastery of Florida Standards/NGSSS as applicable". However, the World Language programming does not focus on standards related to proficiency within core content courses.
- The application does not include a needs assessment, nor data, that demonstrates effective educational programming to meet the needs of the school's proposed targeted population. Additionally, the school's targeted population is unclear, and as a result, the reviewers could not make a clear assessment as to whether the educational program would meet the needs of the targeted student population.

C. The application fails to meet the statutory requirement for explaining not only *what* the school will teach but also *how* and *why*, as well as providing a detailed curriculum plan that illustrates how students will be provided services to attain the Florida Standards as required by section 1002.33(6)(a)2., Florida Statutes.

- There is no plan to address students entering school with a current IEP. The application states that they will not discriminate against disabilities but they haven't provided documentation for addressing students with needs that cannot be addressed by the general education teacher.

D. The application fails to meet the statutory requirement for describing how the school will address transportation services for its student body as required by section 1002.33(20)(c), Florida Statutes.

- The transportation plan limits provision of transportation to hardship cases upon request of the parent, and some contractual services. Additionally, the plan assures provision of transportation within a "reasonable distance" which, depending on the location of the

school, may not be sufficient to comply with racial balance required by the desegregation order or IDEA mandate for ESE students.

- Lastly, the Somerset Academy Charter Middle School South Miami Campus does not provide transportation, so this element is not replicated.

Due to the failure of this charter application to provide a defined educational plan as detailed above, the School Board of Indian River County was presented with clear and convincing evidence that the application for Somerset Academy Middle School Vero Beach failed to adequately describe its proposed educational plan, which is a statutory basis to deny the application.

Other items of concern are detailed in the Application Evaluation Instrument attached to this letter which I also encourage you to review. As was stated several times during the October 13, 2015 School Board meeting, you are encouraged to revise your high performing replication charter school application and resubmit it for the 2017/2018 school year. As you will recall, several School Board members were interested in the educational concepts in your application, but were adamant that your application must comply with all statutory requirements.

Again, thank you for your interest in public education in Indian River County. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Mark J. Rendell, Ed.D.
Superintendent

Attachments:

Application Evaluation Instrument

Desegregation Order

May 14, 2014 "Dear Colleague" letter from the U.S. Department of Education Office of Civil Rights

cc: Adam Emerson, Charter Schools Director, Florida Department of Education (with attachments)

Florida Charter School Application Evaluation Instrument

High Performing Replications

Each section presents criteria for a response that meets the standard, and these criteria should guide the overall rating for the section. The Strengths and Weaknesses boxes provide space to identify data and other evidence that supports the rating. The rationale for each rating is important, especially if some of the data or evidence does not fit neatly into the criteria provided.

The following definitions should guide the ratings:

- Meets the Standard:** The response reflects a thorough understanding of key issues and demonstrates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of how the school expects to operate.
- Partially Meets the Standard:** The response addresses most of the criteria, but the responses lack meaningful detail and require important additional information.
- Does Not Meet the Standard:** The response lacks meaningful detail; demonstrates lack of preparation; or otherwise raises substantial concerns about the applicant's understanding of the issue in concept and/or ability to meet the requirement in practice

OVERALL ASSESSMENT – COMPLETE THIS SECTION LAST

Would you recommend approval of this application for a public charter school? Explain your recommendation in the Summary Comments section, below.

DENY	APPROVE
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Name of Person Completing Assessment: Michael Ferrentino, Ed.D. Date: October 6, 2015

Title: Executive Director ESE and Student Services

Signature: *Michael Ferrentino, Ed.D.*

I. Replication

The Replication section should include a list of every high-performing charter school that is operated by the governing board submitting the application, and should include the grade levels currently served at each school. This section should also include a general description of how the proposed school is substantially similar to least one of the applicant's high-performing schools.

Statutory References:

s. 1002.33(6)(b)3.b.; s. 1002.331

Evaluation Criteria:

A response that meets the standard will present:

- Application includes verification letter from Commissioner of Education that applicant is a high-performing charter school.
- An education program that is substantially similar to at least one of the applicant's high-performing charter schools.
- Significant involvement in the operation of the proposed school by the organization or individuals involved in the operation of the replicated school.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Strengths	Reference
An administrator [of] Somerset Academy Charter Middle South Miami Campus will serve as a mentor leader and assist the new principal in the implementation of the school.	Replication C, page 4
Concerns and Additional Questions	Reference
<p>The application notes that "Somerset Academy Vero Beach will be a direct replication of the High Performing School, Somerset Academy Charter Middle School South Miami Campus." Yet contradictions appear within the application:</p> <ul style="list-style-type: none"> ▪ It indicates that it will replicate the best practices of the replicated school, including "...ensuring fidelity of instructional programming , and utilizes [sic] appropriate grade/subject level pacing guides and focus calendars utilized by Somerset Academy Charter Middle South Miami Campus;..." In contradiction to this it also states that "the School will implement the School District of Indian River County <i>Student Progression Plan</i> as a vehicle to guide the progression and implementation of the curriculum to be taught and in the manner described herein this petition. Additionally, the school will adopt research-based district/state-approved instructional 	Replication B, pages 1, 2-3 Section 4 A, page 30

materials and *Curriculum Pacing Guides*, if available..." and will "align such best practices with the requirements and curriculum of the School District of Indian River County."

- It projects an estimated 12% of SWD's attending the School, while the school that is being replicated had so few students in the 2012-2013 and 2013-2014 school years that the numbers/percentage could not be reported.
- The application was submitted as a replication of a high performing charter school in South Miami. The application did not specifically highlight or showcase the replicated school's educational design.

Section 6 G, page 76
http://doeweb-prd.doe.state.fl.us/eds/nclbspar/year1314/nclb1314.cfm?dist_schl=13_6053

II. Educational Plan

The education plan should define what students will achieve, how they will achieve it, and how the school will evaluate performance. It should provide a clear picture of what a student who attends the school will experience in terms of educational climate, structure, assessment and outcomes.

1. Mission, Guiding Principles and Purpose

The Mission, Guiding Principles and Purpose section should indicate what the school intends to do, for whom and to what degree.

Statutory References:

s. 1002.33(2)(a); s. 1002.33(2)(b); s. 1002.33(2)(c); s. 1002.33(6)(a)(1); s. 1002.33(7)(a)(1)

Evaluation Criteria:

A response that meets the standard will present:

- A compelling mission statement that defines the purpose and values of the school.
- A set of priorities that are meaningful, manageable and measurable, and focused on improving student outcomes.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Strengths	Reference
Offering multiple languages	14
Concerns and Additional Questions	
No music, art, or World Language teachers accounted for in the budget	26, 205
No ESE teachers or Literacy coaches accounted for in the budget	26, 205, 248-253
A mission statement has generically defined the missions and values of the school; which are currently met by all other district schools.	10
The entire application is generic in scope and nature, lacking specific details and measurable student outcomes. The application does not set priorities that are meaningful, manageable, or measurable.	
The application states that, "A robust bilingual and culturally inquisitive curriculum aimed at the mastery of Florida Standards/NGSSS as applicable". However, the World Language programming does not focus on standards related to proficiency within core content courses.	26

2. Target Population and Student Body

The Target Population and Student Body section should describe the anticipated target population of the school and explain how the school will be organized by grade structure, class size and total student enrollment over the term of the school's charter.

Statutory Reference(s):

s. 1002.33(10)(e); s. 1002.33(6)(b)(2); s. 1002.33(7)(a)(1); s. 1003.03

Evaluation Criteria:

A response that meets the standard will present:

- An understanding of the students the charter school intends to serve.
- If the applicant proposes to target certain populations, the projected student body should align with the overall mission of the school.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference
Different sections of the application reference different populations, such as the entire district, surrounding schools, or the local neighborhood. The student demographics would be different in each scenario and the applicant never specifically identifies the target student population. Application states open to all students in the county but addresses only the racial and ethnic population of specific south county schools.	Pg. 15
Location is not known so hard to identify population and whether charter school can meet the desegregation order.	
The plan denoted in the application and described in the interview is not sufficient to recruit a population to the school that will be reflective of the entire county's demographics. "Word of mouth", "brochures", and connecting with the Charter High School are unlikely to be inclusive.	Miami Herald Articles Application, Section 2 Desegregation Order
The Somerset SoMi campus that the proposed school is replicating is under investigation for racial disparity (Butler, A, 2015, January 16; Butler, A., 2015, June 1). The Miami Herald reports that 1.1% of Somerset SoMi's population is African American while the community's percentage is 17%. In the interview, when questioned about this matter, the team indicated that it is addressing this matter, but provided no evidence of a plan. In fact, during the interview,	Pg. 17

reasons for the current disproportionality were provided and it was stated that this year only siblings were able to attend (which would not alter the demographic).

Indian River County Schools are under a desegregation order. When asked about this, the team indicated that the school, "would use the same approach the district uses." This includes busing and targeted assignment. The written plan does not address the type of transportation necessary to be in compliance nor does it discuss affirmative recruitment of students.

A clear requirement for a replication school is, "A charter school shall admit students as provided in subsection (10), which includes, "(10)(c)4.any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district." Only providing transportation within the defined reasonable distance (p. 17) will necessarily exclude access to the school for black students.

3. Educational Program Design

The Educational Program Design section should describe the educational foundation of the school and the teaching and learning strategies that will be employed.

Statutory Reference(s):

s. 1002.33(7)(a)(2)

Evaluation Criteria:

A response that meets the standard will present an educational program design that:

- Is clear and coherent;
- Is based on effective, research-based educational practices, teaching methods and high standards for student learning;
- Aligns with the school's mission and responds to the needs of the school's target population; and
- Presents evidence that the proposed approach will lead to improved student performance for the school's target population.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Strengths	Reference
Offering Mandarin and Spanish languages	
Applicant states that a variety of technology will be utilized.	
Concerns and Additional Questions	
No music, art, or World Language teachers accounted for in the budget	19, 205
No ESE teachers or Literacy coaches accounted for in the budget. (job description is on page 240)	205
The dollar amount allocated per student for technology (i.e., \$75) does not support the variety of instructional technology materials, software, hardware, and devices indicated. The application references one-to-one devices and Bring Your Own Device for student use; however, the parent handbook of the replication school prohibits students from bringing any electronic devices on campus. It was confirmed during the interview process that students would not be allowed to bring their own devices and that the school would be providing technology through the use of mobile carts.	
Throughout the application it is stated that the school will be a replication school but will use the Sponsor's curriculum plan which	

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is different than the curriculum offered at the replication school.

The application states that, "A robust bilingual and culturally inquisitive curriculum aimed at the mastery of Florida Standards/NGSSS as applicable". However, the World Language programming does not focus on standards related to proficiency within core content courses.

The application does not include a needs assessment nor data that demonstrates effective educational programming to meet the needs of the school's proposed targeted population. Additionally, the school's targeted population is unclear, and as a result, the reviewers could not make a clear assessment as to whether the educational program would meet the needs of the student population.

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4. Curriculum Plan

The Curriculum Plan section should explain not only *what* the school will teach but also *how* and *why*.

Statutory Reference(s):

s. 1002.33(6)(a)(2); s. 1002.33(6)(a)(4); s. 1002.33(7)(a)(2); s. 1002.33(7)(a)(4)

A response that meets the standard will present a curriculum plan that:

- Provides a clear and coherent framework for teaching and learning;
- Is research-based;
- Is consistent with the school's mission, educational philosophy and instructional approach;
- Will enable students to attain Sunshine State Standards and receive a year's worth of learning for each year enrolled; and
- Will be appropriate for all students at all levels.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Strengths	Reference
Offering multiple languages	
Lots of technology mentioned including Virtual, Reading Plus, Math IXL, Success Maker	
Concerns and Additional Questions	
No music, art, or World Language teachers accounted for in the budget.	19, 205
"strive to provide quality services for Students with Disabilities", no plan to address students entering school with a current IEP. Application states they will not discriminate against disabilities but they haven't provided documentation for addressing students with needs that cannot be addressed by the general education teacher	26
No ESE, ELL teachers or Literacy coaches accounted for in the budget.	26, 205, 248-253
Only \$75 per student is accounted for in the budget for technology and other supplemental materials, however the following are programs and products that the school will be using: <i>Achieve 3000, Passport and Reading Plus.</i>	35
The application state that the school "will adopt the SDIRC Digital Classroom Plan." This statement shows that is not consistent with the replication school's plan. Additionally, the application references one-to-one devices and Bring Your Own Device for student use; however, the parent handbook of the replication school prohibits	32

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students from bringing any electronic devices on campus. It was confirmed during the interview process that students would not be allowed to bring their own devices and that the school would be providing technology through the use of mobile carts.

5. Student Performance, Assessment and Evaluation

The Student Performance, Assessment and Evaluation section should define what students attending the school should know and be able to do and reflect how the academic progress of individual students, cohorts over time, and the school as a whole will be measured.

Statutory Reference(s):

s. 1002.33(6)(a)(3); s.1002.33(7)(a)(3); s.1002.33(7)(a)(4); s.1002.33(7)(a)(5)

Evaluation Criteria:

A response that meets the standard will present:

- Measurable educational goals and objectives that set high standards for student performance.
- Promotion standards that are based on high expectations and provide clear criteria for promotion from one level to the next, and for graduation (if applicable).
- Evidence that a range of valid and reliable assessments will be used to measure student performance.
- Assessment activities that are sufficiently frequent and a detailed plan to determine whether students are making adequate progress.
- Evidence that data will inform decisions about adjustments to the educational program.
- Plans for sharing student performance information that will keep students and parents well informed of academic progress.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
The goals were measurable using valid assessment.	

Concerns and Additional Questions	Reference
Claims that they will offer the high school US History EOC in 8 th grade (only offered in 11 th grade).	

6. Exceptional Students

The Exceptional Students section should demonstrate an understanding of the requirements of the school to serve all students and provide a concrete plan for meeting the broad spectrum of educational needs and providing all students with a quality education.

Statutory Reference(s):

s. 1002.33(16)(a)(3)

Evaluation Criteria:

A response that meets the standard will present:

- Clear description of the levels of service the school will provide to students with disabilities.
- A clear description of how the school will ensure that students with disabilities (SWD) will have an equal opportunity of being selected for enrollment.
- An understanding and commitment to collaborating with the sponsor to ensure that placement decisions for students with disabilities will be made based on each student's unique needs.
- An appropriate plan for evaluating the school's effectiveness in serving exceptional students, including gifted.
- A realistic enrollment projection (SWD) and a staffing plan that aligns with the projection.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
The school agrees to adopt and implement the Sponsor's policies and procedures with respect to serving students with disabilities.	Section 6, C p. 72
Concerns and Additional Questions	Reference
1. The application clearly states that it will serve Students with Disabilities (SWDs) whose needs can be met a regular classroom environment with at least 80% of instruction occurring in a class with non-disabled peers. This contradicts the statement that "the school's curriculum will serve students of all ability levels and aim for mastery of the Florida Standards and applicable NGSSS, as applicable, for all students." Furthermore, the budget only anticipates Exceptional Student Education (ESE) students who would receive sufficient services to be eligible for 251 levels of funding.	Section 6, A p. 65 Section 1, C, p.13 Appendix B, p. 205
2. The application is lacking sound plans for educating exceptional student that reflect the full range of programs and services required to provide all students with a high quality education. The application indicated an inclusion model with ESE support will be used and that "For students requiring a more restrictive learning environment (i.e., Resource Room or Separate Class setting) to support their educational needs, an IEP team meeting will be held with the staffing specialist, a representative from the	Section 6, A, pp. 65-66 Section 6, C, p. 71

student's home school, a general education teacher, and the child's parents to discuss the appropriate educational setting". While the application indicates that co-teaching, support facilitation, or consultation may be used for SWDs, there is no plan for establishing a "Collaborative Link" with the Sponsor, for students who remain unsuccessful or not be able to benefit from these models and receive at least 80% of their instruction with non-disabled peers in a regular classroom environment. Thus, the applicant is not able to effectively provide the full continuum of supports that may be needed by an individual student.

3. The applicant fails to clearly indicate how it will address the needs of its students who need to access Hospital/Homebound services.

4. While agreeing to "follow guidelines and procedures detailed in the SDIRC ESE Policies and Procedures Manual and Rule 6A-6.03019, Special Instructional Programs for Students who are Gifted" the applicant then goes on to detail a screening process that is different from that of SDIRC. It also allows the use of the *Williams Creativity Scale* is a measure of creativity, an option attributed to, but not included in, the District Plan to Increase the Participation of Underrepresented Students in the Gifted Program.

5. The application contains a variety of terms for the team(s) that will be responsible for the problem-solving that occurs within the school at various levels including Problem Solving Team (PST), SBT, and SST Team. A variety of terms stemming from different models of problem solving reflects the lack of clarity regarding the process on the part of the applicant.

6. The application is inconsistent with Florida Rule when stating that "A referral for students suspected of having a disability will be initiated by school personnel with supporting documentation when the following determinations have been made:... 3. significant risk factors are present..." "No such option is provided in the Rule."

Section 6, C, page 72

Section 6, I, pages 77 - 79

Section 4, B, page 47
 Section 6, A, pages 65 - 67,
 Section 6, C, page 73
 Section 6, I, page 78

Section 6, A, pages 66 - 67

7. English Language Learners

The English Language Learners section should demonstrate an understanding of the requirements of the school to serve English Language Learner students and provide a concrete plan for meeting the broad spectrum of educational needs and providing all students with a quality education.

Statutory Reference(s):

s. 1002.33(10)

Evaluation Criteria:

A response that meets the standard will present:

- Demonstrated understanding of state and federal requirements regarding the education of English language learner students.
- Sound plans for educating English language learner students that reflect the full range of programs and services required to provide all students with a high quality education.
- Demonstrated capacity to meet the school's obligations under state and federal law regarding the education of English language learner students.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
The Applicant agrees to adopt and implement the Sponsor's policies and procedures with respect to the state-approved District ELL Plan.	Pg. 74

Concerns and Additional Questions	Reference
<p>The Applicant agrees to adopt and implement the Sponsor's policies and procedures with respect to the ELL plan, as amended from time to time. However, within Section 7, the following information does not align with the District ELL Plan:</p> <ul style="list-style-type: none"> • Application states that students "may be taught in English in the general education classroom with the assistance of an assistant if available." • Curriculum Content in Home Language for ELLs, Level 1 and 2, is not reflective of the District ELL Plan <p>The process that the Applicant will utilize to monitor policies and procedures with respect to the Sponsor's (District) ELL Plan, including any amendments to the Sponsor's ELL Plan, has not been clearly defined.</p>	Pg. 75

8. School Climate and Discipline

The School Climate and Discipline section should describe the learning environment of the school and provide evidence that the school will ensure a safe environment conducive to learning.

Statutory Reference(s):

s. 1002.33(7)(a)(7); s. 1002.33(7)(a)(11)

Evaluation Criteria:

A response that meets the standard will present:

- A sound approach to classroom management and student discipline.
- Legally sound policies for student discipline, suspension, and dismissal.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
The application is indicating that it will implement the Sponsor Code of Student Conduct.	Pg. 81
Concerns and Additional Questions	Reference
The application indicates that it will adhere to the Sponsor's Positive Climate and Discipline Code of Student Conduct. Concerns: The Code of Student Conduct items that have been addressed in this application are limited and do not totally reflect the spirit of our Positive Climate and Discipline Code of Student Conduct.	pages 88-90
The application indicates that the school will abide by the Sponsor's Code of Student Conduct, that the Code of Conduct information will be available to parents and that "parents are expected to read and discuss the policies with their child/children and return the appropriate form(s) with signatures for student' portfolio records.	page 88
Concern: The application does not indicate how the Code of Conduct will be shared and discussed with students, parents and other constituencies at the beginning of the year per Florida State Statue 1006.07.	
The application indicates that the school will utilize SERT when a student has committed a serious Code of Student Conduct violation.	page 90
Concern: The application only gives two options: alternative placement or an expulsion recommendation; when a student is	

referred to SERT, the team, after taking into consideration the case facts, may also recommend that the student return to school. This application does not have an option for student to return to his/her school, therefore, it seems to be curtailing the procedural authority of SERT.



III. Organizational Plan

The Organizational Plan should provide an understanding of how the school will be governed and managed. It should present a clear picture of the school's governance and management priorities, what responsibilities various groups and people will have, and how those groups will relate to one another.

9. Governance

The Governance section should describe how the policy-making and oversight function of the school will be structured and operate.

Statutory Reference(s):

s. 1002.33(7)(a)(15); s. 1002.33(16)(b)(5)

Evaluation Criteria:

A response that meets the standard will present:

- Documentation of proper legal structure of the governing board, or a plan to organize in conformity with the laws of Florida.
- A clear understanding and description of the governing board's responsibilities.
- A clear, sensible delineation of roles and responsibilities in relation to governance and school management.
- A sensible method for resolving disputes between parents and the school.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
The legal structure of the school's Governing Board is created with Articles of Incorporation and Bylaws. An organizational chart is also provided.	Page 91
The Applicant includes the statutorily required assurances that it will hold at least two Board meetings per school year in the School District.	Page 96
The Applicant identifies a 9 member Governing Board including a brief description of qualifications and experience of each Board member. Board members appear to bring a wide range of knowledge to the Governing Board.	Pages 96-99

Concerns and Additional Questions	Reference
The Application discloses but fails to resolve material conflicts of interest issues. Director Isla is employed as the Principal of two Mater Academy schools and Director Diaz is employed as	Page 94-95 & Appendix A ¶ 4.3(g)

the Principal of a Pincrest Academy school, all of which are managed by the same ESP proposed to manage the instant charter school. Director Morales was formally employed by Academica Virtual Education which is a limited liability company owned by the same ESP proposed to manage the instant charter school. These intertwining relationships create a continuing conflict of interest for these three governing board members.

The Bylaws provided by the Applicant allow meetings of the Governing Board to be held at the principal office of the corporation which is listed in State records as Pembroke Pines in Broward County, Florida. Holding a Governing Board meeting by an Indian River charter school in Pembroke Pines (or any other location outside Indian River County), may violate Florida's Sunshine Law.

The Applicant during the interview shared the Governing Board with exploring a way for parents to remotely access (by computer or some other technology) Governing Board meetings in different parts of the State. The Florida Attorney General's office recently issued an informal opinion to the Board of Trustees of the City of Boca Raton Police and Firefighter's Retirement System that, "There is no apparent authority for the use of electronic media technology to allow members of a board or commission to remove a workshop or meeting from within the jurisdiction in which the board or commission is empowered to carry out its functions and claim compliance with the Sunshine Law by providing the public electronic access to the remote meeting."

Further, a Court has held that a School Board workshop held outside the county and over one hundred miles away from the Board's headquarters violated the Sunshine Law. In balancing the interests, the Court found the interest of the public in having a reasonable opportunity to attend outweighed the Board's desire to save travel time and expenses due to the fact that Board members were attending a conference out of town. *Rhea v. Alachua School Board*, 636 So.2d 1383 (Fla. 1st DCA 1994).

Unless and until the Florida Attorney General or a Court opines that this Governing Board may meet outside Indian River County and consider items pertinent to an Indian River County

Appendix A ¶ 4.7

charter school, all public meetings involving an Indian River Charter School should only be held in Indian River County.

The method to resolve disputes between parents and the school is also a concern. The final step in dispute resolution between a parent and the school is to share the concerns at a scheduled Governing Board meeting. There is no assurance of when the two meetings in Indian River County will occur during the school year. Accordingly, a parent may not have an opportunity to speak at a Governing Board meeting for quite some time, or may be required to travel a great distance in order to speak at a Governing Board meeting held in another part of the State. The Applicant during the interview agreed that prompt resolution of parent concerns was important and shared the Governing Board was exploring ways for parents to remotely access (by computer or some other technology) Governing Board meetings in different parts of the State. This concept was not discussed in the pending application and raises the same Sunshine Law issues discussed above.

Pg. 100

10. Management

The Management section should describe how the day-to-day administration of the school's operations will be structured and fulfilled.

Statutory Reference(s):

s. 1002.33(7)(a)(9); s. 1002.33(7)(a)(14)

Evaluation Criteria:

A response that meets the standard will present:

- A management structure that includes clear delineation of the roles and responsibilities for administering the day-to-day activities of the school.
- A sound plan for the recruitment and selection of the school leader.
- A viable and adequate staffing plan aligned with the projected student enrollment.
- A sound plan for recruiting and retaining qualified and capable staff.

Meet the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference
Section 10 indicates that the average teacher salary at Somerset will be \$39,500. The average teacher salary in Indian River County is approximately \$46,961. Additionally, the insurance contribution proposed is \$1056/year less than the School District provides. During the interview, the Charter School indicated that it typically will draw less experienced teachers and can therefore pay less. The team also indicated that a less experienced workforce would likely be healthier and have lower insurance costs. The disparity, nonetheless, exists and would be a disincentive to candidates considering the Charter School. There also are no provisions for diverse recruitment efforts consistent with the desegregation order.	Pg. 97 Desegregation Order Pg. 104

11. Education Service Providers

The term "education service provider" (ESP) refers to any number of organizations that contract with the governing board of a school to provide comprehensive services. The three major types of ESPs that serve charter schools are education management organizations, comprehensive school design providers, and virtual school management organizations. The Education Service Provider section should describe, if applicable, the contractual arrangement between the school's governing board and such a provider.

Statutory Reference(s):

s. 1002.33(7)(a)(9)

Evaluation Criteria:

A response that meets the standard will present:

- A persuasive explanation of the reasons for contracting with an education service provider.
- A persuasive explanation of how the proposed relationship with the ESP will further the school's mission.
- A clear description of the services to be provided by the ESP.
- A clear delineation of the roles and responsibilities between the school's governing board and the ESP.
- A clearly defined performance-based relationship between the school's governing board and the ESP.

Not Applicable	Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
The Application lists the services to be provided by the ESP.	Page 111-112
The Application lists the reasons the ESP was selected.	Page 111-112
The Application provides a list of other Charter Schools utilizing the ESP and provides a proposed Management Agreement between the Governing Board and the ESP.	Addendum C and Appendix C

Concerns and Additional Questions	Reference
1. The proposed Management Contract provided as part of the Application does not include any performance evaluation measures as required by the Application. The Application briefly asserts that a performance evaluation will be conducted. However, during the interview the	Page 111 Appendix C

Applicant candidly admitted such an evaluation had not been conducted previously and an evaluation process for the ESP had not been formalized.

2. The Application does not provide an explanation of due diligence efforts that led to the selection of the ESP as required by the Application. The Application claims the Governing Board analyzed data regarding several ESP's; however that statement is inaccurate. During the interview one Governing Board member shared he spoke with a Board member from a different charter school organization and inquired about their educational service provider and the service delivery model. No other Governing Board member related similar activities. Additionally, no information was provided regarding the Governing Board discussing the selection of Academica to manage the charter school. One Governing Board member obtaining anecdotal evidence about one other charter school management company does not equate to the Governing Board analyzing data or due diligence which informed their decision. During the interview, the Applicant admitted it chose Academica due to their existing relationship.

Page 111

3. The Application does not provide any explanation, as to how the Governing Board will insure that an "arm's length" performance based relationship exists between the Governing Board and the ESP. Given its total dependence on the ESP to manage its 50+ charter schools, the "arm's length" relationship is questionable. There is no assurance the Governing Board is truly independent and capable of standing on its own without being wholly supported by the ESP. The below list of examples demonstrates the concern.

Page 113

- a. The Applicant has no staff, systems or capability to enable it to exercise continuing oversight over the ESP's performance.
- b. As verified during the interview, the Applicant employs the ESP to manage all of its 50+ schools. It has never employed another ESP and did not actually evaluate any other ESP for the proposed school.

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c. With no professional CEO, CFO, COO, executive director, or other independent management or executive support, the Applicant is totally dependent upon the ESP for the management of its school network. During the interview, the Applicant shared it had retained a President and Vice President to work with the Governing Board. It was shared these were not full time positions and the President and Vice President also worked full time as school-based administrators at one of the Governing Board's charter schools which is also managed by the same ESP proposed to manage the instant Charter School. This information was not included in the Application and no details were provided as to these individuals' roles in the management and oversight of the charter school.

d. Director Morales was formally employed by Academica Virtual Education which is a limited liability company owned by the ESP proposed to manage the instant Charter School.

12. Employment

The Employment section should define the policies and procedures that frame the school's relationship with its staff.

Statutory Reference(s):

s. 1002.33(7)(a)(14); s. 1002.33(12)

Evaluation Criteria:

A response that meets the standard will present:

- A compensation plan that will attract and retain quality staff.
- Policies and procedures that hold staff to high professional standards or a sound plan for development of policies and procedures.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference
Section 10 indicates that the average teacher salary at Somerset will be \$39,500. The average teacher salary in Indian River County is approximately \$46,961. Additionally, the insurance contribution proposed is \$1056/year less than the School District provides. During the interview, the Charter School indicated that it typically will draw less experienced teachers and can therefore pay less. The team also indicated that a less experienced workforce would likely be healthier and have lower insurance costs. The disparity, nonetheless, exists and would be a disincentive to candidates considering the Charter School. There also are no provisions for diverse recruitment efforts consistent with the desegregation order.	Pgs. 115-121

13. Student Recruitment and Enrollment

The Student Recruitment and Enrollment section should describe how the school will attract and enroll its student body.

Statutory Reference(s):

s. 1002.33(7)(a)(7); s. 1002.33.(7)(a)(8); s. 1002.33(10)

Evaluation Criteria:

A response that meets the standard will present:

- A student recruitment plan that will enable the school to attract its targeted population.
- An enrollment and admissions process that is open, fair, and in accordance with applicable law.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference
<p>The plan denoted in the application and described in the interview is not sufficient to recruit a population to the school that will be reflective of the entire county's demographics. "Word of mouth", "brochures", and connecting with the Charter High School are unlikely to be inclusive.</p> <p>The Somerset SoMi campus that the proposed school is replicating is under investigation for racial disparity (Butler, A, 2015, January 16; Butler, A., 2015, June 1). The Miami Herald reports that 1.1% of Somerset SoMi's population is African American while the community's percentage is 17%. In the interview, when questioned about this matter, the team indicated that it is addressing this matter, but provided no evidence of a plan. In fact, during the interview, reasons for the current disproportionality were provided and it was stated that this year only siblings were able to attend (which would not alter the demographic).</p> <p>Indian River County Schools are under a desegregation order. When asked about this, the team indicated that the school, "would use the same approach the district uses." This includes busing and targeted assignment. The written plan does not address the type of transportation necessary to be in compliance nor does it discuss affirmative recruitment of students.</p>	<p>Pg. 123</p>

A clear requirement for a replication school is, "A charter school shall admit students as provided in subsection (10), which includes, "(10)(c)4.any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district." Only providing transportation within the defined reasonable distance (p. 17) will necessarily exclude access to the school for black students.

IV. Business Plan

The Business Plan should provide an understanding of how the charter operators intend to manage the school's finances. It should present a clear picture of the school's financial viability including the soundness of revenue projections; expenditure requirements; and how well the school's budget aligns with and supports effective implementation of the educational program.

14. Facilities

The Facilities section should provide an understanding of the school's anticipated facilities needs and how the school plans to meet those needs.

Statutory Reference(s):

s. 1002.33(7)(a)(13); s. 1002.33(18)

Evaluation Criteria:

A response that meets the standard will present:

- A realistic plan for acquiring a facility that is appropriate and adequate for the school's program and targeted population.
- Evidence that the school has access to the necessary resources to fund the facilities plan.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference
<p>The applicant appears to have met the minimum standards described in this section with regards to plans to secure a facility in the Vero Beach area within the confines of the statutory requirements. Although the applicant declined to name a specific location "for fear of jeopardizing any ongoing negotiations" it provided sufficient documentation to support its intent to acquire, lease or construct a facility on pages 127 -129. A review of the commitment letter in Appendix G as well as Building Hope financial statements provided subsequent to the interview demonstrate evidence of its financial wherewithal to execute its plans.</p>	

15. Transportation

The Transportation section should describe how the school will address these services for its student body.

Statutory Reference(s):

s. 1002.33(20)(c)

Evaluation Criteria:

A response that meets the standard will present:

- A transportation plan that will serve all eligible students.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Strengths	Reference
Transportation funding is adequate for two bus routes and the Charter School indicated in the interview that it was committed to actually providing bus transportation.	
Concerns and Additional Questions	Reference
<p>The transportation plan does not specifically state that transportation will actually be provided. It limits provision of transportation to hardship cases, upon request. Additionally, the plan assures provision for "reasonable distance" which, depending on the location of the school, may not be sufficient to comply with racial balance required by the desegregation order. Lastly, the SoMi school does not provide transportation, so this element is not replicated.</p> <p>"A review of Somerset SoMi's audited financial report demonstrates no dollars expended for transportation. Therefore, the reviewers do not believe that it is the intent of the provider to provide transportation."</p>	Pg. 130

16. Food Service

The Food Service section should describe how the school will address these services for its student body.

Statutory Reference(s):

s. 1002.33(20)(a)(1)

Evaluation Criteria:

A response that meets the standard will present:

- A food service plan that will serve all students.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference
Approved sponsor for the National School Lunch Program in Florida and the organizations seems to have a strong reputation with State of Florida Department of Agriculture in regards to audits.	Confirmed with DOACS 6/3/15

Concerns and Additional Questions	Reference																																								
<p>The response lack meaningful detail; demonstrates lack of preparation; or otherwise raised substantial concerns about the applicant's understanding of the issue in concept and/or ability to meet the requirement in practice.</p> <p>Five Year Budget – "Since we are uncertain of the precise population (and number of free and reduced lunch meals to be served) we are unable to provide a more precise budget structure for food service.</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Exp Enroll</th> <th>90° Student Partic</th> <th>Bf/Lunch</th> <th>Total Meal Eq</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>235</td> <td>212</td> <td>106 + 212</td> <td>318</td> </tr> <tr> <td>1</td> <td>176</td> <td>158</td> <td>79 + 158</td> <td>237</td> </tr> <tr> <td>1</td> <td>118</td> <td>106</td> <td>53 + 106</td> <td>159</td> </tr> <tr> <td>2</td> <td>300</td> <td>270</td> <td>135 + 270</td> <td>405</td> </tr> <tr> <td>3</td> <td>300</td> <td>270</td> <td>135 + 270</td> <td>405</td> </tr> <tr> <td>4</td> <td>300</td> <td>270</td> <td>135 + 270</td> <td>405</td> </tr> <tr> <td>5</td> <td>300</td> <td>270</td> <td>135 + 270</td> <td>405</td> </tr> </tbody> </table>	Year	Exp Enroll	90° Student Partic	Bf/Lunch	Total Meal Eq	1	235	212	106 + 212	318	1	176	158	79 + 158	237	1	118	106	53 + 106	159	2	300	270	135 + 270	405	3	300	270	135 + 270	405	4	300	270	135 + 270	405	5	300	270	135 + 270	405	<p>Budget Detail & Staffing Plan</p> <p>Budget Detail & Staffing Plan</p> <p>"</p> <p>"</p> <p>"</p> <p>"</p> <p>"</p> <p>"</p>
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3	300	270	135 + 270	405																																					
4	300	270	135 + 270	405																																					
5	300	270	135 + 270	405																																					

Food Service Staffing Projected Plan (1) employee for year 1 – year 5 at 50%, 75% or 100% participation.

Budget Detail & Staffing Plan

The salaries in the staffing plan are for Full Time Equivalent (FTE) food service positions. Individuals may be used for other functions and the expenditure presented is for the FTE outlined in the staffing plan. As calculated in the staffing plan the contract cost per meal paid to an approved NSLP provider at no cost. The equipment is provided by the NSLP provider. Since the school claims they will be serving 90% of the student population in year 1 this would equate to 212 breakfasts and 212 lunches = 424 meals per day. The total labor cost for food service staff is \$14,000 annually according to the budget on page 185. This would equate to \$77.77 in labor per day. According to the budget the food, materials and supplies cost would be $\$93,652.20 / 180 \text{ days} = \$520.29/318 \text{ meals (breakfast and lunch)} = \$1.63 \text{ per child per day for 2 meals}$. According to the budget the food, materials and supplies cost would be $\$70,538.04 / 180 \text{ days} = \$391.88/237 \text{ meals (breakfast and lunch)} = \$1.65 \text{ per child per day for 2 meals or } \$47,025.36 / 180 \text{ days} = \$261.25 / 159 \text{ (breakfast and lunch)} = \$1.64 \text{ per child per day for 2 meals}$. This is not a realistic figure for both breakfast and lunch.

Budget Detail & Staffing Plan

17. Budget

The Budget section should provide financial projections for the school over the term of its charter.

Statutory Reference(s):

s. 1002.33(6)(a)(5); s. 1002.33(6)(b)(2)

Evaluation Criteria:

A response that meets the standard will present:

- Budgetary projections which are consistent with all parts of the application, including the school's mission, educational program, staffing plan and facility.
- A realistic assessment of the projected sources of revenue and expenses that ensure the financial viability of the school.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference
<p>NOTE: In response to a comment made during the interview the applicant verbally stated that a form of shared services would be evident at the Middle School, however a review of the application did not yield any information to confirm this statement. Therefore the application was reviewed as a standalone application with respect to the budget.</p> <p>No music, art, or World Language teachers accounted for in the budget 26, 205 No ESE teachers or Literacy coaches accounted for in the budget. 26, 205, 248-253 No music, art, or World Language teachers accounted for in the budget 19, 205 No ESE teachers or Literacy coaches accounted for in the budget. (job description is on page 240). 205 Only \$75 per student is accounted for in the budget for technology and other supplemental materials No ESE, ELL teachers or Literacy coaches accounted for in the budget. 26, 205, 248-253</p> <p>Only \$75 per student is accounted for in the budget for technology and other supplemental materials, however the following are programs and products that the school will be using: <i>Achieve 3000, Passport and Reading Plus.</i> 35</p>	

Section 10 indicates that the average teacher salary at Somerset will be \$39,500. The average teacher salary in Indian River County is approximately \$46,961. Additionally, the insurance contribution proposed is \$1056/year less than the School District provides. During the interview, the Charter School indicated that it typically will draw less experienced teachers and can therefore pay less. This competitive phenomenon may very well produce a budgetary shortfall and the school may encounter difficulty in recruiting teachers to work for a lesser salary and benefits package than what the school district offers.

The staffing plan reflects a salary of \$42,000 for a Principal in year 1 despite being referenced at \$85,000 on page 136. Comparative data from the School District shows the starting salary for a Principal for a Middle School to be approximately \$90,000. Based on this comparison it appears that budget is underfunded for this position.

The Staffing Plan budgets for an Administrative Assistant at \$11,500 in Year 1 and \$23,460 in Year 2. Comparative Data from the District shows the salary range from \$21,079 to \$37,963. Based on this comparison it appears that budget is underfunded for this position.

The staffing plan has no provision for any custodial staff at the Middle School. Comparative Data from the District shows the salary range for a custodian to be from \$20,880 to \$28,540. Based on this comparison it appears that budget is underfunded for this position.

The total labor cost for food service staff is \$14,000 annually according to the budget on page 185. This would equate to \$77.77 in labor per day. This figure does not seem realistic given the cost and number of students to be served

18. Financial Management and Oversight

The Financial Management and Oversight section should describe how the school's finances will be managed and who will be responsible for the protection of student and financial records.

Statutory Reference(s):

s. 1002.33(6)(a)(5); s. 1002.33(7)(a)(9); s. 1002.33(7)(a)(11)

Evaluation Criteria:

A response that meets the standard will present:

- A clear description of how the school's finances will be managed. The description must include assurances that the governing board retains ultimate control over the school's finances.
- A clear description of strong internal controls. The system of internal controls must be sufficient to safeguard finances.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference
<p>This section of the application details a plan on how the school's finances will be managed and who will be responsible for the protection of student and financial records.</p> <p>A concern noted in this section on page 140 of the application is that there appears to be an inadequate separation of duties an internal control. The narrative states that "Disbursement vouchers are reviewed and approved by the Principal and the ESP". It further states that "<i>Authorized signatures on checks are limited to the Chair of the Governing Board, the president, the School Principal/designee, ESP Representative, and others, as approved by the Governing Board</i>". This arrangement whereby the ESP has the ability to approve the school's vouchers for payment and is also a signatory on the school's checks suggests and inadequate segregation and poor internal control as essentially a vendor to the Board is also signing the checks. When noted and discussed in the interview he applicant responded that this has never been brought to their attention as an issue during any audits that have been conducted at the replicated school.</p>	

19. Action Plan

The Action Plan should provide a clear roadmap of the steps and strategies that will be employed to prepare the school to be ready to serve its students well on the first day of operation.

Statutory Reference(s):

s. 1002.33(7)(a)(16)

Evaluation Criteria:

A response that meets the standard will present an action plan that:

- Provides a thoughtful and realistic implementation plan that covers major operational items and provides flexibility for addressing unanticipated events.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference
The location hasn't yet been determined; thus, the plan is generic in nature.	

COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT COURT OF FLORIDA

CASE NO. 64-721-Civ-ATKINS

DENISE SHARPTON, DARRYL
SHARPTON, et al.,

Plaintiffs,

-vs-

THE BOARD OF PUBLIC INSTRUCTION
OF INDIAN RIVER COUNTY, FLORIDA,
et al.,

Defendants.

D.C.
MAY 2 1974
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

REVISED ORDER APPROVING PLAN

This cause arose based on the Parties joint Motion Requesting Approval of Revised Order Approving Plan. The School Board of Indian River County, Florida, hereafter referred to as the "School Board", and The National Association for the Advancement of Colored People, Indian River County Branch, hereafter referred to as the "NAACP", requested this Court's consideration and approval of a Revised Order Approving Plan which has been negotiated and approved by the remaining parties to this case. The Court, having considered the joint motion of the parties, the facts, the record, the plan as presented in the Motion and the history of cooperation of the parties, does hereby

Find as facts:

In 1964, two sets of parents with students in the Indian River County public school system filed suit stating there existed in Indian River County a segregated system of public schools. This Court entered an Order Approving Plan on May 19, 1969, based on a plan put

Attachment #2

forth by the parties. This plan called for complete desegregation of the public school system. Since the entry of the Order Approving Plan, dated May 19, 1969, the school system changed by closing three formerly all-black schools, two were permanently closed and the third was integrated according to the terms of the plan. One of the terms of the plan specified that there would only be one school providing all the children of Indian River County with a sixth (6th) grade education. That first sixth (6th) grade school was located in the middle of Indian River County and was called Gifford Middle Six.

In the late 1970's a second sixth (6th) grade was established in a new school, Sebastian River Middle Junior High School. This school started out serving the growing but less populated northern part of Indian River County. Where the former plan had provided for all students in Indian River County to attend the 6th grade at Gifford Middle Six, the new school allowed North county residents to attend the sixth (6th) grade at Sebastian River Middle Junior High School. No modification was sought to amend the 1969 Order Approving Plan and no objection was raised in the public meetings of the School Board to the second sixth (6th) grade being established.

In the late 1980's the School Board adopted a reorganization plan for the establishment of a "middle school system" to replace the elementary schools (K-5), sixth grade school, seventh grade school, junior high school (8 & 9) and high school system. The middle school system would operate elementary schools (K-5), middle schools (6-8) and high schools (9-12). This plan has been debated, negotiated and agreed upon by the parties, with certain conditions. The conditions center around maintaining a racial balance of students, teachers and noninstructional employees throughout the school system, at each school site and in proportion to the number of minorities in the county wide population.

Through a series of meetings spanning 1990-1993, pursuant to this Court's direction, the parties have met and reached an agreement which they are now requesting this Court to review and approve. The parties have acknowledged that during the span of approximately thirty (30) years since the entry of this Court's last order approving the 1969 plan, schools have come and gone and the student population of Indian River County has risen from 8,500 to almost 13,000. Under current conditions, the 1969 plan makes it difficult for the School Board to maintain an educationally sound program for all student. Therefore, the aforesaid changes are necessary to foster an effective operation of this School District.

This Court does therefore

Order and Adjudge that the following plan of organization of the School District of Indian River County, Florida is approved.

The School Board middle school system reorganization plan and update of minority achievement plan shall be implemented as set forth below and any modification of the following be discussed by the parties and the results of those discussions be forwarded to this Court for further action.

I. Facilities Reorganization

- * The School Board may officially close Gifford Middle 6 in June of 1995 as a sixth grade center. The School Board is currently working on a list of future uses for that building. All faculty and staff will be reassigned.
- * The School Board may officially close Gifford Middle 7 as a seventh grade center in June of 1995 and reopen it as Gifford Middle Magnet, grades 6, 7, and 8 in August of 1995.
- * The School Board may officially rename Vero Beach Junior High to Vero Beach Middle, grades 6, 7, and 8 in August of 1995.
- * The School Board may officially rename Sebastian River Middle/Junior High School to Sebastian River Middle School, grades 6, 7, and 8. All 9th grade students will be reassigned to the new high school.
- * The school district will open the new South County Middle School with 6, 7 and 8 grades in August of 1995.
- * The school district will open the new Sebastian River High School with grades 9, 10 and 11 in August of 1994. Grade 12 will be added in 1995-1996.
- * The School Board will move the 9th graders from Vero Beach Junior High to Vero Beach High School in August of 1995.

These recommendations are subject to be delayed or modified if the building program is delayed and/or modified and if the over-crowding at Vero Beach Senior High cannot be

addressed by another option.

II. Minority Teacher Ratio

A significant effort will be made to bring the ratio of minority teachers in the teaching population in line with the ratio of minority students in the student population. A "significant effort" will be defined as a range of 20% to 40% per annum of all new hires and replacement teachers employed during the next three years and beyond until the proper ratio has been achieved. Should the agreed yearly range not be met, the district will document by November 1st of each year the number of letters of intent offered and refused. The parties agree that all teachers to be hired must be qualified, and the district will ensure that qualifications requirements are applied uniformly and publicized with respect to both minority and non-minority applicants.

III. Minority Teacher Recruitment/Employment

The School District will utilize all possible/appropriate strategies in attempting to employ minority teachers. Those strategies include, but are not limited to:

1. Using staff and lay citizens to facilitate recruiting;
2. Visiting colleges/universities/career fairs to recruit potential minority teachers;
3. Having potential minority teaching candidates visit Indian River County;
4. Designating a staff member or consultant to visit colleges of education in the region to interview and offer letter of intent;
5. Having the local businesses and banks assist with moving expenses and start up costs;
6. Working with the teachers' union to facilitate the employment of these and other critical shortage area faculty; and
7. Utilizing current Indian River County hiring practices of application, structured interviewing by individuals in the district office, and interviewing by building

principals and/or members of the School Improvement Teams. When these hiring practices fail to produce appropriate minority staffing results, the Superintendent will take the necessary steps to achieve compliance. This Recruitment/Employment plan shall not alter the School Board's authority, pursuant to Section 230.23, Fla.Stats., including the authority to designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees nor shall it alter the Superintendent's authority under Section 230.33, Fla.Stats. including those duties of recommending employment positions to be filled and persons to fill those positions. The Superintendent retains final approval for hiring all employees.

IV. Minority Faculty/Staff Assignment by School

The School District of Indian River County acknowledges that some schools do not have minority teachers on staff. The School District agrees that every school will have minority representation on the instructional or administrative staff by November 1, 1994. This representation will not be achieved by shifting minority teachers among the staff unless no positions are being added to one of these schools. The School Board will attempt to encourage and place more minorities in "higher level" non-instructional positions, such as supervisor, administrative secretary, etc. The School Board will also work to provide additional minority representation on the coaching staff in the school district.

V. Future Schools in the Gifford Community

A substantial building renovation program of approximately five million dollars is planned at Middle Seven (formerly Gifford Middle High School). It is intended to utilize that facility as a sixth, seven, and eighth grade middle school with a special magnet instructional program. The NAACP shall select a representative to attend all future facility/construction planning sessions associated with the renovation.

The current Gifford Middle Six will be closed as a sixth grade center. Its anticipated future operation, while currently in planning stages, has centered around the following scenarios including, but not limited to, one or more of the following:

1. A pre-school facility providing low-cost child care and pre-school academic instruction.
2. An elementary magnet school with a specific curriculum; possible a school of the

- performing arts or a math and science magnet school.
3. An adult education center providing a more expanded adult education program.
 4. A specialized vocational center providing training in fields like technology, cosmetology, and nursing.
 5. A community youth center providing recreational and counseling opportunities for the young people in the community.
 6. Early intervention classes for three and four year old (Pre K site)
 7. Adult Literacy (GED)
 8. Parent Education
 9. After School Enrichment
 10. Senior Center
 11. Recreation Center (Family)
 12. Social Services Agencies (satellite site)
 13. Computing Center
 14. Library (satellite)
 15. Career Development Center
 16. Extension Center
 17. Medical Services (Well-child Clinic)
 18. DARE office or COPE office

The above list of options is open for discussion. The school district has no intention of abandoning the Gifford Middle Six facility. Whatever scenario is selected will have to generate a revenue stream to assist with utilities and other operational expenses of the building.

VI. Minority Student Achievement/Resource Allocation

A meaningful multicultural achievement plan will be implemented and monitored so that the academic achievement of minority students in Indian River County is improved. The plan will be presented to the School Board no later than January of 1994. The district will closely monitor students assigned to ESE and Alternative Education.

In cases where these numbers exceed state and district averages, a plan of action will be developed in consultation with the NAACP for immediate intervention.

VII. Student Assignments

The district will continue the practice of curricular and programmatic choice in assigning students who may reside outside an attendance area of school on a space available basis. This will allow all students to take advantage of special programs. The percentage of minority students assigned to individual schools should be consistent with the percentage of minority students represented in the school district. At the present time there are 17.8% minority students in the school system.

The School District will allocate student populations at each school in proportion to the percentage distribution of minority students system-wide within a range of plus or minus 9%. The School District needs to keep this percentage range wide enough to satisfy natural fluctuation. The Parties feel 9%-27% will eliminate additional extensive transportation of students.

VIII. Plan Supervision

The School District will continue under this Revised Order Approving Plan while the plan is implemented. This will maintain an avenue for dealing with problems should any occur in the process of implementation. This Revised Order Approving Plan will continue in effect until further Court Order. This case will remain open; the parties agree there has not yet been a determination of unitary status and the Court shall retain jurisdiction of this case.

IX. Transportation

There are no requirements for any change to the current transportation system.

X. Extra-Curricular

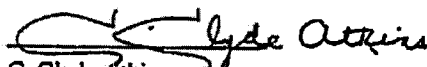
There are no requirements for change to the current extra-curricular structure.

XI. Changes and Disputes

The Parties agree that changes to this plan may be made in writing and upon mutual

ngreement. The Parties agree to continue to work together to provide for the changing student and adult populations of Indian River County. If either Party feels there is a need to meet on any issue relating to this or any subsequent plan for desegregation, they shall notify the other and make arrangements through their appropriate officers to meet and discuss the issues prior to the need for Court action. If there is a dispute over any issues relating to desegregation, be it an issue covered in this plan or one not covered, every effort shall be made to handle those issues between the Parties without the necessity for Court action. Mediation methods and techniques shall be employed where meetings between the parties are unsuccessful. The Parties to this case and their successors have enjoyed a long relationship of cooperation through negotiation and settlement of their disputes by agreement. It is the intent of this plan to continue that relationship through a commitment to meetings and negotiation rather than litigation.

DONE AND ORDERED this 23rd day of May, 1994 in Miami,
Florida.


C. Clyde Atkins
United States District Judge

cc: G. Russell Petersen, Esq.
Norman J. Chachkin, Esq.

U.S. Department of Education

Office for Civil Rights



May 14, 2014

Dear Colleague:

One of the fastest-growing areas of school reform is the creation of public schools through a chartering process. Since first appearing in the early 1990s, many charter schools have provided students with additional meaningful opportunities to receive a high-quality education. In communities throughout the nation, numerous charter schools are developing unique learning environments, spurring innovation, engaging parents and other stakeholders, and improving educational opportunities for students. The U.S. Department of Education (Department) is committed to supporting the establishment of high-quality public charter schools from which all students can benefit.

Because many charter schools are newly created, it is understandable that charter school administrators are interested in information about the applicability of Federal civil rights laws.¹ Parents, teachers, community leaders, and charter school authorizers have also sought guidance as to charter schools' legal obligations under the Federal civil rights laws.

I am writing to remind you that the Federal civil rights laws, regulations, and guidance that apply to charter schools are the same as those that apply to other public schools. For this reason, it is essential that charter school officials and staff be knowledgeable about Federal civil rights laws. These laws extend to all operations of a charter school, including recruiting, admissions, academics, educational services and testing, school climate (including prevention of harassment), disciplinary measures (including suspensions and expulsions), athletics and other nonacademic and extracurricular services and activities, and accessible buildings and technology.

The Department's Office for Civil Rights (OCR) enforces a number of Federal civil rights laws that apply to charter schools, including:

¹ More than one quarter of charter schools have been open three years or less. See National Alliance for Public Charter Schools, *The Public Charter Schools Dashboard Report on Charter School Age*, available at <http://dashboard.publiccharters.org/dashboard/schools/page/age/year/2013>.

- Title VI of the Civil Rights Act of 1964 (Title VI) (prohibiting discrimination based on race, color, or national origin);²
- Title IX of the Education Amendments of 1972 (Title IX) (prohibiting discrimination based on sex);³ and
- Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) (prohibiting discrimination based on disability).⁴

These Federal civil rights laws and the specific legal obligations discussed in this letter apply to all public charter schools in the United States, regardless of whether they receive Federal funds under the Department's Charter Schools Program.⁵ In addition, charter schools that receive funds—either directly or through a State educational agency (SEA)—under a Department grant program, such as the Charter Schools Program, are subject to the additional requirements of each grant program.⁶

This letter does not attempt to summarize the entire body of Federal civil rights laws. Instead, it briefly addresses a few of the subjects that have arisen in the charter schools context: equal opportunity in admissions; provision of a free appropriate public education (FAPE) to students with disabilities; provision of services to English-language learners so that they can participate fully in their school's educational program; and the non-discriminatory administration of discipline. Throughout, this letter also identifies Departmental guidance and resources that are available to charter schools to assist them in complying with the Federal civil rights laws.

The obligations discussed below under the Federal civil rights laws are independent of charter schools' obligations under the Individuals with Disabilities Education Act (IDEA). Working with the Department's Office of Special Education and Rehabilitative Services (OSERS), which is responsible for administering the IDEA, OCR intends to issue joint guidance on the rights of students with disabilities who attend charter schools and their parents.

² 42 U.S.C. § 2000d *et seq.*; 34 C.F.R. Part 100.

³ 20 U.S.C. § 1681 *et seq.*; 34 C.F.R. Part 106.

⁴ 29 U.S.C. § 794; 34 C.F.R. Part 104; 42 U.S.C. § 12131 *et seq.*; 28 C.F.R. Part 35. Pursuant to a delegation by the Attorney General of the United States, OCR shares in the enforcement of Title II in all programs, services, and regulatory activities relating to the operation of, among other types of entities, public elementary and secondary educational programs. 28 C.F.R. § 35.190(b)(2). Title II cannot be construed to establish any lesser standard than the standards established under Section 504 and its implementing regulations. 42 U.S.C. § 12201(a); 28 C.F.R. § 35.103(a).

⁵ 20 U.S.C. § 7221-7225g. Title II applies to all public entities (including public schools) regardless of whether they receive Federal financial assistance. Title VI, Title IX, and Section 504 apply to all education programs or activities that receive Federal financial assistance either directly from the Department or through a local educational agency (LEA), State educational agency, or otherwise. OCR is unaware of any public school, including a charter school, that is not part of a program or activity that receives Federal financial assistance directly or indirectly from the Department.

⁶ For further information on the Charter Schools Program, see <http://www.ed.gov/programs/charter/index.html>.

Nondiscrimination in admissions. Charter schools may not discriminate in admissions on the basis of race, color, national origin, or disability.⁷

Although public charter schools' civil rights obligations are no different from those of other public schools in this regard, the fact that students choose to attend a charter school and are not simply assigned to attend a charter school underscores the need to be mindful of the rights of children and parents in the community when publicizing the school to attract students and when evaluating their applications for admission.

Charter schools must ensure that language-minority parents who are not proficient in English receive meaningful access to the same admissions information and other school-related information provided to English-proficient parents in a manner and form they can understand, such as by providing free interpreter and/or translation services.⁸ Also, communications with parents with disabilities must be as effective as communications with other parents. Appropriate auxiliary aids and services (such as Braille materials or a sign language interpreter) must be made available whenever they are necessary to ensure equally effective communication with parents with hearing, vision, or speech disabilities.⁹

As a general rule, a school's eligibility criteria for admission must be nondiscriminatory on their face and must be applied in a nondiscriminatory manner. In addition, a charter school may not use admissions criteria that have the effect of excluding students on the basis of race, color, or national origin from the school without proper justification.¹⁰ Charter schools also may not categorically deny admission to students on the basis of disability.¹¹

Charter schools located in a school district subject to a desegregation plan (whether the plan is court-ordered, or required by a Federal or State administrative entity) must be operated in a

⁷ 34 C.F.R. §§ 100.3(b)(1) (Title VI), 104.4(b) (Section 504). Generally, Title IX, which prohibits sex discrimination in federally funded education programs and activities, does not apply to admissions. A vocational (or career and technical education) charter school, however, may not discriminate on the basis of sex in its admissions policies or practices. 34 C.F.R. §§ 106.21(a), 106.35. The United States Constitution imposes strict parameters on the creation and operation of single-sex public schools and other uses of sex-based criteria. See *United States v. Virginia*, 518 U.S. 515, 531-33 (1996); Brief for the United States as *Amicus Curiae* Supporting Appellants at 25-26, *Doe v. Vermilion Parish Sch. Bd.*, No. 10-30378 (5th Cir. June 4, 2010), available at http://www.justice.gov/crt/about/app/briefs/vermillion_brief.pdf. Charter schools considering the use of sex-based admissions criteria should consult with legal counsel.

⁸ OCR, *Identification of Discrimination and Denial of Services on the Basis of National Origin*, (May 25, 1970), reprinted in 35 Fed. Reg. 11,595 (July 18, 1970).

⁹ See 34 C.F.R. § 104.4(b) and 28 C.F.R. § 35.160 (effective communication); see also 34 C.F.R. §§ 104.21-104.23 and 28 C.F.R. §§ 35.149-35.152 (program and facility accessibility).

¹⁰ 34 C.F.R. §§ 100.3(b)(2), 100.3(b)(6). See also OCR and Department of Justice, *Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools*, at p. 12 (December 2, 2011) (*Voluntary Use of Race Guidance*), available at <http://www.ed.gov/ocr/docs/guidance-ese-201111.pdf>.

¹¹ 34 C.F.R. § 104.4(b); and 34 C.F.R. §§ 104.33-104.36.

manner consistent with that desegregation plan.¹² Charter schools may also voluntarily elect to create learning environments that include students of diverse backgrounds. The benefits of such student body diversity are many. Diverse environments help students sharpen their critical thinking and analytical skills; prepare them to succeed in an increasingly diverse and interconnected world; break down stereotypes and reduce bias; and enable schools to fulfill their role in opening doors to students of all backgrounds.¹³

If a charter school wishes to promote racial diversity or avoid racial isolation, it has the flexibility (to the extent permitted by applicable State law) to pursue a variety of approaches in the context of admissions and recruiting, school location, attendance boundaries, transfers, and retention and support programs. As explained in greater depth in the *Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools*,¹⁴ charter schools should consider approaches that do not rely on the race of individual students before adopting approaches that do. Race-neutral approaches can take racial impact into account to promote diversity or avoid racial isolation;¹⁵ examples include targeting specific media outlets in which to advertise, reaching out to particular community groups, or using lotteries that give extra weight based on the socioeconomic status of a child's parents.¹⁶ If a charter school determines that race-neutral approaches would be unworkable or ineffective, it may employ generalized race-based approaches, which use race as an express criterion (such as locating a school based on the overall racial composition of neighborhoods or feeder schools) but do not rely on the race of individual

¹² In some instances, it may also be necessary for a charter school to seek a modification of the school district's desegregation plan or order from the court or administrative entity requiring the desegregation plan.

¹³ *Grutter v. Bollinger*, 539 U.S. 306, 330-31 (2003); see also *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 787-89, 797-98 (2007) (Kennedy, J., concurring).

¹⁴ Available at <http://www.ed.gov/ocr/docs/guidance-e-se-201111.pdf>. See also OCR and Department of Justice, *Questions and Answers About Fisher v. University of Texas at Austin* (September 27, 2013), available at <http://www.ed.gov/ocr/docs/dcl-ga-201309.pdf> (affirming validity of *Voluntary Use of Race Guidance*); Department of Education and Department of Justice, *Dear Colleague Letter on Schuette v. Coalition to Defend Affirmative Action* (May 6, 2014), available at <http://www.ed.gov/ocr/letters/colleague-201405-schuette-guidance.pdf> (same).

¹⁵ Racial impact may not, however, be considered in furtherance of an invidious purpose. *Voluntary Use of Race Guidance* at p. 5.

¹⁶ Nonregulatory guidance from the Department identifies circumstances under which a charter school receiving Federal funds under the Charter Schools Program may use weighted lotteries: (1) when necessary to comply with certain Federal civil rights laws, the Equal Protection Clause of the United States Constitution, or applicable State law; (2) to give slightly better chances for admission to students seeking to transfer schools under the public school choice provisions of Title I, part A of the Elementary and Secondary Education Act of 1965 (ESEA); or (3) if permitted by State law, to give slightly better chances for admission to educationally disadvantaged students, including students who are economically disadvantaged, students with disabilities, migrant students, limited English proficient students, neglected or delinquent students, and homeless students. Department of Education, *Charter Schools Program: Title V, Part B of the ESEA: Nonregulatory Guidance* (January 2014) at pp. 18-19 (E-3), available at <http://www2.ed.gov/programs/charter/fy14cspnonregguidance.doc>. That guidance also suggests that charter schools consider conducting additional recruitment efforts toward groups that might otherwise have limited opportunities to participate in the charter school's programs. See *id.* at p. 20 (E-4). Note that the nonregulatory guidance only applies to Charter Schools Program recipients and does not otherwise apply to a charter school.

students. If race-neutral and generalized race-based approaches would be unworkable, a charter school may consider an individual student's race under appropriate factual circumstances.¹⁷

Free appropriate public education for students with disabilities.¹⁸ Under Section 504, every student with a disability enrolled in a public school, including a public charter school, must be provided a free appropriate public education—that is, regular or special education and related aids and services that are designed to meet his or her individual educational needs as adequately as the needs of students without disabilities are met.¹⁹ Evaluation and placement procedures are among the requirements that must be followed if a student needs, or is believed to need, special education or related services due to a disability.²⁰

Charter schools may not ask or require students or parents to waive their right to a free appropriate public education in order to attend the charter school. Additionally, charter schools must provide nonacademic and extracurricular services and activities in such a manner that students with disabilities are given an equal opportunity to participate in these services and activities.²¹ More information will be provided in joint guidance that OCR and OSERS plan to issue on the rights of students with disabilities who attend charter schools.

Affirmative steps for English-language learners. Like all public schools, charter schools must take “affirmative steps” to help English-language learners overcome language barriers so that they can participate meaningfully in their schools’ educational programs.²² A charter school must timely identify language-minority students who have limited proficiency in reading, writing, speaking, or understanding English, and must provide those students with an effective language instruction educational program that also affords meaningful access to the school’s academic content. Federal civil rights laws do not, however, require any school, including a charter school, to adopt or implement any particular educational model or program of instruction for English-language learners; schools have substantial flexibility to determine how they will satisfy their legal obligations to meet these students’ needs.²³

¹⁷ Schools thinking about considering individual student’s race in admissions should carefully review the *Voluntary Use of Race Guidance* for detailed analysis of when such consideration may be lawful and may also wish to consult with legal counsel.

¹⁸ IDEA also has a specific statutory definition of the term free appropriate public education. 20 U.S.C. § 1401(9) and 34 C.F.R. § 300.17. This letter does not address the IDEA definition of free appropriate public education or other related IDEA requirements.

¹⁹ 34 C.F.R. § 104.33(b)(1).

²⁰ 34 C.F.R. § 104.35.

²¹ 34 C.F.R. § 104.37; see also OCR, *Dear Colleague letter on Extracurricular Athletics* (January 25, 2013), available at <http://www.ed.gov/ocr/letters/colleague-201301-504.pdf>.

²² See *Lau v. Nichols*, 414 U.S. 563, 566 (1974).

²³ OCR’s policies governing the treatment of English-language learners are available at <http://www.ed.gov/ocr/ellresources.html>.

Nondiscrimination in discipline. Data collected by OCR have demonstrated significant disparities in the use of exclusionary discipline (such as suspensions or expulsions) against students of color and students with disabilities in many schools across the country, and that an increasing number of students are losing important instructional time due to exclusionary discipline.²⁴ All public schools, including charter schools, are obligated to avoid and redress discrimination in the administration of school discipline on the basis of race, color, or national origin; disability; and sex. This obligation applies over the entire course of the disciplinary process, from behavior management in the classroom, to referral to an authority outside the classroom because of misconduct, to resolution of the discipline incident. The *Guidance on the Nondiscriminatory Administration of School Discipline*²⁵ offers detailed assistance on how to identify, avoid, and remedy discriminatory discipline. The discipline guidance document focuses on racial discrimination, but much of its analytical framework also applies to discrimination on other prohibited grounds.²⁶ In addition, when addressing discipline for students with disabilities, it is important that charter schools comply with applicable legal requirements governing the discipline of a child for misconduct caused by, or related to, the child's disability.²⁷

This is by no means an exhaustive list of the legal requirements that apply to charter schools under these Federal civil rights laws. A full list of OCR's guidance publications is available at <http://www.ed.gov/ocr/publications.html>. OCR can provide technical assistance to help charter school authorizers and charter school operators, administrators, board members, and teachers understand and comply with these civil rights laws and other laws enforced by OCR.²⁸

OCR is also available to provide technical assistance to students, parents/guardians, community-based organizations, and other stakeholders who are interested in learning more about the Federal civil rights of students and parents and the responsibilities of charter schools. The Federal civil rights laws prohibit retaliation and intimidation against those who contact OCR to gather information about their rights or who file a complaint. It is also unlawful for a school to retaliate

²⁴ See OCR and Department of Justice, *Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline* (January 8, 2014) at pp. 3-4, available at <http://www.ed.gov/ocr/letters/colleague-201401-title-vi.pdf>.

²⁵ *Id.* See also Department of Education guidance package on Student Climate and Discipline, including a Guiding Principles of Reform non-regulatory guidance, a Directory of Federal Resources, and a Compendium of State Laws and Regulations on School Discipline, available at <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>.

²⁶ See *Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline*, at pp. 2-3.

²⁷ 34 C.F.R. § 104.35(a). See generally 34 C.F.R. §§ 104.4, 104.32-36.

²⁸ In addition to the statutes discussed in the letter, OCR enforces the Age Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.*; 34 C.F.R. Part 110; and the Boy Scouts of America Equal Access Act of 2001, 20 U.S.C. § 7905; 34 C.F.R. Part 108. The Department of Justice enforces Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c *et seq.*, and the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703.

against an individual for bringing concerns about possible civil rights problems to a school's attention.²⁹

SEAs and charter school authorizers have an important role in assisting charter schools with civil rights compliance. Every SEA or charter authorizer that receives Federal financial assistance has, as a matter of Federal law, an obligation to ensure that any charter school to which it provides a charter, money (regardless of whether they are Federal or State funds), or other significant assistance, is not discriminating.³⁰ In addition to SEAs and charter school authorizers, States can designate other agencies to take, investigate, and resolve complaints of discrimination by charter schools. Together with OCR, these entities can all provide technical assistance and support for charter schools, parents, and students.

If you have any questions or would like technical assistance on these issues, I encourage you to contact the OCR office in your region. I particularly urge individuals designated to coordinate charter schools' compliance with the civil rights laws to seek OCR's assistance whenever needed.³¹

The list of OCR offices is available at <http://wdcrobcop01.ed.gov/CFAPPS/OCR/contactus.cfm>. You may also contact OCR's Customer Service Team at (800) 421-3481 or ocr@ed.gov.

Thank you for your commitment to improving public education and providing high-quality educational opportunities to our nation's students.

Sincerely,

/s/

Catherine E. Lhamon
Assistant Secretary for Civil Rights

²⁹ 34 C.F.R. § 100.7(e) (Title VI); 34 C.F.R. § 106.71 (Title IX) (incorporating 34 C.F.R. §100.7(e) by reference); 34 C.F.R. § 104.61 (Section 504) (incorporating 34 C.F.R. §100.7(e) by reference); 28 C.F.R. § 35.134 (Title II); *see also* OCR *Dear Colleague Letter on Retaliation*, available at <http://www.ed.gov/ocr/letters/colleague-201304.html>.

³⁰ *See, e.g.*, 34 C.F.R. §§ 100.3(b)(1), 100.3(b)(2), 100.4(b) (Title VI); 34 C.F.R. § 104.4(b)(1)(v) (Section 504); 34 C.F.R. § 106.31(b)(6) (Title IX).

³¹ 34 C.F.R. §§ 106.8(a) (Title IX) (requiring each recipient of Federal financial assistance to designate coordinator); 104.7(a) (Section 504) (each recipient with at least 15 employees); 28 C.F.R. § 35.107(a) (Title II) (each public entity with at least 50 employees, regardless of whether they are a recipient of Federal financial assistance).

3

SOMERSET GOVERNING BOARD INTERVIEW

Indian River County School Board

1990 25th Street

Vero Beach, Florida 32960

September 15, 2015

1:30 p.m. - 3:14 p.m.

IN ATTENDANCE:

Bruce Green, IRC School District

Carter Morrison, IRC School District

Patrick McCarty, IRC School District

Christina Hayes, IRC School District

Deborah Long, IRC School District

Dr. William Fritz, IRC School District

Chris Taylor, IRC School District

Deb Berg, IRC School District

Suzanne D'Agresta, Esquire, IRC School District

Todd German, Somerset Board Member

Ana Diaz, Somerset Board Member

Dania Pestana, Somerset

Ricardo Moreno, Somerset

Raul Martinez, Somerset

CERTIFIED COPY

Adriana Lima, Academica

Charles A. Gibson, Esquire, Somerset

P R O C E E D I N G S

1
2 MR. GREEN: Welcome everybody. My name is
3 Bruce Green. I'm the Assistant Superintendent for
4 Technology and Assessment for the School District. I
5 apologize you don't get Dr. Ferrentino today. I know
6 he's been coordinating a lot of it and working through
7 the application process, but he had to be out of town
8 today. So he's asked if I would help facilitate the
9 process.

10 Just some logistics, our Board public notice
11 is, the elementary application from one to three and
12 the middle school application from three to five and
13 that's -- We don't have to go till 5:00 o'clock for
14 sure. That'll just depend on the questions and, you
15 know, if everybody gets everything answered that they
16 want answered. So seeing the time, I think what we'll
17 do is go around and do some introductions for
18 everybody; and then we want it to be as informal as
19 possible and give some give-and-take and have
20 everybody ask questions. And many -- I think
21 everybody here is part of the Application Review Team
22 in some fashion or another or providing input. So
23 rather than go -- And Dr. Ferrentino didn't leave me
24 any directions. So I'm going to do it the way I want
25 to do it. Rather than go individual -- Because

1 Patrick is going to be very focused on food service,
2 that may be a section later on. So I think what I'll
3 do is go just section by section and see how -- you
4 know, we'll go until everybody's out of questions or
5 everybody's satisfied with covering that particular
6 section; and then we'll move to the second section and
7 we'll go that way through each application.

8 Then around 3:00 o'clock, just knowing that
9 it's publicly noticed as the middle school
10 application, we'll try to shift gears a little bit and
11 cover anything about the middle school we didn't
12 uncover during the elementary section and maybe
13 there's some different questions about -- They are two
14 separate applications. So there might be a different
15 question that might be posed.

16 So with that, since I started, I guess we'll
17 have our guests go first. We do have microphones. So
18 they should be -- These kind are okay. The kind you
19 have there, you may have to pull a little bit closer.
20 They're a little less sensitive. We do have a court
21 reporter. So if we can try not to speak over each
22 other, that would be good for her. So go ahead.

23 MS. LIMA: Hi. I'm Adriana Lima. I work
24 with Academica. At the direction of the Somerset
25 Board, I assist in charter school application writing

1 and help with start-up charter schools.

2 MR. GERMAN: I'm Todd German. I'm a Board
3 member from Monroe County.

4 MS. PESTANA: I'm Danai Pestana. I'm the
5 School Administrator of Somerset Academy South Miami.

6 MS. DIAZ: I'm Ana Diaz, Somerset Board
7 member.

8 MR. MARTINEZ: Raul Martinez, Somerset Board
9 member.

10 MR. MORENO: Ricardo Moreno, consultant to
11 the Board for budget and finance.

12 MR. GIBSON: Charles Gibson, general counsel
13 for Somerset.

14 MR. McCARTY: Patrick McCarty, Food &
15 Nutrition Services Director.

16 MS. HAYES: Christina Hayes, District ESE
17 Program Specialist.

18 MS. D'AGRESTA: I'm Suzanne D'Agresta, I'm
19 the School Board attorney.

20 MS. LONG: Deborah Long, Director of
21 Secondary Education.

22 DR. FRITZ: Bill Fritz, Assistant
23 Superintendent for Human Resources and Risk
24 Management.

25 MR. TAYLOR: Chris Taylor, Director of

1 Assessment and Accountability.

2 MS. BERG: Deb Berg, Director of Elementary
3 Education.

4 MR. MORRISON: Carter Morrison, C.F.O.

5 THE COURT REPORTER: Marcella Samson, Court
6 Reporter.

7 MR. GREEN: Okay. So with that, we'll go
8 section by section. So forgive me, but Section 1 is
9 Mission: Guiding Principles and Purpose. So I'm just
10 going to open it up and see if anybody has questions
11 in that particular sections. We'll ask them, we'll
12 just have a little conversation and we'll flow through
13 and see how the time goes.

14 Anybody have any questions in Section 1?

15 MS. BERG: I have one. What percent of
16 fifth grade students leave the replication schools --
17 so this is probably gauged at you right now -- fluent
18 in oral and written language, other than English; how
19 is this measured or determined?

20 MS. PESTANA: The language?

21 MS. BERG: Yes.

22 MS. PESTANA: Spanish, Mandarin?

23 MS. BERG: Correct.

24 MS. PESTANA: It's assessed through yearly
25 testing. Students take -- Necessarily in Miami-Dade

1 County students don't take an assessment for language.

2 MS. BERG: So you don't keep records as to
3 how many of the kids are fluent when they leave you?

4 MS. PESTANA: In the language, Spanish or
5 Mandarin, currently we don't.

6 MR. GREEN: Any other questions in Section
7 1? No?

8 Section 2 is the Target Population and
9 Student Body.

10 MS. BERG: That's me again. The first one
11 is how do you advertise -- how do you plan to
12 advertise your school across our district; what are
13 your plans for advertising?

14 MR. GERMAN: Ana, you want to go?

15 MS. DIAZ: Well, I mean, typically, we use
16 the fliers, word of mouth. How do we advertise for
17 students? We have a very successful Somerset brand
18 name and it's just that. Providing -- you know, we
19 can reach out to parents through mailers, fliers,
20 things like that, to let them know that we're
21 available as an alternate choice to public school
22 education. That's our purpose to provide some parents
23 with additional choices in education.

24 MS. BERG: This is kind of a follow-up. I'm
25 sorry, go ahead.

1 MS. LIMA: We have a partnership currently.
2 We've been working with the Indian River Charter High
3 School, with Cynthia Aversa. She's also noted that
4 once ideally if we have approval from your Board, that
5 she will be happy to host parent meetings with her
6 school to see if any siblings from the students at her
7 school will be interested in attending Somerset.

8 MS. BERG: This is kind of a follow-up and
9 you may have just kind of walked into the next
10 question, as well. Are you planning to just focus on
11 a particular section of the District? What I noticed
12 was that the majority of the schools that are in the
13 application are from our south or central, which
14 obviously is nearer the charter high school.

15 MS. LIMA: I mean, I think that's better
16 directed at the Board, but ideally I think the school
17 would want to be somewhat nearby the charter high
18 school with plans to matriculate.

19 MS. BERG: At that point, have you decided
20 where you would be located?

21 MR. GERMAN: Right now we don't, we don't
22 have a location.

23 MS. BERG: Are you in negotiations?

24 MR. GERMAN: We're looking at a number of
25 different things. Obviously, in negotiations, we

1 don't want to play our hand with which ones they are.
2 There was a site looked at awhile ago, but it's still
3 on the table. There's a few others that are sort of
4 in the working with, but nothing is in concrete yet.

5 DR. FRITZ: If the school is not to be
6 located in a diverse area of the county -- The county
7 is fairly segmented in the way it's laid out -- and
8 based on racial population, how will the Desegregation
9 Order that we're under be followed, given that the
10 reasonable distance stated in the application plan
11 would basically create a two to four-mile radius
12 around the school?

13 MR. GERMAN: Charles, do you want to, in
14 some part, address that?

15 MR. GIBSON: The Desegregation Order that
16 you all have in place, I mean, we're going to follow
17 all the procedures to make sure that we're not -- that
18 we are in compliance. Now, in terms of those
19 mechanisms, it would just have to depend on what our
20 turnout would be and that would depend on what
21 location. So it would be kind of premature for us to
22 give you a specific answer because, number one, we're
23 not sure on our location; and there's reasoning behind
24 that. And secondly, of course, we're going to follow
25 whatever the law is here to ensure that we're not --

1 that we are in compliance. So it's just kind of in
2 flux, but we have a diverse network. So we don't have
3 a problem with doing that and, in fact, we encourage
4 it. It is a plus to our network to have a diverse
5 group of children learning from each other.

6 DR. FRITZ: I'll ask a follow-up. Given the
7 transportation plan, I think initially it's parent
8 option and then there's undue hardship. You indicate
9 that the school would provide transportation within a
10 reasonable distance, which appears to be, under
11 statute, within two to four miles of the school.
12 There are a number of locations in Indian River County
13 where that distance would create a very unbalanced
14 population. In fact, most areas of this county are
15 designed that way, especially in the western end of
16 our county. And so if you're saying you're going to
17 follow the mechanisms that we use -- For example, we
18 transport students outside of the two to four-mile
19 radius in order to make that happen. We offer a
20 full-fledged food service program in our school in
21 order to make that happen. It appeared the scope of
22 your food service program is more limited. So some of
23 the things that we're doing in our school system don't
24 appear to be replicated in the application.

25 So I'd be curious about, given the

1 limitations you have with transportation -- It appears
2 you're funding one bus route, if needed -- how would
3 you follow the work plan? Because our plan
4 necessitates transportation identification of racial
5 geography within the county and maintain between nine
6 and 27 percent African-American students in the
7 school. How would you do that, if you were to
8 geographically choose to be in a location of the
9 county that's not --

10 MR. GIBSON: One of the things I think we
11 have to be careful on, and I'm not sure how you all
12 handle it, but we have to be careful on having
13 specific target numbers. Because I don't think it
14 does anyone a service if we hypothetically get a
15 turnout of less than that percentage and then what
16 would be the downside to that, would we just kind of
17 remove other students? So we have to be careful on
18 how we proceed legally, as well, because, as you know,
19 we can't do our admissions based on race. And so
20 depending on our turnout, then we would have to modify
21 of how we allocate our resources. And so, again, that
22 dictates on what kind of students who actually want to
23 attend and it also dictates where we're located.

24 So, again, to give you a specific answer is
25 difficult because, again, we don't want tip our hand

1 if we're doing some negotiation. This is public
2 record. So those people who are currently in
3 negotiations will know oh, okay, so this site is
4 identified, so now we're going to renegotiate or raise
5 the price. So we have to be extremely careful on how
6 we address that.

7 But, again, we will follow all of the
8 necessary laws to make sure we're in compliance. And
9 it's not that we're trying to divert the answer or
10 shift the answer, but we have to be careful on what
11 we're saying and also where we're located so.

12 DR. FRITZ: I think we understand the reason
13 for not sharing where there might be potential
14 negotiations. That makes sense. The question is
15 hypothetical in that if the school was located in one
16 of the areas of our county that is not as diverse as
17 others, there are a number of locations where that
18 transportation plan that's been proposed would not
19 yield a diverse population. There might need to be
20 additional steps taken.

21 So my question was related to, if it was
22 located in one of those areas, how you would go about
23 replicating what we're doing when it's not in your
24 application? Your application does not speak to a
25 plan to address that type of transportation, which we

1 offer.

2 I also will add, our Desegregation Order in
3 this county does have specific numerical targets for
4 students in each of the schools and we're held to
5 those targets under the Deseg. Order. We're required
6 to have between nine and 27 percent African-American
7 students in each of our schools. And if we have a
8 school that does not have that, we need to take
9 additional affirmative steps to make sure that we're
10 moving toward that, which we are taking. I didn't
11 really -- I saw a mention of the Deseg. Order in the
12 application, but I didn't see anything specific about
13 how that would be addressed, if the school was in a
14 less diverse area.

15 MS. DIAZ: So at the time when we do have a
16 location, it's determined that we're not in compliance
17 with the Desegregation Order, we would take steps, at
18 that point with our attorney, to make sure that we are
19 targeting what we need to in order to come into
20 compliance.

21 DR. FRITZ: And would that include provision
22 of transportation?

23 MS. DIAZ: If it needed to, yes.

24 DR. FRITZ: Thank you.

25 MS. BERG: In your plan you've listed

1 numerous curriculum and technology programs that you
2 plan to use. However, in looking at the budget, the
3 amount that was listed in there was quite minimal.

4 What are you planning to use to cover all
5 the things, including the technology software, as
6 well, as the hardware?

7 MS. DIAZ: So most of the technology that we
8 have nowadays -- I mean, I'm a principal of a school.
9 So a lot of it comes with the textbooks that we
10 purchase. The technology is embedded in that. In
11 addition, there's tons of programs out there that are
12 more than reasonable in terms of prices and they're
13 coming down every day. I run a school and we're able
14 to use top-of-the-line technology programs at
15 excellent prices.

16 And I know that our budget analyst has put
17 in some -- I was looking over this myself and I said,
18 yes, they're very healthy numbers and we can
19 definitely have a robust program with these that he's
20 announced.

21 MS. BERG: I happen to notice one of them
22 that we are using in two of our -- one of our schools
23 here and it's very expensive: SuccessMaker. So that's
24 one that I was most concerned, on top of everything
25 else that you're adding, that that would be -- the

1 amount that you have listed in there would be
2 extremely minimal.

3 MS. DIAZ: But, as you know and so do I,
4 these programs change on a yearly basis. And actually
5 SuccessMaker was one of the programs we initially used
6 about three years ago and found it wasn't worth what
7 it was costing us and we went with a more economical
8 program.

9 So, again, it's going to be based on
10 averages and what we spend on our technology right
11 now, according to what I see and what I see in my own
12 budget as a principal, this is more than a feasible
13 amount.

14 MR. GREEN: Just from the technology guy, I
15 wonder if we could follow up with a few questions. I
16 notice in the application you talk about mirroring our
17 digital classroom plan. As you know, the District has
18 had a digital classroom plan and one of our
19 initiatives is a Bring-Your-Own-Device initiative. I
20 was looking in the parent/student handbook at the
21 South Miami school and it says electronics are banned
22 and cell phones cannot be turned on.

23 So how would you implement a Bring Your Own
24 Device; is that something you're looking at doing as a
25 hardware?

1 MS. DIAZ: So my understanding is that
2 section you're looking is actually a district policy
3 for wireless devices. Is that what you're referring
4 to?

5 MR. GREEN: No. On the school, the South
6 Miami Elementary, the one that says you're
7 replicating, if you go to the parent/student handbook
8 on the website of the school, if you go to the
9 electronic section --

10 MS. PESTANA: Currently every classroom has
11 one of these carts actually with 25 laptops for each
12 student. So students don't need to bring their own
13 technology.

14 MR. GREEN: I saw BYOD in the application.
15 So I thought maybe you were doing it. So if you're
16 providing a cart, just to follow up with Deb, the
17 software might be covered, but are all the classrooms
18 going to have a cart of devices?

19 MS. PESTANA: Currently at our school we do,
20 uh-huh.

21 MS. DIAZ: And I believe it's in the budget.

22 MR. MORENO: Yeah. You have about \$30,000
23 for that in the budget.

24 MR. GREEN: For a cart for each classroom?

25 MR. MORENO: Basically computer and

1 equipment, yeah, computer and equipment direct for
2 instruction. Then you have another line item for --

3 MR. GREEN: Is that per classroom?

4 MR. MORENO: No, that's total.

5 MR. GREEN: So how many classrooms are you
6 anticipating having at the elementary level?

7 MR. MORENO: The elementary you're going to
8 have seventeen the first year is what's expected. So
9 you're doing about \$1800 per classroom and that's
10 basically on a lease rate. So you're taking whatever
11 the number is and divide it by three.

12 MR. GREEN: So those are around \$16,000 a
13 cart. So I'm just wondering --

14 MR. MORENO: Well, there's a combination of
15 the instructional material within the classroom and
16 the cart. So once you add the two together, there's
17 enough money to do that. So if you're looking at --
18 Let's say, at the expected number you're probably
19 spending around \$30,000 in total for that equipment on
20 a lease. So that equates to about \$90,000 worth of
21 equipment. That \$90,000 worth of equipment for 315
22 kids is more than sufficient amount of equipment
23 that's required for that.

24 MR. GREEN: Okay, thank you.

25 DR. FRITZ: Follow-up on Chapter 2, if I

1 can. So in two different articles in the Miami Herald
2 in 2015 it indicates that Somerset Academy South Miami
3 has been challenged to bring racial disparity on the
4 campus. You're probably aware of that. The report
5 indicates that 1.1 percent of the students at the
6 school are black, while 17 percent of the community is
7 black. Indian River County happens to be about
8 70 percent African-American and is under, as I
9 mentioned earlier, a Desegregation Order.

10 So what would be done differently in Indian
11 River County than is happening at the school that's
12 being replicated: South Miami?

13 MR. GIBSON: Just so I can give you some
14 background on that, I think that the news article
15 didn't get their facts straight, number one.

16 DR. FRITZ: Okay.

17 MR. GIBSON: And so their numbers I know are
18 not correct. In Miami-Dade County, specifically in
19 that particular area, there are what I would call
20 legacy schools. So when Somerset South Miami
21 initially opened, it wasn't a legacy school, it was a
22 new school. In that area, there are about three
23 schools that I would call legacy schools.

24 What I mean by legacy schools is you have
25 schools that parents went to, grandparents went to.

1 DR. FRITZ: I know that community, I'm
2 familiar with it.

3 MR. GIBSON: So a lot of the parents say
4 well, my child is going to Ludlow Elementary, which is
5 one of the schools in that area, if you're familiar
6 with it. My child is going to Carver. My child is
7 going to South Miami Elementary, which is a public
8 school. My daughter went to South Miami -- I mean
9 middle school. So a lot of parents gravitated to
10 those legacy schools and what end up happening, they
11 made a decision of not going to the new school, which
12 is understandable.

13 You have parents who are familiar with
14 another school, they may be familiar with teachers.
15 As you all know, some teachers have been in schools
16 for twenty years. They were the teachers of the
17 parents. I mean, I had that situation. So a lot of
18 the parents elected not to choose Somerset South
19 Miami.

20 Now what happened was, because of the
21 economic downturn, a lot of the children who were
22 going to private schools, their parents could not
23 afford to go to private schools. So they said well,
24 you know what, we heard about Somerset. A lot of the
25 parents look on the internet and they have to make

1 other choices. They appreciated the language program
2 that Somerset had and they were willing to take a
3 chance. So the school was filled up by parents who, I
4 mean, had some economic difficulties, parents who were
5 developers, parents who were well off and some parents
6 who weren't well off. So it just happened. So a lot
7 of those parents, those children filled up the
8 schools.

9 So what was happening was it end up that the
10 number in the area may have been a certain amount, but
11 even those schools in that area weren't an absolute
12 mirror image of the demographics. So Ludlum, which is
13 probably about maybe two miles away, I'm not sure of
14 the mileage, but in terms of maybe two or three miles
15 away isn't 27 percent. I'm thinking it may be -- What
16 is Ludlow, 12 percent? Well, whatever it is, it's not
17 an identical reflection.

18 Now, South Miami Elementary and Middle
19 School -- I hate to take up all this time about this
20 one issue, but I'm speaking on it because I was
21 involved in it -- they're probably closer to it. What
22 is the reason? I have no idea.

23 There is another school, which is probably
24 about four miles away, which is about four percent,
25 which is higher than us and they're a little bit

1 further away from us. So I think it had to do more
2 with parent choice. Some parents -- I just want to be
3 frank. Some parents, they're familiar with their
4 school and they want to go to that school and it's
5 kind of hard to change that.

6 Not only that, when we initially opened up
7 Somerset South Miami, we did door-to-door service. We
8 went to the community center, which is located in the
9 heart of that area, which is literally across the
10 street from the school, and I can tell you personally
11 there wasn't a turnout. We did the fliers, we did the
12 leaflets and we may have had maybe two or three
13 parents to even sign up at the time.

14 MR. MARTINEZ: I'm a parent at that school
15 and I've been a parent there since day one and in a
16 mile and half away from the school. I was not a Board
17 member at the time. Actually, I signed my kids up. I
18 was familiar with Somerset and we were very pleased.

19 During that same economic downturn that
20 affected a lot of folks, it affected me and I went and
21 I became a substitute teacher at the school. I ended
22 up being a substitute teacher there for two years. I
23 became familiar with the process. I bought into the
24 system. I was very excited about it. Now I have two
25 kids that go to school there.

1 I remember year one a lot of folks didn't
2 want to go to the new school; and I remember the
3 door-to-door campaign. And there was space in
4 classrooms. It didn't fill up the first year. The
5 next year, after it's success, all of a sudden you had
6 a waiting list of a thousand folks and now everybody
7 wants to go, yeah. Nobody wanted to take a chance.

8 We took a chance because we believed in it
9 at the time and we thought it was a good idea and it
10 worked out for us. After I spent a couple of years
11 there, you know, I saw the success that it had and the
12 success my children have.

13 MR. GIBSON: And then leading -- just
14 spring-boarding off of that, when you get into the
15 legal aspect of it, you know, once a certain
16 demographics are put into place and because we're not
17 under a desegregation order, that doesn't give us the
18 flexibility to kind of integrate strategically. What
19 we're mandated to do by Florida Statute is we can have
20 a lottery system and we can have certain preferences
21 based on military, members of the Board -- children of
22 members of the Board and I think -- What was the other
23 one?

24 MS. DIAZ: Siblings.

25 MR. GIBSON: So we are not allowed to say,

1 well, you know, we have a few of these type of
2 students and we wanted to put you in and supplement
3 that lottery process. We just can't do that. We
4 would be subject to lawsuits. So that's kind of how
5 the -- That's the genesis of some of those numbers.

6 Would we like to be more diverse? Of
7 course. We want to have any -- If we could, we would.
8 Again, he said we have a thousand student wait list;
9 and those students who are admitted are really lottery
10 winners in our sibling lottery, not even in our
11 general lottery. So our classrooms are filled out
12 just based on siblings.

13 MR. MARTINEZ: We have four siblings that
14 didn't get in this year, because we have a sibling
15 lottery. In the entire I think it was kindergarten or
16 pre-K, there were siblings that there weren't enough
17 seats for.

18 MR. GREEN: Thank you. Looking from the
19 essence of time, was there any more questions in
20 Section 2, anybody else?

21 MS. LONG: I just want to go back to the one
22 about the digital piece for the technology in the
23 classroom situation. You spoke to that in the
24 elementary round if there's some things we can get
25 down about middle school in this round, we're going to

1 that.

2 What would be that process for the
3 secondary? You stated that you had that money set
4 aside, the 30,000 set aside for elementary technology.
5 What do you have set aside for the middle school
6 piece?

7 MR. MORENO: For the middle school you have
8 less students, you have 235 students for year one; and
9 we put in \$35,000 for technology for that line item.
10 So we actually increase it for there because, as you
11 know, that takes more money for middle school
12 students.

13 MS. LONG: Thank you.

14 MR. GREEN: Anyone else, Section 2?

15 Section 3, Educational Program Design?

16 MS. LONG: And that would be me. This is
17 going so lovely. Question number one, what does the
18 foreign language program you're planning look like in
19 the elementary school?

20 MS. PESTANA: Students receive foreign
21 language 45 minutes a day every day.

22 MS. LONG: That's all of your students?

23 MS. PESTANA: Yeah. And then there's a
24 Mandarin program and in the lower levels they receive
25 an hour a day, because with Mandarin they need a

1 little more time. Many of the students in Miami are
2 already coming from mostly speaking Spanish homes. So
3 when they come across Spanish, it's for the most part,
4 but those that don't, they do receive, you know, the
5 Spanish for Spanish Speakers.

6 MS. BERG: Can I add my question real quick?

7 MS. LONG: Sure.

8 MS. BERG: You mentioned, maybe I need to
9 clarify it, they receive 45 minutes of Spanish, plus
10 they have an hour of Mandarin?

11 MS. PESTANA: No. You are either a Spanish
12 class or a Mandarin class.

13 MS. BERG: Gotcha.

14 MS. LONG: Question number two, are you
15 planning to hire all multi-lingual teachers to handle
16 the section of the day they will be taught the Spanish
17 and the Mandarin?

18 MS. DIAZ: We have to hire whatever is
19 necessary in order to fulfill that need, of course.

20 MS. LONG: So the answer is yes?

21 MS. DIAZ: Yes.

22 MR. GERMAN: Just to clarify your
23 question --

24 MS. LIMA: Not every teacher --

25 MS. DIAZ: Not every teacher will be

1 multi-lingual.

2 MR. GERMAN: -- just the teacher in that one
3 section.

4 MS. LONG: I specified for that section of
5 the day, either that 45 minutes or that hour that you
6 will be delivering those language lessons.

7 MS. PESTANA: Yes.

8 MR. GERMAN: Of course.

9 MS. LONG: Can you kind of tell us what a
10 typical day looks like for a student, an elementary
11 student in one of your classrooms, please.

12 MS. PESTANA: Well, it depends. We could
13 talk about a classroom that the students switch,
14 usually in the fifth grade classroom. We do have a
15 departmentalized model. Students are encouraged to
16 come to school every day at 8:00 a.m. every day,
17 although our day doesn't start until 8:30. We do have
18 those first 30 minutes of the day, 8:00 to 8:30, where
19 students go straight into the classrooms. Teachers
20 have an open-door policy; and that's the time where we
21 really talk to them about using Mathletics, Reading
22 Plus, doing educational programs that we also include
23 in our assignments for the week. So let's say I
24 always have a Mathletics assignment, something to that
25 nature. It's important. We're teaching these

1 standards, you should be assessing what you're
2 learning and practicing. So during that, that's that.

3 Then we begin our morning announcements.
4 And in this day, you would say if you're starting with
5 reading, you have Reading and Language Arts. Teachers
6 also teach History along with Reading. And then you
7 would switch. You have your P.E. every day. You have
8 special areas twice a week. And you have language and
9 then you have an hour of Math. You have -- In the
10 fifth grade level, we try to do an hour of Science,
11 because students are assessed for the FCAT Science.
12 We really integrate reading skills into it, because if
13 you've ever learned science, you realize that it's
14 very important to teach those reading skills, hone in
15 on understanding the text, in order to grasp the
16 material.

17 Then we also have Reading, Writing, the
18 90-minute block, the 30-minute block for writing.

19 MS. LONG: Thank you. And one last
20 question: Can you describe for us how the academics
21 will be taught in both English, as well as Spanish or
22 Mandarin? You said you had a 45 minute set of time.
23 So are you switching them from English to Mandarin or
24 English to Spanish?

25 MS. PESTANA: Usually the teacher comes into

1 the classroom to teach the language. So it's just
2 sections of the day that are split up.

3 MS. BERG: Are they integrating the ELA and
4 the other pieces -- the reading they get done during
5 the day, is it integrated into their Spanish or
6 Mandarin?

7 MS. PESTANA: Many times the teachers work
8 together to set up curriculum, especially around the
9 holidays, if there's like a special program that
10 happens. I know that around February we do the
11 Chinese New Year. So students are taught, teachers
12 also bring in their lessons. They teach about China
13 just to really fortify what they're learning in their
14 language and vice versa, also. The Spanish Heritage
15 month is October and it's celebrated, as well,
16 school-wide event; and students learn about the
17 countries and they develop projects. And many of the
18 things that they're doing in their English classes,
19 they do in their foreign language classes, it's just
20 in a different language.

21 MS. LONG: Thank you.

22 MR. GREEN: Anybody else have questions in
23 Section 3? No?

24 Section 4, the Curriculum Plan?

25 MS. LONG: That's me too.

1 MR. GREEN: That would be either Deb or Deb.

2 MS. LONG: It's got to be Deb number two
3 here.

4 What data do you have to show the benefits
5 academically to the students using this type of
6 bilingual program in the replication school?

7 MS. DIAZ: That will be our regular
8 assessment data. I mean, there's no -- our FCATs,
9 which we don't have this year, we don't have the
10 scores this year, but in the past several years that
11 we've had the program, we have been able to see
12 excellent scores in those areas. So it's definitely
13 working for us.

14 MS. LONG: You only go by the FCAT data, you
15 don't do any formative assessments along the way?

16 MS. DIAZ: Well, each of -- I'm sure the
17 teachers teaching those different subject areas, for
18 example, my Spanish teacher has her own, based on the
19 curriculum that they are to use from the District
20 guides. We have assessments that go with those
21 textbooks and things like that to make sure that
22 they're mastering the standards, given that language.

23 MS. PESTANA: There isn't an extra test.

24 MS. HAYES: So I do have a follow-up
25 question, just for my clarification. Is what you're

1 replicating a bilingual program or is it a world
2 languages program where the student's taught a foreign
3 language or a world language, as opposed to a
4 bilingual program in which they are instructed in
5 content areas in both languages?

6 MS. DIAZ: World language program.

7 MS. HAYES: Thank you.

8 MS. LONG: Some of the curriculum listed is
9 no longer used in the District that you have listed in
10 your application. Do you plan to utilize the same
11 curriculums as the District, as stated in the
12 application process?

13 MS. PESTANA: I think what's important is
14 whatever your county is doing, using the same
15 materials, but also bringing in some of the things
16 that we use that are effective for us to integrate and
17 enhance what we're doing.

18 MS. DIAZ: As you know, things are changing
19 on a yearly basis, sometimes on a monthly basis, at
20 least in Dade County. We're using this this week and
21 no, not this this week. As a principal, I've seen it
22 come and go on a daily basis. We write these
23 applications based on the information that we have in
24 front of us at the time.

25 Our intention is always to follow the

1 curriculum that is given to us, that we develop that
2 is in partnership with the district that we're
3 serving. But at the end of the day, our bottom line
4 is that we instruct to the Florida Standards. So
5 whatever curriculum or whatever program we choose, our
6 bottom line is always the same that our children have
7 a mastery of those Florida Standards in all of their
8 areas.

9 MS. LONG: As we all know, a school's
10 curriculum is essential to its level of students
11 performance. Your application indicates that you will
12 adopt our District's instruction materials and
13 curriculum pacing guides. However, the school you are
14 replicating currently integrates the curriculum
15 developed by Miami Dade.

16 Can you please tell us how you plan on
17 ensuring that your school will be high performing
18 using a different set of instructional materials and
19 pacing guides?

20 MS. DIAZ: Again, both curriculum, their
21 bottom line is mastery of the Florida Standards. So
22 that ensures that either curriculum used or whichever,
23 that it has to be a direct replication of how those
24 children will master those standards. So both
25 curriculums are written, as we know, based on the

1 Florida Standards. The pacing guides are more
2 detailed to the materials that you have. So, if in
3 this county, we adopt the materials that the county's
4 using and we can follow those pacing guides. In Dade
5 County the materials differ, if they do -- a lot of
6 times they don't. But if they do, then we would use
7 the pacing guides for those materials in order to, at
8 the end, ensure mastery of the Florida Standards.

9 MR. GREEN: Any other questions for Section
10 4?

11 Section 5, Student Performance Assessment
12 and Evaluation?

13 MR. TAYLOR: Thank you for coming today.
14 Can you please describe to me, in more detail, what
15 the pre and post testing in year one that you're going
16 to administer, in addition to all the other stuff.

17 MS. DIAZ: So pre and post testing in
18 general or pre and post testing for a specific subject
19 area?

20 MR. TAYLOR: In the application, it just
21 says pre and post testing in year one, as well as
22 reports for previous records, but you don't go into
23 detail what the testing is going to look like.

24 MS. DIAZ: So what we require, in general,
25 is that in every subject area there's some type of pre

1 assessment. It's just teacher strategy. Some
2 years -- As you know, it's changed again. Almost on a
3 monthly basis it's been -- I'll just give you an
4 example. Third grade it used to be a Voyager
5 Assessment, which is a fluency based assessment. That
6 was the pre assessment. Then the year after that it
7 became Fair Assessment and then it became i-Ready and
8 these things are changing even faster than the years
9 are going by.

10 So the bottom line is that there will be an
11 assessment. You cannot instruct effectively without
12 knowing where you're children are. So it's essential
13 that any one of our Somerset schools have a system of
14 assessment at the very beginning of the year to
15 determine which way to go with their students.

16 MR. TAYLOR: Will it be a school-based test?

17 MS. DIAZ: It can be a school-based test.

18 It can be the i-Ready, which is what I happen to be
19 using this year, which comes in both math and reading.

20 We have math -- sorry, excuse me -- Science Interim

21 Baseline Assessments that are based on the Florida

22 Standards. They can be developed by the schools as

23 long as they are directly related to those Florida

24 Standards. Basically your standards are your

25 assessment and if you can turn that into a test at the

1 beginning of the year, you're going to be planned out
2 for the year. So that's the intention.

3 MR. TAYLOR: Can you clarify for me which
4 students will take that Sat-10 in elementary school?

5 MS. DIAZ: K, first and second.

6 MR. TAYLOR: K, first and second. Is it all
7 students, including ESE?

8 MS. DIAZ: Yes. Well, unless the IEP states
9 otherwise.

10 MR. TAYLOR: And then FCAT 2.0 Science is
11 only administered to fifth grade students, but your
12 plan shows that students in grade three and four will
13 be taking assessments. Can you explain that.

14 MS. DIAZ: The statement that I just
15 explained. It will have some type of pre assessment
16 and some type of post assessment based on the Florida
17 Standards.

18 MR. TAYLOR: So it's not the FCAT 2.0
19 specifically. It'll be kind of --

20 MS. DIAZ: Correct.

21 MR. TAYLOR: -- kind of like a pre test.

22 MR. GERMAN: It was simply an error in
23 there.

24 MR. TAYLOR: Okay. That's what I was --

25 MS. PESTANA: 2.0 assesses standards from

1 third, fourth and fifth grade. So when you're a fifth
2 grade teacher, who is teaching those students who
3 possibly may never have opened a real textbook and
4 discussed science, it's really important to start
5 assessing those students in the third grade and making
6 sure that they're getting that basic: What is matter,
7 what is solid?

8 MR. TAYLOR: Sure. Thank you.

9 MR. GREEN: Anything else in Section 5?
10 Section 6, Exceptional Students?

11 MS. HAYES: So my first question is how will
12 you meet the needs of all exceptional students who
13 apply to your school? Specifically, how will you meet
14 the needs of students whose needs can be met in the
15 regular class at least 80 percent of the time, but are
16 several grade levels below in another area, as might
17 be typical of students with a specific learning
18 disability?

19 MS. DIAZ: I mean, we are open -- I mean, we
20 accept all students regardless of their disabilities
21 and we basically use their IEP as a guide, which has
22 exactly, you know, the goals and strategies that need
23 to be done in order for the students to meet their
24 needs. Students that are ESE, as well as students
25 that are not considered ESE often fall behind in

1 certain areas. We use the RTI and the MTSS system in
2 response to intervention to ensure that those students
3 are given the appropriate interventions to master
4 their standards. We go through the three-tier system
5 where you have Tier 1, which is the general education;
6 Tier 2 where there's small group instruction; and then
7 we measure the response and if there isn't sufficient
8 response to the intervention, we go to Tier 3, which
9 is even a smaller group with more intensive
10 interventions, and then from there determine whether
11 or not the child can qualify for additional services.
12 And this would work for both ESE students, as well as
13 non-ESE students, as long as you go back to the IEP
14 and determine what are the best supports you can put
15 in for the children. At the end, all that matters --
16 what really matters is their progress towards the
17 standards.

18 MS. HAYES: Okay. So then a follow-up
19 question would be, what exceptional student education
20 service delivery model will the school be using to
21 serve students with more significant disabilities,
22 such as intellectual disabilities, autism spectrum
23 disorder at more significant levels; and how will the
24 human and curricular resources be allocated and
25 organized to address the needs of these student

1 populations?

2 MS. DIAZ: So, again, we can't predict the
3 future, but any -- Our services are going to be based
4 on the student's needs and whatever it is written in
5 their IEP's. So we will provide the service that is
6 necessary for that child to be successful.

7 We cannot limit ourselves and say we're
8 going to only provide this one specific service at the
9 school, because we cannot predict what's going to come
10 out to us. For example, I have a student at my school
11 who's blind. You will say well, how do you service a
12 blind student? I service a blind student perfectly
13 fine, because it depends on the service -- the need of
14 that child and, based on her needs, we're able to
15 service that child.

16 So, again, you can sit -- we can go back and
17 forth and say what if the child has this, what if they
18 have that? It's not about what they have. It's about
19 what they need to be successful. So at the end of the
20 day, our determination as to what services are
21 provided are based on the area of need.

22 MS. HAYES: So could you just help me, be a
23 little more specific of how you would allocate those
24 resources. Right now I see Support Facilitation as
25 the service delivery model that you've indicated for

1 the school.

2 For students with more significant
3 disabilities, how would you allocate those resources
4 to ensure that those subpopulations are served at your
5 school?

6 MS. DIAZ: So based on the child's matrix,
7 that FTE would go up and we would use those funds in
8 order to provide the services needed for that child.

9 MS. HAYES: The next question would be --

10 MR. GERMAN: Did that answer your question?
11 Your face doesn't --

12 MS. HAYES: When I looked at your matrix,
13 right now the projections are only kids at the lowest
14 end of the matrix. So there's not -- I don't see any
15 projected any more significant than their baseline.
16 So I was just curious as to how that would be
17 reconciled, if you have students that have more
18 significant needs with, it appears, one ESE teacher or
19 resource specialist and teacher?

20 MS. DIAZ: Right. And they're based on
21 averages based on the student population in the area.

22 MS. HAYES: And then you mentioned the
23 multi-tiered system of supports process. Could you
24 walk us through the problem solving team process from
25 core instruction and supports, all the way to

1 incentive interventions and what type of assessment
2 information and problem solving processes you would
3 use to identify student needs in your school?

4 MS. DIAZ: So we have a core team. I mean,
5 every school has a core team of experts who will look
6 at what the area of need is. Basic instruction is
7 Tier 1 where all students, you know, receive general
8 education instruction which includes differentiated
9 instruction. After that, if the child is not making
10 adequate progress towards the standards, we make a
11 specific measure and the team will get together and
12 decide what specific area does this child have needs
13 in. So we're not going to give them extra math time
14 when, in fact, it's reading that's the problem. So
15 the problem solving team is the one who develops or
16 determines the area of need.

17 Then we go through a selection process to
18 see what supplemental supports, what intervention
19 strategy would be best suited for those children. We
20 can do that both with the teachers that are there. We
21 usually invite something like a grade level
22 chairperson. This is a model that's done for all of
23 our Somerset schools.

24 At that point, we provide a timeline and say
25 okay, we're going to implement these interventions for

1 this specific area, for this specific need. And we
2 measure progress periodically. Depending, again, what
3 the need is, it could be weekly, could be bi-weekly.
4 Measure that data, come again in a couple of weeks,
5 review the data and determine whether or not the child
6 is making adequate progress. By adequate progress, I
7 mean is the child making enough progress to eventually
8 hit what we call the Aim Line, which is where everyone
9 else -- where regular students move at.

10 If it's determined that the child needs
11 additional supports in order to meet that Aim Line, we
12 meet again. This time we get a little bit more into
13 what the specific concerns are. A lot of times, these
14 schools will invite a counselor over to see if there's
15 additional problems. But the bottom line is several
16 experts will get together to determine the area of
17 need and find the best resources for that child.

18 At the Tier 3 level, it's much more intense
19 at that point. You're having a two-to-one ratio,
20 maybe three-to-one ratio with one teacher, three
21 students working specifically in an area to determine
22 whether or not that child is making adequate progress.
23 From there, again, we can always -- you know, we can
24 meet intermittently, assign specific assessments that
25 will tell us exactly what the areas of improvement

1 need to be and then, again, come together and decide
2 the best course of action.

3 MS. HAYES: How does the proposed budget
4 support related support services, particularly at the
5 middle school level, for example, speech language
6 services, occupational therapy services, physical
7 therapy services, counseling services that students
8 with disabilities need, as well as the need of
9 students who are gifted?

10 MR. MORENO: For the budget, you do have in
11 there additional services to -- I'm trying to get the
12 exact numbers that we have. But there is contracted
13 professional services beyond the counselors and it's
14 set for the middle school at about \$850 per ESE
15 student for those contracted services.

16 MS. HAYES: For all of the therapy services
17 they may need during the year?

18 MS. DIAZ: Correct.

19 MS. HAYES: And then what role do you
20 foresee the District playing in determining
21 eligibility for services under IDEA and Section 504?

22 MS. DIAZ: My understanding for Dade County
23 is that we work with -- Indian River County to
24 determine eligibility for services. After our student
25 has gone through all three tiers of the RTI, MTSS

1 system supports, a meeting is held with the parents to
2 determine whether or not the child meets eligibility
3 for specific services; and, at that time, those
4 services will be rendered.

5 MS. HAYES: What do you see the District
6 staff's role from the School District in that
7 particular process; how do you foresee us supporting
8 you in that?

9 MS. DIAZ: Well, at that point, this
10 District would serve as the LEA so that --

11 MS. HAYES: Do you all employ your own LEA
12 or is your expectation that the LEA will be
13 represented by the District?

14 MS. DIAZ: In meetings that are held prior
15 to the determination of whether or not a child is
16 eligible for services, the school is its own LEA.
17 After that point, when the District now has to work
18 together to determine eligibility status, then the
19 District staffing specialist would work with our
20 schools to determine eligibility, at that point, they
21 are the LEA at that meeting.

22 MS. HAYES: So you all have a district
23 staffing specialist from the actual District that
24 comes out to --

25 MS. DIAZ: Correct.

1 MS. HAYES: And then the last one is I
2 commend you for wanting to adopt and implement the
3 sponsor's policies and procedures with respect to
4 serving students with disabilities.

5 Have any of you personally read those
6 policies and procedures to be certain that you could
7 fully implement them for exceptional students, our
8 policies and procedures of the District, given we have
9 many policies and procedures to ensure compliance with
10 federal and State statutes?

11 MS. DIAZ: Do you use different from the
12 State requirements?

13 MS. HAYES: There are some we have to submit
14 to the State that are different.

15 MS. DIAZ: Because I'm very familiar with
16 the State's requirement. As far as most districts, we
17 will follow their statutes, as well. I don't know.

18 MS. LIMA: In the application it does list
19 that the school will abide by the sponsor's E&P.
20 Anything above -- anything that's required above what
21 the State requires, I'm sure the school would abide by
22 it. The District requires it.

23 MS. HAYES: I thank you.

24 MR. GERMAN: Are there -- I mean we said
25 we'd do it.

1 MS. LIMA: I don't know specifically if
2 there's any.

3 MR. GERMAN: We're the Board and we -- I can
4 read some of that and it won't necessarily mean a
5 whole lot to me, but I can say if our name is on it,
6 we will abide by it.

7 MS. HAYES: We just want to ensure that
8 you're able to fully implement those. That's the
9 question.

10 MR. GERMAN: Well, if you see that there's
11 some gotchas in there, we'd love you to point them
12 out.

13 MS. HAYES: There's not gotchas. It's just
14 additional things like we require, for example, for
15 SLD eligibility, some of the districts do not require
16 school psychologist to be in attendance there. And
17 depending on how you all do services, either a
18 prorated share or have a District employee, that would
19 need to be -- there's additional evaluation
20 requirements. Our District requires beyond what's
21 there in Florida Statute. So it's a number of those
22 types of things, as well as some compliance procedures
23 for timelines. For example, in the application, it
24 said 60 days of enrollment the evaluations would be
25 completed, when actually it's 60 calendar days there

1 have been changes. So we just wanted to make sure
2 you'd have the staff to do that.

3 MS. DIAZ: Those changes were done recently,
4 I know that.

5 MS. HAYES: Back in July.

6 MR. GERMAN: If I could speak to this in
7 general terms, we want to -- we're going to cooperate
8 and get along on these kinds of things, especially
9 with ESE children, in any way that we can. Most of
10 the things that -- This is little details in the
11 wording. Of course, we're going to cooperate and do
12 the rest.

13 It doesn't sound like there's any major
14 difference. I think that most of our standards
15 probably exceed what we normally have to do anyway.

16 We're looking to cooperate. We're certainly
17 not looking to, after the fact, say no, we don't have
18 to do Line 6, we have to do Line 5. We're going to do
19 everything in the best interest of the child.

20 MS. HAYES: Thank you.

21 MR. GREEN: Anybody else for Section 6,
22 Exceptional Students?

23 Section 7, EL, English Language learners?
24 Nothing.

25 Section 8, School Climate and Discipline?

1 MS. HAYES: I'm reading this on behalf of --
2 There's just a couple of questions in this section.
3 The first one was, how will school staff share the
4 Code of Student Conduct information to comply with the
5 Florida State Statute 1006.07?

6 I can reference that one for you. It
7 indicates that "The code shall be organized and
8 written in language that is understandable to students
9 and parents and shall be discussed at the beginning of
10 every school year in student classes, school advisory
11 council meetings and the parent and teacher
12 association or organization meeting."

13 I guess the question is that the application
14 just refers to giving it to parents at this point.

15 MS. DIAZ: So are you asking whether or not
16 we're going to have parent meetings at the beginning
17 of the school year?

18 MS. HAYES: No. In the statute it says that
19 it needs to be shared with students, as well. So all
20 of our schools have plans for how we share that with
21 all of our students within our schools, but we didn't
22 see any reference and we wanted to ensure that we're
23 in compliance with that statute, as well.

24 MS. DIAZ: Yes absolutely. Every teacher
25 needs to go over that with their students at the

1 beginning of the school year. In addition, we have
2 parent meetings at the beginning of every school year
3 to review any policies or any concerns or questions
4 they may have, in addition to it being on the website.

5 MS. HAYES: Then next, what option will the
6 school have for a student when the Suspension and
7 Expulsion Review Team determines that a student should
8 return to Somerset, instead of being placed in an
9 alternative setting or recommended for expulsion?

10 MS. DIAZ: If that's the recommendation,
11 then that's we will do. I mean, our number one goal
12 is to keep every student in our buildings all the
13 time. It's never to the point or the intention of us
14 to try to suspend or expel students. I mean, you're
15 talking about cases that are so few and far between,
16 that at that moment we're going to work with the
17 District in any way we can to ensure that that child
18 is given the opportunity to continue their education
19 with us. There is no indication in any of our
20 locations that we wouldn't do something like that.

21 MR. GREEN: Anything else on School Climate
22 and Discipline?

23 Anything for Section 9, Governance?

24 MS. D'AGRESTA: That's me. Hi, I'm Suzanne
25 D'Agresta again, just in case you don't remember my

1 name. I recognize some of your faces from the last
2 time some of you were up in town. So welcome back and
3 thanks for taking some time to chat with us today
4 about your application.

5 My questions are -- It looks like your
6 elementary and middle applications are very similar in
7 the governance area. So my questions are going to
8 hold over for both elementary and middle. So I don't
9 think there will be differences, but let's see where
10 we go.

11 I saw in this particular section, again, a
12 parent/school dispute resolution process. It's like
13 five or six steps where parents can get their issues
14 resolved and the very last step was for a parent, of
15 course, to come to a Governing Board meeting and have
16 that discussion. I looked at your list of charter
17 schools. Of course, you guys have charter schools a
18 lot in the southern part of the state.

19 With regard to a parent here in Indian
20 River, in Vero Beach, and they need to come to your
21 Governing Board meeting, how frequently are you
22 anticipating having a meeting here in Indian River
23 where a Vero Beach parent could come and say, hey,
24 I've got this problem, this issue that I want to talk
25 with you about; can you give me an idea of how

1 frequently you're planning to meet here in Indian
2 River?

3 MR. GERMAN: You guys are looking at me.

4 MS. D'AGRESTA: You've been elected.

5 MR. GERMAN: We've had a lot of discussion
6 about this as we go. We are still committed to have
7 Board meetings physically in each county twice a year,
8 but parental contact with the Board is one of the most
9 important things I think we have as Board members. So
10 we don't have it completely figured out, but we're
11 looking into doing some kind of worthwhile video
12 conferencing that we can set up. If we know there's a
13 complaint coming, we would absolutely be able to set
14 up something at one of the schools to remote into the
15 Board meeting wherever it may be. And then eventually
16 we should be able to have so that at any Board
17 meeting, we have some point at the school that if
18 someone wanted to go -- You know, your board meetings
19 here, the public I assume doesn't show up in droves
20 for every board meeting. There are some ways you can
21 predict when there's going to be some interest or if
22 there's someone that wants something on the agenda --
23 And we would know that -- if it's gone through the
24 whole matrix and it's time to talk to the Board, if we
25 don't happen to be in this county, we'll set it up so

1 they can address the Board --

2 MS. DIAZ: In addition to that --

3 MR. GERMAN: -- in a worthwhile way.

4 MS. DIAZ: -- we have schools in San Antonio
5 and I've gotten personal phone calls from parents
6 asking and when they get to me, when they get my phone
7 number, and they can get it and they can get my
8 e-mail -- Actually, they give my e-mail to them and I
9 send them my phone number. We definitely make sure
10 that we address their concerns. I mean, if they're
11 taking it to the level where they're seeing that it's
12 necessary to get to the Board, I make sure that at
13 that next Board meeting we're available for that
14 parent to make sure we address those concerns.

15 I mean, our number one is always to stop --
16 you know, to kind of get along and be as amicable --
17 Our parents are our customers at the end of the day.
18 So, I mean, the processes we have in place I think are
19 really strong. Although we do need to look at,
20 because we're so spread apart, at the satellite site.

21 MR. GERMAN: We're not elected, but we're
22 volunteers, very different than some charter school
23 organizations. But all our numbers and e-mails are
24 very public. So people can and do contact us; and
25 it's one of the most important things we do is talk to

1 parents.

2 MR. MARTINEZ: Right now we're doing two
3 meetings per county across the state.

4 MS. D'AGRESTA: I think that's -- We just
5 want to be sure that parents are answered.

6 MR. MARTINEZ: Absolutely.

7 MR. GERMAN: As do we.

8 MS. D'AGRESTA: That they're not ignored or
9 we'll be back in six months. That's a difficult
10 answer to give.

11 I saw in some of your corporate paperwork
12 that you've added some positions to your Board, you've
13 added a president and a vice president.

14 What are their roles?

15 MS. DIAZ: Basically our organization has
16 been growing to the point that, as Board members, we
17 found it necessary to have a point person to kind of
18 be able to be our liaison between all the different
19 services that we offer and the Board and the different
20 schools that we deal with and kind of just to be that
21 middle person who helps us out. One great example of
22 what he did for us: A couple Board meetings ago, a
23 parent had a concern. Who's the best person to sit
24 and handle the situation from a different perspective?
25 Being president of that organization and also serving

1 as principal of the school, he had that insight to be
2 able to handle the situation and take care of it. It
3 just is a really nice way to kind of make our
4 organization a little more structured and easy to have
5 somebody to go to.

6 MR. GERMAN: With that also, our president
7 is a professional educator and I would assume that
8 will always be the case. Where our Board has a very
9 diverse background. I need a professional educator to
10 give recommendations what we should do in some
11 instances. I think that's an extremely important
12 role.

13 MS. D'AGRESTA: Do either the president or
14 the vice president have any day-to-day interaction
15 with your schools?

16 MS. DIAZ: With the Somerset schools?

17 MR. GERMAN: Absolutely.

18 MS. DIAZ: Anytime there's a problem of any
19 kind --

20 MS. D'AGRESTA: You said parent at a
21 meeting. I didn't hear anything at the --

22 MS. DIAZ; Well, in addition to that, any
23 schools that are showing that there's a need, let's
24 say academic curriculum, anything, they will be the
25 ones to organize a team, in their professional grasps,

1 to ensure that they get a team to go and assist those
2 schools. So yeah, they are within our schools, as
3 well.

4 MR. GERMAN: Bernie is also a principal of a
5 school. President of Somerset is not his full-time
6 job. It's kind of an additional duty he gets on top
7 of being the principal. He's got a big school and he
8 has a lot of great vice principals. Most of his time
9 is going to our different things.

10 One of the great things, this isn't an
11 application for a single school all by itself. It's
12 part of our whole network. We are very supportive of
13 all of our fledgling schools, any school that needs
14 help.

15 MS. D'AGRESTA: So where do those positions
16 fit in your organizational chart? Because I don't see
17 them in our application. What you're describing
18 sounds wonderful, but where do they fit in your
19 organizational chart?

20 MR. MARTINEZ: Do you have a copy of that?

21 MS. LIMA: Yeah, it's right here. Actually,
22 the president and the vice president are not listed on
23 this chart because this is kind of a reporting chart
24 in the school district, than the Governing Board.
25 It's important to know that the president and vice

1 president are not voting members of the Governing
2 Board. So they're not there, but I guess they would
3 be kind of on the opposite side of where education
4 service provider is, but on the opposite side just as
5 a service under the Board.

6 MR. GERMAN: Adriana's got it right. On
7 Page 84 we have our organizational chart and you have
8 the educational service provider on the right-hand
9 side. If you're picturing it or following along, I
10 would say on the left-hand side. He wouldn't be a
11 direct line, he would be over here. So the school
12 principals still can come directly to the Board. It
13 doesn't circumvent the line -- the chain of command.
14 It's more supplemental to it.

15 MR. MARTINEZ: And this came at the
16 recommendation of SACS during our accreditation
17 process. They're the ones that suggested we move to
18 this model because of the size of the network and to
19 have more communication and more direct line of who's
20 responsible for what.

21 MS. D'AGRESTA: I did see in -- it's not
22 something that was specifically called out to be
23 talked about. The replication portion of your
24 application, I did see a sentence or two in that
25 section that talked about a president being available

1 to schools here to assist with implementation of
2 whatever.

3 MR. GERMAN: Absolutely.

4 MS. D'AGRESTA: But then I just didn't see
5 that described anywhere else. So was this president
6 and the vice president that are now part of your
7 organization, were they involved in your school and
8 creating your high-performing school that could be
9 replicated here?

10 MR. MARTINEZ: At the time, they were not.
11 Those positions did not exist at the time that that
12 school was created. So they're actually -- This would
13 be getting more support than it did originally.

14 MS. D'AGRESTA: So it's not part of
15 necessarily the replication, it's just additional --

16 MR. MARTINEZ: Additional to the
17 replication.

18 MS. D'AGRESTA: -- things that you've put in
19 place organizationally.

20 MR. MARTINEZ: Correct.

21 MS. DIAZ: To ensure replication.

22 MS. D'AGRESTA: And then the last question
23 on governance: Once before when this organization was
24 here, I thanked you for updating your bylaws, because
25 I appreciate the fact that you had updated them. And

1 I saw in some Board meeting minutes about a year ago
2 that you updated them again, but I didn't see an
3 updated version in your application.

4 So I'm going to ask the stupid question, was
5 it just like a typo that you updated or was there some
6 substantive corporate change?

7 MS. LIMA: That would have been an oversight
8 on my part, if the bylaws that are included are not
9 the most updated.

10 MS. D'AGRESTA: They're from January of
11 2014, the ones that came in these binders. But you
12 guys updated them in September. If you can't -- It's
13 not a gotcha question, honestly it's not.

14 MR. MARTINEZ: No. It was actually I think
15 we finalized the president and vice president.

16 MS. D'AGRESTA: You inserted the ---

17 MR. MARTINEZ: Inserted it into the bylaws.

18 MS. D'AGRESTA: -- the additional officers.
19 All right.

20 MR. MARTINEZ: I'm over forty now.

21 MS. D'AGRESTA: It's not a gotcha question.

22 MS. DIAZ: It may have been in the -- Was it
23 the approved minutes by the time you meet? Yeah, the
24 timeline could have been off. From what I understand,
25 it was the addition of just this stuff, that was the

1 only change, correct, to change the word interim to
2 full-time?

3 MS. D'AGRESTA: Seriously, it's not a gotcha
4 question. It was just I saw oh, they updated the
5 bylaws. Oh, gosh, I don't have them.

6 MR. MARTINEZ: There was nothing
7 substantive.

8 MS. D'AGRESTA: It wasn't a substantive
9 structural change?

10 MR. GERMAN: I don't believe so.

11 MS. D'AGRESTA: You were just inserting your
12 additional officers positions?

13 MS. DIAZ: Yeah.

14 MR. GERMAN: As far as we know.

15 MS. D'AGRESTA: Okay, that's all I have for
16 that. Thank you.

17 MR. GREEN: Anyone else for Section 9?
18 Section 10, Management?

19 DR. FRITZ: Just a couple of questions. In
20 Chapter 10 it indicates the average teacher's salary
21 at Somerset will be \$39,500. Upon ratification of our
22 Collective Bargaining Agreement, the average teacher's
23 salary at Indian River County will be \$46,961.
24 Additionally, the insurance contribution proposed
25 would be \$1,056 a year higher than your proposed

1 insurance contribution.

2 So I guess the question is, how does
3 Somerset intend to recruit and maintain quality
4 teachers with that salary and benefit disparity
5 between the District?

6 MR. MORENO: I think when you're looking at
7 your average, that's across your overall average, but
8 I believe when we looked at it -- Correct me if I'm
9 wrong. But I think we looked on your pay scale, your
10 seven year was at thirty-nine five. Your initial
11 salary is at a lower number. This being a new
12 organization, I believe that having a thirty-nine five
13 average was sufficient to recruit the personnel that
14 we need to.

15 Then on the health insurance, because what
16 ends up happening with school districts normally is
17 the age of the population you have compared to what
18 the charter school is, even as you see the
19 contribution to insurance is less, they get the same
20 level of coverage. So the way they're covering is
21 they cover 100 percent of the employee. It just
22 happens to that for Somerset, that costs significantly
23 less than what it costs the School District for the
24 same coverage.

25 DR. FRITZ: Because as a new school, you

1 would be hiring teachers who are lower in the salary
2 schedule?

3 MR. MORENO: No. On the health insurance,
4 it's on the --

5 DR. FRITZ: Younger teachers.

6 MR. MORENO: -- younger teachers, healthier,
7 younger. As you get older, believe me it's more
8 expensive.

9 MR. GERMAN: Richard, stop talking.

10 MR. MORENO: As you get older, you get less
11 healthy.

12 DR. FRITZ: Less experience, healthier
13 teachers.

14 MR. MORENO: You got it.

15 MS. DIAZ: Yes.

16 DR. FRITZ: The other question is I didn't
17 see mention of performance pay in the salary
18 structure, which is required by Florida Statute. So
19 I'm curious about how performance pay is handled by
20 Somerset? And then we didn't see it in the budget.
21 So we're trying to figure out how that's budgeted.

22 MR. MORENO: In the line item on the budget
23 there's basically an average performance pay increase
24 of two percent and that's listed there in the budget;
25 and it's going to follow the State Statute. I believe

1 there's a salary schedule that's been adopted by the
2 Board and then there would be a bonus. That's all.

3 MS. DIAZ: From my understanding, even the
4 District --

5 MR. MORRISON: As I recall, that was a cost
6 of living adjustment, not specific for performance
7 pay, which is required.

8 MR. MORENO: No. For the salary is what's a
9 performance pay and it's segregated in the staffing
10 section on the budget.

11 MS. LIMA: It's in the staffing plan.

12 MR. GREEN: Any other questions in
13 Management?

14 DR. FRITZ: I didn't have anymore.

15 MR. GREEN: Section 11, the ESP, Education
16 Service Providers?

17 MS. D'AGRESTA: That's my section again. If
18 we could talk about your draft or your sample
19 management agreement: The Charter School Educational
20 Services and Support Agreement that was in your
21 application. This I think is like kind of a standard
22 question that I ask. It's Appendix C, if you're
23 searching on your tablet. Actually it starts back at
24 page, I think, 211 or 212, if my page numbers are
25 right in my notebook.

1 Like everything, we're all performance --
2 we're all performance based these days, including your
3 service provider, educational service provider. And I
4 know in previous versions of your agreement -- in the
5 sample agreement included with your applications,
6 there's been some mention of some sort of performance
7 based criteria, in order to renew your contract or to
8 determine that you'll continue to use an education
9 service provider. When I looked at this, and maybe I
10 missed it, I just didn't see anything in the sample
11 agreement for any kind of a performance review
12 evaluation process or anything like that.

13 So can you speak to -- If I missed it,
14 please tell me, because I'm certainly not perfect. If
15 I missed it, if you could just let me know.

16 But what is your process for evaluating your
17 service provider, your educational service providers?

18 MR. MARTINEZ: The process -- Well, I think
19 that we evaluate them on an everyday -- every day.
20 What we've established is we started working with
21 Academica, our service provider, awhile back; and we
22 also realized that a lot of these companies are
23 modeled different ways where you have a charter school
24 management company and then there's a board underneath
25 them. Where the model that we have that we work with

1 our service provider works for us where they charge a
2 fee and the surplus goes to us, where other management
3 companies if there's any surplus it goes back to them.
4 So it gives us a more robust economic state, let's
5 say.

6 But the evaluation process for me happens on
7 a daily basis and it's the way we interact with them.
8 It's the way they provide services to us on a
9 continual basis.

10 We haven't gone through an official
11 evaluation process since I've been on the Board. I've
12 had casual conversations with folks from other boards
13 that use different service providers; and the model
14 that we have currently is the one that -- you know, it
15 works for me. And I haven't made a motion to or an
16 effort to try to change it or go out and look for it,
17 because I'm very pleased with service that we're
18 getting at the time, right now. So if there's -- I
19 don't know if anybody else wants to jump in.

20 MS. DIAZ: We have no formal, although we
21 are looking into that at this point, no formal
22 evaluation system. But basically Academica provides
23 something as a service, just like Sysco provides a
24 service for our food. It's a company that we've dealt
25 with that does a great job and we've had no complaints

1 about it. Yeah, there's other companies out there.
2 Every once in awhile we'll see if there's something
3 else that can meet our needs, but at this time it's
4 working. And I haven't seen any other company that at
5 that price that can provide as many services so
6 successfully as they have been doing so far. So there
7 hasn't been a need to search.

8 MR. GERMAN: The direct answer is no, we
9 don't have a formal process. But, as she said, with
10 all of our -- the majority of our vendors, if it's not
11 broke, we don't fix it. We have such a close working
12 relationship with them and I think they've been
13 extremely responsive to us. If there's ever a
14 dissatisfaction found, it gets fixed. Like I said,
15 they haven't raised their price in over a decade,
16 which is -- You know, how much do you want to poke the
17 bear? But they've been a great -- I don't want to say
18 partner, but we have a great relationship with them
19 and, of course, they do a lot of stuff with us.

20 Over the years we've refined our auditing
21 firms. All the different providers we have, I don't
22 think we've changed many of them, because we have such
23 a good relationship. And as we grow, the economy
24 scale gets better for everybody.

25 MR. MARTINEZ: We actually did a survey with

1 all of principals and the Board members asking them
2 about the service they're getting from our service
3 provider. It wasn't scientific. It was basic surveys
4 just to kind of get a feel if you're getting the
5 attention you need; and I want to say 95 percent
6 positive. We're trying to find those five percent
7 that didn't answer correctly.

8 MR. GERMAN: I must say on that survey, to
9 their credit, the focus wasn't on the 95 percent they
10 were good, it was on the five percent that people were
11 unhappy with. I think most people in this room
12 operate that room. You don't care about the good
13 stuff, you want to know what can I do better.

14 MS. LIMA: Just to add to that about that
15 five percent, we've had multiple meetings on that and
16 on ways that we can address that to unsure that next
17 time that those issues don't continue to be issues.
18 So I think on our end we're constantly striving to
19 provide the best services to make sure our principals
20 and our schools are happy. So it's kind of like on an
21 ongoing basis. Even from our end, we're providing
22 services, but we want to make sure that they're happy
23 with them and that we're providing them with
24 everything they need, regardless of whether it's
25 listed in the service agreement or not.

1 MS. D'AGRESTA: To follow up on something
2 that you mentioned, it's also actually called out in
3 your application. It's in a section on due diligence
4 for selecting this particular educational service
5 provider for the charter schools that you're proposing
6 here; and you mention that you spoke with other boards
7 that use other service providers or do it some other
8 way.

9 MR. MARTINEZ: Yeah.

10 MS. D'AGRESTA: When did those conversations
11 occur, was it something formal --

12 MR. MARTINEZ: No.

13 MS. D'AGRESTA: -- where they came and
14 talked at your Board meeting or you went and talked to
15 their board meeting?

16 MR. MARTINEZ: This is strictly my casual
17 conversations that I've had with colleagues who serve
18 on other boards.

19 MR. GERMAN: They're probably things like
20 National Charter School Conference where you have
21 thousands of charter school people together over a
22 weekend and you get to talk to your peers.

23 MS. D'AGRESTA: Were you provided an
24 opportunity to review -- like you guys know about
25 Academica. It sounds like you've been using them for

1 many years. Did you have an opportunity to review,
2 from these other charter school boards, the same type
3 of information on their management companies, whoever
4 they might be, from other states or other areas of
5 Florida?

6 MR. MARTINEZ: I never requested it.

7 MS. D'AGRESTA: So it's anecdotal.

8 MR. MARTINEZ: Absolutely. Absolutely. Me
9 personally.

10 MR. GERMAN: The models are different. With
11 Academica, our relationship with them is a flat fee
12 per FTE. Where, without naming some of the other big
13 ones, I think some are in your county, they are more
14 of a percentage. So as the State FTE goes up, their
15 fee goes up. Our fee has remained the same for a long
16 time.

17 Also, as Raul said, surpluses and such, they
18 get a flat fee. If we operate efficiently, it goes
19 into our reserves. Our reserves in some of our
20 schools are dramatic. They're almost -- my banker
21 boss called it fortress position.

22 MR. MARTINEZ: It allows us to provide these
23 extra services because we have that funding available.

24 MR. GERMAN: And all of our employees are
25 our employees. Where the other management providers,

1 they're employees of the provider. So you fire them,
2 you've lost all your employees. If we were to fire
3 Academica, we just -- nothing change -- well, we'd
4 have to get someone to do a lot of the stuff, but our
5 employees are still our employees.

6 MS. D'AGRESTA: How does your -- If at all,
7 how does your president and vice president interact
8 with Academica? Is there any work crossover between
9 those two, kind of call them --

10 MR. DIAZ: If they need resources -- For
11 example, our president Bernie is looking into some
12 schools and their data, we have some people at
13 Academics who can -- like Mr. Ortiz who can quickly
14 pull together and give us these great charts and
15 things, so that he can use Academica's services to get
16 information quickly to kind of help to identify what
17 school will need more assistance and then bring it to
18 the Board so that we can give them the resources he
19 needs to accomplish that. That's an example but.

20 MS. D'AGRESTA: Sure.

21 MR. GREEN: Anybody else on the Service
22 Provider?

23 Section 12, assuming this might be you, this
24 is Human Resources and Employment.

25 DR. FRITZ: I don't have any questions in

1 Section 12, nor do I on 13.

2 MR. GREEN: Nor do you on 13, okay.

3 Thirteen is Student Recruitment and Enrollment.

4 So we'll move on to 14, Facilities, any
5 questions?

6 MR. MORRISON: Yeah, just one. In the
7 backup materials there was a commitment letter from
8 Building Hope. I am not familiar with Building Hope,
9 I apologize. If there is any financial -- There are
10 no financials from this organization to demonstrate
11 its wherewithal, the financing facility. If that
12 could be provided, that would be --

13 MR. MORENO: Actually, I work for Building
14 Hope.

15 MR. MORRISON: Okay.

16 MR. GERMAN: So yes, he does.

17 MR. MORENO: As Suzanne could attest, we do
18 have the financial capacity to finance a lot of
19 buildings. We just about four months ago surpassed
20 over a billion dollars in charter school financing.

21 MR. MORRISON: If you could provide me
22 something, that would help.

23 MR. MORENO: Okay. I can send you an audit,
24 if you like, financial audit.

25 MR. GREEN: Fifteen is Transportation

1 Services.

2 DR. FRITZ: The budget appears to include
3 the cost of one bus and a driver. It appears to be at
4 a fairly standard rate for a contracted bus. The text
5 indicates it will be offered by request due the
6 hardship. So if students indicate hardship is
7 Somerset committed to providing transportation?

8 MS. DIAZ: Yes.

9 DR. FRITZ: Will it be using a contracted
10 provider?

11 MR. MORENO: I just want to make sure we're
12 clear, because for the elementary school, we're
13 actually looking at two buses.

14 DR. FRITZ: Oh, okay.

15 MR. MORENO: Yeah, we're looking at two
16 buses. Most of the schools, because this county is
17 more spread out -- Most of Somerset's experience,
18 they're operating about ten to twenty percent of their
19 population is being transported. In this case, we
20 actually budgeted 40 percent of the student population
21 to be on buses.

22 DR. FRITZ: It didn't appear you had the
23 budget capacity for two buses.

24 MR. MORENO: Yeah. For the elementary
25 school, we have \$95,000 for bussing in the first year

1 and then for the middle school we had the same, 95, in
2 effect two buses. And then depending on the
3 scheduling, if you're the middle school, you can do
4 double runs and you create some efficiencies there.

5 Again, you know it better than I do. Your
6 C.F.O. knows it better than I do. Busing you lose
7 money. So we can all lobby together. That's where we
8 can collaborate.

9 MR. MORRISON: So I went to the website of
10 the elementary school and also the middle school in
11 Miami Dade and I looked at the Statement of Revenues,
12 Expenditures and Changes in Fund Balance and there was
13 no transportation expenditures recorded for either
14 school. I'm just trying to figure out how the
15 contract -- Maybe it's just the area that you're in
16 down there.

17 MR. MORENO: That area, as they mentioned
18 earlier, is a very condensed area and the kids are
19 coming in. So that one does not have transportation
20 and that's why on budget for this one, it was budgeted
21 at that high level.

22 DR. FRITZ: Are there already transportation
23 companies with whom Somerset has a relationship?

24 MR. MORENO: There are in different
25 counties. Again, that's going to be a whole big

1 process that gets done. The Board goes through an
2 active process for doing that. It's harder because
3 you have to see which ones are approved by the
4 District. So that sometimes limits your options.

5 If the District is willing to provide
6 transportation, Somerset would be more than open to
7 participate.

8 DR. FRITZ: So that would be a possibility,
9 as well?

10 MR. GERMAN: We do that in Monroe and it
11 works well for both. The bus is going right by the
12 school.

13 DR. FRITZ: That was my other question.
14 We're not aware of any independent transportation
15 contractors anywhere and I doubt they're going to want
16 to send one bus or two, start up an operation, it's
17 just undue cost.

18 MR. MORENO: I think the pricing -- I think
19 when we were working on it, it was from somebody that
20 would be willing to doing that at the price that's on
21 the budget. Actually, as we were developing the
22 budget, we saw that need. Because usually in other
23 counties we kind of get an average of where it's at,
24 but here we actually interviewed and the dollar amount
25 that you see here was kind of -- you know, it wasn't a

1 formal proposal.

2 DR. FRITZ: It's a quote that they gave you.

3 MR. MORENO: Gave us an indication of what
4 it would be.

5 DR. FRITZ: I don't have any other
6 transportation questions. Thank you.

7 MR. GREEN: Section 16, Patrick, Food
8 Service.

9 MR. McCARTY: Yes, a few questions I have.
10 You state in your budget that there's a vendor that's
11 going to provide meal service for you and that there's
12 no cost to that meal service.

13 Can you kind of elaborate whether those
14 meals will be delivered in or if they're actually
15 prepared on site?

16 MR. MORENO: For the budget purposes, we
17 budgeted what we average on schools, which is about
18 \$2.46 a meal.

19 MR. McCARTY: That's your actual food cost?

20 MR. MORENO: Correct, food cost without --

21 MR. McCARTY: Supplies et cetera.

22 MR. MORENO: No, because then I also have a
23 little bit of supplies. But it's mostly the meals and
24 then the personnel to associate that's separate than
25 that. I'm saying that's basically the cost of the

1 vendor providing meals.

2 MR. McCARTY: Correct.

3 MR. MORENO: That again depends. In their
4 school, it's a little different, each one. Somerset
5 is approved by the National School Lunch Program to be
6 a lunch provider. It will be either contracted out or
7 sometimes they're brought in there. If it's brought
8 in, it's just for heating. There won't be any real
9 preparation done at the school.

10 MR. McCARTY: Okay. So depending upon the
11 location would depend on --

12 MR. MARTINEZ: Facilities.

13 MR. McCARTY: -- who's available?

14 MR. MORENO: Correct. And then you have to
15 conform to other rules and regulations, as I
16 mentioned, the school lunch program and to see which
17 of your available vendors that supply this county.

18 MR. McCARTY: That are approved in the area,
19 correct.

20 Well, you estimate \$14,000 in your budget
21 line for personnel?

22 MR. MORENO: Correct. That's usually for
23 one lunch lady person, yes.

24 MR. McCARTY: One person to do 60 percent of
25 the -- No. There's a couple of different things in

1 here. You're actually projecting 90 percent student
2 participation?

3 MR. MORENO: That's in the free -- doing
4 combined, yeah, being fed, 60 percent free and another
5 30 percent paid.

6 MR. McCARTY: And that one person, how many
7 hours is that individual working, an eight-hour day?

8 MR. MORENO: No, a five-hour day.

9 MR. McCARTY: A five-hour day. So they're
10 going to be able to feed those kids, that one person.
11 When you do the math, just in the elementary school,
12 if your projected enrollment is 315, 90 percent of the
13 student participation would be 284 students. You're
14 looking at several meals. I don't know how you're
15 going to do that.

16 MR. MORENO: It's broken up between the
17 different time periods. I'm not sure how many --

18 MS. DIAZ: How many are allocated?

19 MS. PESTANA: How many different lunch
20 periods?

21 MR. MORENO: Yeah, different lunch periods
22 that you have.

23 MS. PESTANA: Yeah, that's how we do it.

24 MR. MORENO: Then a lot times some of the
25 teachers will also help a little bit like that. The

1 lunch person that we have budgeted is the person that
2 basically monitors and processes that lunch thing.
3 Then you usually also have some of the administrative
4 aids during those periods to help support.

5 MR. McCARTY: That are actually going to
6 help offset that.

7 MR. MORENO: Correct. Exactly.

8 One of the things at charter school, because
9 you do get less funding overall, is that you have to
10 run a lot more efficiently. So I always said you have
11 a hatrack where everybody in the building --

12 MR. McCARTY: It actually alludes to that in
13 there, as well. It did mention that.

14 DR. FRITZ: So the school this will be
15 replicating only has one lunch person for that number
16 of students?

17 MS. PESTANA: We have a lot more students.

18 DR. FRITZ: He said per -- on a
19 proportionate basis?

20 MR. MORRISON: You have 284 students, one
21 person serving meals?

22 MS. DIAZ: The way we do it is you may need
23 one lunch -- like, I only have one lunch person and
24 then I have assistants that come in and help out, who
25 also wear different hat, to help out -- to actually

1 structure the lunch, make sure everybody is seated.

2 MR. McCARTY: Just out of curiosity, do the
3 kids have a choice of what's on the menu for the day?

4 MS. DIAZ: No.

5 MR. McCARTY: They basically take everything
6 and go?

7 MR. MARTINEZ: Or they pack a lunch that
8 day.

9 MS. DIAZ: Or they can bring their lunch,
10 right.

11 MS. PESTANA: They get a menu monthly. So
12 they know ahead of time what's for lunch.

13 MR. McCARTY: So who's writing that menu;
14 who would write that menu? How is that menu
15 determined?

16 MS. DIAZ: The cafeteria manager works with
17 the National School Lunch Program to develop the
18 menus.

19 MR. McCARTY: With all of the new
20 regulations and all of the changes?

21 MS. DIAZ: Correct. She has to attend all
22 of the meetings and make sure, yes.

23 MR. MORENO: It also depends on the vendor,
24 because I know in some of the campuses that Somerset
25 has, the vendor prepares all that and the school signs

1 off. In other campuses where you do have an active
2 principal, you know, they're very involved with the
3 lunch and want to make sure it's taught in the
4 curriculum, they are much more active.

5 MR. MARTINEZ: At this particular school,
6 the principal is actually very active and sits with
7 Sysco and they go through and then they make sure the
8 coordinator, the lunch school coordinator -- or the
9 national program coordinator that Academica has
10 onboard, they make sure that falls in line.

11 MS. PESTANA: And the kids get input too, as
12 well. They talk to the principal about what they like
13 and don't like.

14 MR. MORENO: Because a lot of that lunch
15 program compliance is all done by Academica.

16 MR. McCARTY: There's a lot of red tape with
17 that.

18 MR. MORENO: Oh, absolutely.

19 MR. McCARTY: You mentioned Sysco. Who's
20 the principal's sitting with Sysco?

21 MR. MARTINEZ: At this particular school,
22 Kim Galante.

23 MR. McCARTY: They sit with Sysco and go
24 through to figure out what the kids necessarily want
25 on the menu?

1 MR. MARTINEZ: What the kids like and what
2 they don't like and make sure that everything complies
3 with the National Lunch Program.

4 MR. McCARTY: Okay, those are my questions.

5 MR. GREEN: Anybody else for Food Service?
6 Section 17, Budget?

7 MR. MORRISON: I've kind of been getting the
8 questions along the way. As you know, the program
9 drives the budget. So we've talked a little bit about
10 Transportation, ESE, Technology, Curriculum, Staffing,
11 Food Service. So those questions have been kind of
12 interwoven, so I've got the clarification that I need.

13 MR. GREEN: For budget?

14 MR. MORRISON: Uh-huh.

15 MR. GREEN: Section 18, Financial Management
16 and Oversight?

17 MR. MORRISON: This kind of runs across both
18 applications where the ESP is a signatory on the
19 schools checks. I wanted to have an explanation or
20 conversation with you about how you feel about that,
21 from an internal control perspective, to have
22 typically what amounts to a vendor having the
23 authority to sign off on your checks.

24 MR. GERMAN: They don't sign on their own
25 checks. They sign on checks that we authorize. So

1 they're no different than having your accountant do
2 it.

3 MR. MORRISON: The way I read the
4 application, it sounded like the Governing Board
5 members are authorized to sign, but the ESP also has
6 authority to sign on the checks. So, in theory, the
7 ESP can approve your payments to themselves.

8 MS. LIMA: I think part of those controls
9 are in here. The principal has to approve any invoice
10 or any check before the ESP signs. So the principal
11 or Board approval always comes before the signing.

12 MR. MORRISON: Okay.

13 MR. GERMAN: I can just tell you I'm also on
14 the Board of the one in our county. The application
15 didn't have it exactly. It's standard procedures, I
16 mean, standard accounting stuff. They're not
17 authorized to sign anything that hasn't been
18 preapproved. They certainly can't sign a check to
19 themselves.

20 MR. MORRISON: Maybe it's the way it's
21 written, because it says "Disbursement vouchers are
22 reviewed and approved by the principal and the ESP."
23 Then further along it says "Checks in the amount of
24 25,000 or above require that one of the signature be
25 that of the Board chair." And then it says

1 "Authorized signatures on the checks are limited to
2 the chair of the governing board, the president, the
3 school principal, designee ESP representative."

4 So you're clarifying that the ESP does not
5 have the sole authority to --

6 MR. GERMAN: Correct.

7 MR. MORRISON: -- sign off?

8 MR. MONTERO: Once it's been fully approved.

9 MR. MORRISON: So it's fully approved and
10 then it goes to --

11 MR. GERMAN: And the auditors would never
12 allow that.

13 MR. GIBSON: We have our audit once a year.
14 There's an audit that's done every year and that would
15 come up in the auditor report, like, internal control.

16 MR. GERMAN: Every school is individually
17 audited.

18 MR. MORRISON: That was the only one I had
19 on the financial side.

20 MR. GREEN: Anybody's else?

21 Section 19, Action Plan, any questions
22 there? Seeing none, we're pretty much right on time,
23 but are there any follow-up questions from anybody?

24 MR. MORENO: You run good meetings.

25 MR. GREEN: Anybody, clarification

1 questions, follow-up, anything on the elementary you
2 didn't get to share or maybe the questions didn't pull
3 out the things that you wanted to share? Is there
4 something -- anything else that you'd like to share on
5 the elementary application?

6 DR. FRITZ: In H.R. we say is there anything
7 that you wanted us to ask that we did not ask?

8 MR. GERMAN: Yeah. What are your thoughts,
9 if we get to ask?

10 DR. FRITZ: That's a question from you to
11 us.

12 MR. GERMAN: Oh, I still would be curious.
13 We've been to a number of these and you never know how
14 it's going to go. We're here to do good things for
15 the children and I think we run a really good
16 organization. I hate -- In an application like this,
17 it's pretty easy to find little things, but I think
18 our reputation speaks for itself. And we want to be
19 great partners. I think everywhere we go, we're very
20 good partners with the district, even if there was a
21 little resistance going in. It's pretty hard to fault
22 our operation.

23 MS. LONG: It sounds like every place that
24 you have a school, you seem to have a Board member
25 from that area added to the Board. Is that a right

1 assumption?

2 MR. GERMAN: No, it's not. It's unworkable.
3 It's just too much. What we try to do anymore is have
4 board members with various -- it's like any,
5 hopefully, good board, board members with various
6 levels of expertise in different areas to try get a
7 little bit of balance.

8 MS. DIAZ: Different skill sets.

9 MR. GERMAN: Yes, different skill sets.

10 DR. FRITZ: Obviously, this isn't a full
11 response, but you probably can sense from some of the
12 questions that I asked earlier that we're concerned
13 about -- or have questions about a charter school
14 coming and also being fine with our Desegregation
15 Order. Some of that has to do we have different
16 degrees of compliance with our existing charter
17 schools with that and we're concerned about that issue
18 being that we do have some goals to be equitable, not
19 just because of the Deseg. Order, but because you
20 should be, but also because those requirements are
21 federally mandated. I think we aspire, at some point
22 to reach unitary status and we're just wondering how
23 the addition of another charter school might help or
24 hinder our ability to do that. I think that's where
25 some of the questions came from.

1 MR. GREEN: The location, the student
2 population.

3 MR. GERMAN: Funny, Adriana and I were
4 looking at -- if you look at our demographic makeup, I
5 think some of the assumption has been that we're going
6 to have a hard time attracting enough minorities, but
7 we have a number of schools that are almost vastly
8 minority, in the 90 percentile.

9 DR. FRITZ: In an area that is less diverse
10 than Miami? Because I mean Miami is very diverse, as
11 you well know. So I mean, you're looking at a
12 different environment here that's not as diverse.
13 We're probably 17 percent African-American, 18 percent
14 Latino.

15 MR. GREEN: There's a lot of geography
16 involved.

17 DR. FRITZ: There's geography involved here,
18 too.

19 MR. GERMAN: I can think of one school like
20 in the Villages has become very minority and is not in
21 a minority area. It just sort of caught on.

22 You really don't know. That's why it's hard
23 to predict how we're going to deal with it, because
24 you don't know what the demographic makeup of the
25 school is going to be, but I think it's a disservice

1 to assume that it's going to not be what you think it
2 is.

3 MS. DIAZ: Somerset intends to work with the
4 District to ensure that we are in compliance, as we
5 need to be, as well.

6 MR. GERMAN: We'll try to help you get rid
7 of that Order, too, because it sounds like an
8 unworkable -- not get rid of it, but to make it so
9 it's even for everybody. We're not trying to make it
10 harder for you. Our job is to work with the District.

11 MR. GIBSON: Just as a side note, it'd be
12 interesting to figure out how the other charter
13 schools do it, because the way -- At least in my
14 limited experience with education, it seems that the
15 concept is we get students who want to go there or who
16 may apply in a particular area. So I'm not sure how
17 you all handle -- it's kind of -- It's a different
18 dynamic, because you are in a position where you have
19 to educate every student and every student goes to a
20 particular school and then you can kind of maneuver
21 them where you want them to go.

22 We're in a different position because
23 parents may say I don't want to go your school. We
24 may get 99 percent African-American at our school and
25 some whites may not want to come to the school. So

1 how do we force -- You know, and that will be an
2 interesting conversation to have to make sure that
3 we're all in compliance.

4 MR. GREEN: That's why we were asking some
5 the transportation and geography questions, to see if
6 that's something -- you know, if you're in a
7 particular geographic area where that two to four-mile
8 range is not going to result in diversity, is that --
9 you know, you're going to have to work through a
10 transportation plan or something to help some of those
11 parents come. That was just some of the line of
12 questioning along that to help that challenge.

13 DR. FRITZ: We did make an assumption that
14 you had no intent to provide transportation, because
15 there's no transportation that's being provided at the
16 school that's being replicated. You explained that
17 that's a geographic piece and you do have intent to
18 provide transportation. That's what I heard.

19 MR. GERMAN: And it's in the budget.

20 DR. FRITZ: And it's the budget. Well, if
21 it's in the budget, you don't have to spend your
22 budget. That's why we wanted to ask that.

23 MR. GERMAN: At least we can --

24 DR. FRITZ: You may put it in the budget and
25 not spend it.

1 So that is certainly a barrier, given the
2 geography of our county, to possible access for
3 diverse populations in a school, because there also is
4 poverty. People don't have a way to get their kids to
5 school. That's a barrier.

6 MR. GREEN: I don't see anyone new that came
7 to the audience, particularly for the middle school
8 application. We'll kind of transition anyway.

9 I guess what I'll ask our group is if we can
10 be cognizant and sensitive to if you've gotten your
11 answer through the -- They are separate applications.
12 So they stand on their own. I don't want to dilute
13 that at all, that they are separate applications. But
14 if you have something that seems to be very redundant
15 and you're satisfied with the answer that you've
16 already gotten, maybe you could skip over that in your
17 section and we'll try to hit areas that would be
18 specific to the middle school section. So it'd
19 probably be quicker, but I'm going to follow through
20 each section just as we did.

21 Yes.

22 MS. D'AGRESTA: Could I just ask kind of
23 more of a global question regarding the two
24 applications? I mean, you guys submitted two
25 different applications. Is it ultimately your intent

1 for this to be a campus where it's basically one
2 larger piece of property with the two schools kind of
3 co-located where you'll be sharing some resources back
4 and forth or is this elementary school down there,
5 middle school?

6 MR. GERMAN: Yes.

7 MS. D'AGRESTA: Have you thought through
8 that?

9 MR. GERMAN: Of course. That would be
10 ideally --

11 MS. D'AGRESTA: A campus. There'll be some
12 economy of scale there. That kind of helps. Thank
13 you.

14 Go ahead, Mr. Green. I'm sorry to
15 interrupt.

16 MR. GREEN: No problem. It's a question.
17 We'll start back over with Section 1, the Mission:
18 Guiding Principles and Purpose, which I think are very
19 similar.

20 MS. LONG: We're fine.

21 MR. GREEN: Anybody have any questions? No.
22 Section 2?

23 DR. FRITZ: I don't think there are
24 additional questions on Section 2 or 3.

25 MR. GREEN: No additional questions on

1 Target Population or Educational Program Design? No.

2 Section 4, the Curriculum Plan?

3 MS. LONG: No.

4 MR. GREEN: Section 5, Student Performing
5 Assessment Evaluation?

6 MR. TAYLOR: Yes, I'm sorry, I do have some
7 questions on there. Sorry about that.

8 MR. GREEN: Leave it to Chris.

9 MR. TAYLOR: Sorry, my fault.

10 Just real quick, the application mentions
11 United States History, which is traditionally a high
12 school course. Is that given in middle school?

13 MS. PESTANA: Eighth grade.

14 MR. TAYLOR: Eighth grade.

15 MS. PESTANA: American History.

16 MR. TAYLOR: Is it the full course or just
17 the first --

18 MS. PESTANA: The full course. They offer
19 World History for sixth grade. Seventh grade is
20 Civics. They take a Civics EOC. And eighth grade,
21 United States History. We also offer Algebra I for
22 math and the students also leave middle school in
23 Miami-Dade County with all of their credits fulfilled
24 for Spanish requirements for high school and they are
25 also able to take Biology. So they leave with a

1 credit for Biology, passing all their credits for
2 Spanish.

3 MR. TAYLOR: And they take the State EOC?

4 MS. PESTANA: Yes, they do.

5 MR. TAYLOR: So they complete the course?

6 MS. PESTANA: Uh-huh.

7 MR. TAYLOR: Thank you. And then on Page 59
8 there is a fragmented sentence there. It kind of
9 starts "Students in grades six through eight will earn
10 high school credit for Algebra I" and then it stops.

11 Can you kind of fill that in for me for
12 clarification?

13 MS. PESTANA: They take that in eighth
14 grade.

15 MR. TAYLOR: They take that in eighth grade.
16 But it does not mention Algebra I anymore. That just
17 says in eighth grade. Is that all that sentence was
18 supposed to say?

19 MS. PESTANA: Yes, they take that in eighth
20 grade, along side with Biology.

21 MR. TAYLOR: They take Biology.

22 MS. PESTANA: Algebra I.

23 MR. TAYLOR: And U.S. History.

24 MS. PESTANA: It's part of the curriculum in
25 Miami-Dade.

1 MS. LONG: The U.S. History, is that the
2 high school version of U.S. History?

3 MS. PESTANA: No, it's a middle school
4 version.

5 MS. LONG: I didn't think so.

6 MS. PESTANA: The high school version is
7 Biology a hundred percent.

8 MR. TAYLOR: Then on Page 61 it mentions
9 Orange County rights. Are you going to give that here
10 in Indian River County or is that just a typo?

11 MR. GERMAN: It's just a typo, but I'm
12 impressed you read every line.

13 MR. TAYLOR: Unfortunately yes. All right.
14 Thank you very much.

15 MR. GREEN: Anything on Section 6,
16 Exceptional Student?

17 MS. HAYES: I only have one question just
18 because it's a hot topic at our secondary schools
19 right now. As far as students who show disciplinary
20 infractions at the secondary level, what supports,
21 interventions or procedures do you have in place for
22 students with disabilities that would ensure a free
23 and appropriate public education? So when they commit
24 an infraction, what specific supports are built into
25 your system of supports there at the middle school to

1 ensure that our students with disabilities are staying
2 in school and not missing instructional time?

3 MS. DIAZ: Like I said before, our intent is
4 always to keep the students in school. We would
5 always conduct -- It doesn't have to be formal -- but
6 a manifestation of termination meeting. You want to
7 make sure that the infraction was not a direct cause
8 of or because of the child's specific needs. So, of
9 course, that's going to be taken into consideration.

10 In addition, most students with disabilities
11 have something -- if there is an issue with
12 discipline, there's something written in their IEP, a
13 behavior intervention plan. They would have conducted
14 an assessment on behavior to ensure that if there is a
15 concern, there's steps clearly indicated that can be
16 followed.

17 MS. HAYES: Thank you.

18 MS. DIAZ: You're welcome.

19 MR. GREEN: Section 7, English Language
20 Learners, no questions. Section 8, School Climate and
21 Discipline?

22 MS. HAYES: No other questions.

23 MR. GREEN: Section 9, Governance.

24 MS. D'AGRESTA: No. You answered everything
25 the first time around. Thank you.

1 MR. GREEN: Section 10, Management?

2 DR. FRITZ: They were answered before.

3 MR. GREEN: Eleven, the ESP?

4 MS. D'AGRESTA: No, nothing more. Thank
5 you.

6 MR. GREEN: Twelve, Human Resource and
7 Employment?

8 DR. FRITZ: No.

9 MR. GREEN: Student Recruitment and
10 Enrollment, Section 13?

11 DR. FRITZ: No.

12 MR. GREEN: Fourteen, Facilities?

13 MR. MORRISON: You're going to provide me
14 some stuff on Building Hope.

15 MR. MORENO: Correct. I'm looking for it
16 now. So before we leave, just give me your e-mail
17 address.

18 MR. MORRISON: Okay, no problem.

19 MR. MORENO: I'm searching for the file now.

20 MR. GREEN: Transportation, 15?

21 DR. FRITZ: No questions.

22 MR. GREEN: Food Service, 16?

23 MR. McCARTY: No questions.

24 MR. GREEN: Eight, Financial Management and
25 Oversight.

1 MR. MORRISON: The same question applies in
2 18. Did you skip 17?

3 MR. GREEN: Seventeen, Budget. I'm sorry.

4 MR. MORRISON: Now that you've clarified
5 it's a shared resource school, the questions that I
6 have, because I looked at each application on a
7 standalone basis, so those questions kind of make
8 sense now. So 17 is taken care of; and 18, I asked
9 the question I had.

10 MR. GREEN: You already asked 18. So 19,
11 Action Plan?

12 Wow, eleven minutes. I guess we'll start
13 with our team. Anybody, any follow-up questions to
14 either one, have they answer all your questions?

15 The team here, anything? We certainly
16 appreciate you taking the time to come up. I know
17 some of you traveled far to get here in different
18 modes of transportation: Planes, trains and
19 automobiles, it sounds like. But it certainly helps
20 when we get to put a name and a face together and hear
21 a little bit more about what your mission is and how
22 you're serving students. We appreciate you taking the
23 time to be here.

24 MR. GERMAN: I guess the question would be
25 the next step in the timeline, when we can expect

1 approval?

2 MR. GREEN: Unfortunately, Dr. Ferrentino
3 didn't leave me with all of his timeline. I believe
4 on Friday -- Is it in --

5 MS. D'AGRESTA: I have the last one that
6 Dr. Ferrentino sent out. He has scheduled another
7 meeting in this room on September 29th for the
8 District team to review the findings to basically --

9 MR. GREEN: Go through the sections.

10 MS. D'AGRESTA: -- report back on the matrix
11 evaluation document; and then the last date that I
12 have from Dr. Ferrentino is it's on the October 13
13 School Board meeting agenda.

14 MS. LIMA: So the 29th is a meeting with
15 your members only or is that a meeting where Somerset
16 would attend, as well?

17 MS. D'AGRESTA: It is open to the public,
18 but it's not going to be like this where you have
19 questions to answer and that sort of thing. You're
20 certainly welcome to come join us. We love company.
21 But it's not mandatory, but you're certainly welcome
22 to come. But that's for the School District folks to
23 sit back down and go over that matrix of evaluation
24 instrument and get it all filled in and ready for the
25 Superintendent.

1 MS. LIMA: Will Somerset be in receipt of
2 that matrix at any point before that?

3 MS. D'AGRESTA: That's when it's put
4 together. It's kind of like everybody's got their
5 piece.

6 MR. GREEN: I recall last year we actually
7 went through and did it at that meeting, everybody
8 gave their input and filled it out.

9 MS. D'AGRESTA: Everybody put their pieces
10 together.

11 MR. GERMAN: You all will have -- it'll go
12 on your board's agenda on your website sometime before
13 the 13th?

14 MS. D'AGRESTA: Yes.

15 MR. GERMAN: So we'll have a recommendation
16 for approval hopefully?

17 MS. D'AGRESTA: Our standard process here in
18 Indian River is seven days before our agenda is
19 posted. So it will be on the website and I know
20 Dr. Ferrentino, he and I discussed that the day before
21 that goes live, if you will, that he wanted to provide
22 that to you, so that you had it before it went public.

23 MR. GERMAN: First week of October?

24 MR. GREEN: So that'd be the Monday of the
25 week prior. Usually they're on a Tuesday, the Board

1 meetings, and they go live the Tuesday the week
2 before.

3 MS. D'AGRESTA: Right.

4 MR. GREEN: So probably that Monday.

5 MS. LIMA: So September 30th, if we have the
6 same timeline.

7 MR. MORRISON: October 6th.

8 MS. LONG: The sixth, October 6th.

9 MR. GREEN: It's published on October 6th.
10 So if Dr. Ferrentino is going to provide that a day
11 early, it would be Monday, October the 5th.

12 MS. D'AGRESTA: Yes, it would be before
13 that, you guys would get it before it went live.

14 MR. GERMAN: That's nice.

15 MS. D'AGRESTA: And those are the only dates
16 I have so.

17 MR. GREEN: Did that help?

18 MS. LIMA: Yes.

19 MR. GERMAN: Absolutely.

20 MR. GREEN: Anything else?

21 MR. MARTINEZ: Thank you for your time.

22 MR. GREEN: Really appreciate you coming in.
23 Thank you. And just for the guys in the back, we'll
24 adjourn, as far as the meeting goes.

25 (Thereupon, at 3:14 p.m. the meeting was concluded.)

CERTIFICATE OF REPORTER

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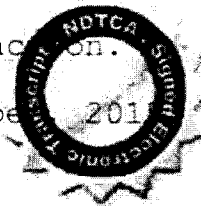
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I certify further I am neither attorney nor counsel for, nor related to, nor employed by any of the parties to the action in which the meeting is held and, further, that I am not a relative or an employee of any attorney or counsel employed in this case, nor am I financially interested in the outcome of this action.

DATED this 21st day of September 201

Marcella R. Samson



MARCELLA R. SAMSON

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4

SCHOOL BOARD OF INDIAN RIVER COUNTY

1990 25th Street

Vero Beach, FL 32960

Business Meeting

Tuesday, October 13, 2015

6:00 p.m.

CERTIFIED COPY

RE: Somerset Academy, Inc.

MEMBERS PRESENT

MATTHEW MCCAIN, CHAIRMAN

CHARLES SEARCY, VICE CHAIRMAN

CLAUDIA JIMENEZ, BOARD MEMBER

DALE SIMCHICK, BOARD MEMBER

SHAWN FROST, BOARD MEMBER

MARK J. RENDELL, Ed.D., SUPERINTENDENT

SCHOOL BOARD STAFF

CARTER MORRISON
Assistant Superintendent Finance

BRUCE GREEN
Assistant Superintendent Technology & Assessment

ANDREW RYNBERG
Assistant Superintendent Curriculum & Instruction

WILLIAM FRITZ, Ph.D.
Assistant Superintendent Human Resources & Risk Management

JUDY STANG
Executive Assistant

APPEARANCES:

FOR SCHOOL BOARD: GARGANESE, WEISS & D'AGRESTA
111 North Orange Avenue
Suite 2000
Orlando, FL 32801
BY: SUZANNE D'AGRESTA, ESQUIRE

FOR SOMERSET: SOMERSET ACADEMY, INC.
6340 Sunset Drive
Miami, FL 33134
BY: CHARLES GIBSON, ESQUIRE
ADRIANA C. LIMA
RICHARD MORENO

TRANSCRIPT OF PROCEEDINGS

1
2 (Thereupon, the meeting was called to order
3 at 6:00 p.m.)

4 - - - - -

5 MR. MCCAIN: The next item is, we do have some
6 speakers for item C. The first speaker -- and I do have to
7 apologize, I should have mentioned it before our speaker
8 earlier. We do have a board policy which limits public
9 input to three minutes. Ms. D'Agresta has a timer. So
10 we'd like to ask you to please keep your comments confined
11 to those three minutes. Mr. Brown, who spoke earlier,
12 knows the rule very well. So I was negligent in not
13 iterating it then.

14 The first speaker is Charles Gibson.

15 MR. GIBSON: Good evening. Good evening, ladies
16 and gentlemen of the Board, staff. My name is Charles
17 Gibson and I want to thank you for the opportunity to speak
18 to you all today. I'm the general counsel for Somerset
19 Academy. Somerset Academy is a high-performing network of
20 charter schools throughout the state of Florida.

21 As you all know, we submitted an application that
22 is before you all today. It is a replication of one of its
23 high-performing charter schools.

24 We had a public meeting for which the staff had
25 asked us some questions about the application that was

1 filed. At that meeting, we believed that we answered all
2 of those questions satisfactorily to staff.

3 We also invited staff, maybe not at that
4 particular meeting, but we invited staff to come and visit
5 the replicating charter school so that they could get a
6 better sense of what we would like to bring to this
7 district. Again, it's a language program, and we wanted to
8 provide that program to this district as a choice for
9 parents to see. We were a little surprised when we
10 received the recommendation for denial since at the meeting
11 we believed that we satisfactorily answered the questions.

12 There was an item in the, or there was a sentence
13 in the agenda where it talked about the subsequent public
14 meeting that we failed to attend. One of the rationale
15 behind that was at the initial public meeting we were told
16 that we would not have the opportunity to speak, it would
17 just be a summary of the application and some of the
18 findings. So that's one of the reasons we didn't attend.

19 But we welcome, we're here to answer any
20 questions that the School Board may have. Again, we extend
21 the invitation to you all to come to Miami to look at our
22 school or any other school in our network.

23 And I appreciate the opportunity to speak to you
24 all today and we hope that you -- I know that the
25 recommendation is for denial. We would hope that you would

1 either reconsider it or table the item until you can get
2 more information either from us specifically or give us the
3 opportunity to provide additional information so we can
4 show you that we want to bring an excellent program to this
5 district and make you all proud.

6 The last thing is that there's already a school
7 that has a language program at the high school. And our
8 intention was to try to cooperate with them and feed some
9 of our school, some of our children to that language
10 program.

11 Again, thank you for the opportunity to speak and
12 we would hope that you would find good cause to vote in
13 favor of the application, or in the alternative, table and
14 give us an opportunity to speak to some of the deficiencies
15 that the staff had mentioned in their recommendation for
16 denial.

17 MR. MCCAIN: Our next speaker is Adriana Lima.

18 MS. LIMA: I'll yield my time to Mr. Moreno, if
19 he needs it.

20 MR. MCCAIN: Do you want to do that? Can we do
21 that?

22 DR. RENDELL: She wants to yield her time to the
23 next speaker.

24 MS. D'AGRESTA: Board members, your rules don't
25 allow one speaker to yield to another. Of course, if you

1 want to waive those rules, that's up to you. But typically
2 each speaker gets three minutes and they don't accumulate
3 for one speaker.

4 MR. MCCAIN: Board members?

5 MS. SIMCHICK: Can I ask a question?

6 MR. SEARCY: We'll listen to her, but not, no
7 yield.

8 MS. LIMA: He doesn't need it. I'll just pass.

9 MR. MCCAIN: I think the decision was not to
10 yield time. If you'd like to speak, ma'am, you have time
11 to speak.

12 Okay. Our next speaker is Richard Moreno.

13 MR. MORENO: Good evening. My name's Richard
14 Moreno. I'm a consultant for budget and finance for
15 Somerset Academy. I've been working in the charter school
16 movement for about 15 years. I just welcome this
17 opportunity just to say a few words.

18 I was here at the interview committee and your
19 staff handled that meeting very well. I thought it was a
20 very productive meeting.

21 In going to the application and the notes to it,
22 there were several items regarding budget that I thought we
23 had addressed. You know, one of them was, which is a big
24 component, was the average salaries. For the district you
25 have an average salary of about 46,000 and change. But

1 that includes everybody that you have. And basically the
2 application that we had was for an amount equal to a
3 seven-year staff member. So we thought that was adequate
4 there that we had. And again, we had a very good
5 discussion.

6 Another one that they mentioned is technology.
7 Because throughout the application, technology is a big
8 component of schools now. We looked at it, they said it's
9 only \$75. But we did have a separate line item there that
10 was digital curriculum materials which was another \$110 per
11 student.

12 You know, so there were a couple items like that
13 throughout the application that I think, we believed was
14 properly addressed at that interview.

15 So again, backing what Mr. Gibson said, if we
16 could table it and go into further discussion to clarify
17 those with staff to get those points. I think we're there.
18 Again, visiting Somerset Academy and seeing the success of
19 the schools would show you that having Somerset in your
20 county, it would be a great addition to the programs that
21 you have here.

22 Thank you.

23 MR. MCCAIN: All right. Board members, I'll
24 entertain a motion at this time.

25 MS. SIMCHICK: I'll make a motion to table --

1 MR. FROST: Postpone.

2 MS. SIMCHICK: -- item number C per the
3 applicant's request.

4 MR. FROST: Second.

5 MR. MCCAIN: Ms. Simchick --

6 MR. SEARCY: What is the motion?

7 MS. SIMCHICK: I make a motion to postpone or
8 table the item C per the applicant's request.

9 MR. MCCAIN: Mr. Frost, you have a second?

10 MR. FROST: Second.

11 MR. MCCAIN: All right. Ms. Simchick, would you
12 like to speak to your motion?

13 MS. SIMCHICK: Thank you.

14 Of course I would support, based on conversations
15 and back-up information, the superintendent's support to
16 deny the charter application.

17 I understand that the application has come before
18 us a few times, or in the past maybe even before I was on
19 the Board, and that many things have improved each time.
20 It's a shame that at the second, and Mr. Gibson spoke, that
21 there was no representation.

22 You submit an application. The district staff
23 comes up with some findings. One to me that was not quite
24 answered was how to handle the deseg order. But
25 additionally, it's a matter of a checklist.

1 And the school, I will tell you having a child
2 that attended a charter school, and having choice in this
3 county is important. It's important to me, it's important
4 to the district I believe. It's important to the families
5 and also to the charter schools. And especially, we are
6 very fortunate to have high-performing charter schools in
7 our district. I welcome the opportunity to even have more
8 schools at the district.

9 But I was very thankful to hear Mr. Gibson --
10 maybe there was some confusion. Maybe they can take the
11 suggestions, reframe and address and return, which I at
12 that point would find the ability to support. But based on
13 the superintendent's recommendation and the applicant's
14 opportunity to speak in front of the Board, offering that
15 as a solution, I made the motion to table.

16 MR. MCCAIN: Mr. Frost, would you like to speak
17 to your second?

18 MR. FROST: Yes. Thank you, Mr. Chair. And a
19 lot of it was mentioned by Board Member Simchick.

20 Unfortunately this format doesn't really lend
21 itself to back and forth. So, you know, we receive a giant
22 binder and then we go through it, we do our due diligence,
23 we do our research, and thank the team who put together
24 this. Clearly a ton of work went into it.

25 But at the same time, it's a process. And my

1 understanding is that there is like a sensitive window, May
2 through June, where we can receive these applications and
3 therefore consider them. And perhaps all the ducks weren't
4 in a row.

5 But in concept, you know, a bilingual school
6 seems like a neat thing for the community to have, you
7 know, to consider. And Dr. Rendell and I have discussed
8 this and, you know, he can speak to it.

9 But there are a number of issues with this
10 application, like the bylaws thing and, you know -- maybe,
11 you know, as a constitutional officer, I don't know that I
12 can approve something that countermands case law.

13 But certainly parental choice, you know, I trust
14 parents. And to have different opportunities and, you
15 know, competition is a good thing. I'll actually be in
16 Miami Thursday and I hope to drop by the school and see it
17 in action.

18 And hopefully the motion to postpone
19 indefinitely, or if we're going to resume it again -- or
20 postpone time certain or table; which I understand is only
21 for this meeting and our attorney can speak to that. But I
22 second the motion to give the sides time to communicate.
23 You know, communication is an important piece.

24 And again, I respect Dr. Rendell's, you know,
25 very deliberate presentation of the facts and concerns.

1 I'd like to have -- especially, you know, now that we've
2 heard that, you know, there was a miscommunication as to
3 whether they could attend a second meeting. You know, that
4 in particular is why I decided to second it because, you
5 know, if they didn't know that they had an opportunity to
6 continue the conversation, then it's important that that
7 might happen to me.

8 MR. MCCAIN: Ms. Jimenez.

9 MS. JIMENEZ: Thank you.

10 I would like to urge the Board members to really
11 think about this. We had, I was on the Board when the
12 application for Somerset Academy came before us on
13 October 22, 2013. And at that time there were deficiencies
14 in the educational plan, the organizational plan and the
15 business plan.

16 From that date, they submitted an application for
17 hearing last year and at the last moment they withdrew it.

18 So my concern is that from 2013 when they were
19 denied to the time that they brought an application before
20 us and pulled it at the last minute, after the school
21 district spent an inordinate amount of time -- because that
22 pile of documents that you saw is the result of that
23 research. So they had opportunities to get the corrected
24 document.

25 And the question I would be asking is after it's

1 been corrected for you and after you submitted it in 2013
2 and it was denied, it is still full of mistakes. It says,
3 and as one of the speakers said to us, that it was a
4 replication application, but in reality, during the
5 questioning when they were asked about things such as
6 curriculum or code of conduct, they stated that they would
7 do what the school district is doing. That is not a
8 replication.

9 And I think it is unfortunate -- I am all for
10 choice in that sense of having quality schools with
11 accountability. And I actually had the conversation with
12 Dr. Rendell when I heard that this was submitted, and I
13 said to him, I said, you know, if they have a good
14 application, I am going to have no choice but to support
15 it. Because the idea of a dual language program -- there
16 was an article in the New York Times on October 9th about
17 dual language programs. And actually the school that was
18 highlighted, my nephew attends that school. It's not a
19 charter school, it's actually a public school. And I think
20 it's been a missed opportunity for us to do that as a
21 public school district.

22 So I very sadly said to Dr. Rendell if this is a
23 good application, I have to support it because I owe it to
24 the parents of Indian River County to make sure that we
25 have options.

1 However, after looking at the application and
2 looking at the deficiencies in the application, we have the
3 same issues, a lot of the same issues that we had in 2013.

4 My biggest concern is, even though there's no
5 statute around this, all of the board members are, none of
6 them are from Indian River County. Look at our charter
7 school. Our five charter schools in Indian River County
8 have local board members. They meet in Indian River
9 County.

10 Parents that have to attend the board meeting or
11 that have issues with their children are going to have to
12 go out of county to be heard. That is just not local
13 control, it is not best practice.

14 The amount of deficiencies in terms of it not
15 being a replication, the issues around students with
16 disabilities, the whole issue around the deseg order --
17 there's no specific targeted population identified to
18 determine whether the charter school can meet the
19 desegregation order. The school that is being replicated,
20 so the A example that we're told we're going to be modeled
21 after, is under investigation for racial disparity.

22 There are issues around transportation. These
23 schools are supposed to be a choice for all students, all
24 students, not just those that have access.

25 The educational plan is generic. There is no

1 clear plan of how students acquiring proficiency levels in
2 a second language will be monitored in a school whose
3 mission is to bilingually foster school achievement by
4 providing a technologically innovative and challenging
5 environment.

6 Throughout the application it is stated that the
7 school will be a replication school but will use the
8 sponsor's curriculum. Now, that's crazy. We're
9 replicating this wonderful school and we're not even using
10 the curriculum that this wonderful school is using for
11 their students?

12 You know, Board members, this is not about
13 agendas, about whether we support charter schools or not.
14 This is about doing what is right for our students and for
15 taxpayer dollars to be invested for students.

16 There was an article that I downloaded, an audit
17 that was done at a Somerset Academy in Miami/Dade that has
18 the same management company, where they funneled grant, a
19 grant without even consulting the board. And they did it
20 on their own. There are issues here.

21 The folks that are mentioned in the application,
22 Mr. Zulueta and Magdalena Fresen, if that name rings a
23 bell, that's one of our legislators. There is a lot of
24 politicking going on with this.

25 I would in a heart beat support a dual language

1 school that is not a political agenda for this community.
2 An application that is what it says it is, that's a
3 replication, that is looking at the deseg order, that has
4 strong assessment for what they say they're doing, I
5 welcome it, bring it on. I don't see how we can justify
6 tabling this to give people an opportunity to politic.

7 This is about students. I love the idea of dual
8 language. But this is not the way. We are under a deseg
9 order. This needs to be accessible to all students.

10 And this application, in 2013 they had the same
11 problems. How can they come before us with the same issues
12 being unanswered, after the school district corrected the
13 application for them? To me that is not seriousness, that
14 sounds like one of these charter management companies just
15 throwing applications throughout the state of Florida and
16 figuring out which one sticks because they have been able
17 to manipulate the perception of Board members.

18 I cannot support tabling this. They've had
19 opportunities.

20 I would like to ask a question. And Dr. Rendell,
21 I don't know if that question can be answered. The one
22 thing about this that I am concerned about was the comment
23 that was made that the, Mr. Gibson mentioned that they were
24 led to believe that they were not, there was no need for
25 them to be there at the second meeting. I would be

1 concerned -- whether I support this or not is irrelevant in
2 terms of the district doing the right thing. I believe we
3 have to be transparent about what we do.

4 So is there any way, Dr. Rendell, to find out if
5 that, indeed, is a true statement?

6 DR. RENDELL: I believe what Mr. Gibson said, I
7 can't speak for him, but I believe what he said is they
8 were under the impression that they weren't going to be
9 allowed to give any input. And that is correct. Staff, it
10 was a reporting out meeting where they were going to report
11 out their findings and they would have been allowed to be
12 in the audience, but there was not going to be any
13 dialogue. Since there would not be any dialogue, I believe
14 that's why they made the decision not to come.

15 MR. MCCAIN: Ms. Simchick.

16 MS. SIMCHICK: Thank you.

17 I do feel the need for a rebuttal because
18 everybody's allowed their opinion.

19 This document and application is flawed. I never
20 said it wasn't. I said I would support the
21 superintendent's recommendation.

22 But it is no way a political agenda of this Board
23 member for a charter school. It is no way a manipulation,
24 I heard, of the perception of a Board member.

25 What it is is procedural. An application was

1 submitted. And I spoke to our attorney. If we denied this
2 application, the applicant would have the right to appeal
3 with the State Board of Education who most likely would
4 approve it flaws and all.

5 So in working with the applicant, and through
6 their own admission, if we table the item, then they have
7 the opportunity to withdraw. The olive branch is out.
8 This Board has done everything over and over again to try
9 to get this school in a fairness in an application. And I
10 am willing to table the item and allow them to withdraw and
11 allow them to address our concerns, because the
12 alternative, the appeal, does not appeal to me. Because I
13 want to see an application that's clean or I can't approve
14 it. And I don't want to be forced into opening a charter
15 school that is a sublevel, have all the issues that you
16 mentioned. I don't want to see that.

17 And so it is not a manipulation, it was a sense
18 of again fairness so that this district could proudly say
19 that they have allowed every opportunity for them to fix
20 their repeated mistakes of not correcting the items that
21 are flawed in their application.

22 So I just had to clarify that and the reason for
23 my framing of that motion.

24 MR. MCCAIN: Mr. Searcy.

25 MR. SEARCY: You know, there's a lot of issues in

1 the application, but the two things that stuck out to me is
2 this same group has had schools, charter schools in both
3 Brevard and Orange County that failed. And I mean, it's in
4 their application so I'm assuming it's correct.

5 But I don't want to be involved in a charter
6 school coming to our county that's going to fail -- is
7 going to get money from somebody, somewhere -- come into
8 our county and fail. We have an extremely strong charter
9 school group here that -- and all of the charter schools,
10 they're the best in the county by the way. And if this
11 group has had schools in other counties that have failed, I
12 don't want them here. I won't support -- I mean I'll
13 support the superintendent in denial.

14 MR. MCCAIN: Ms. Jimenez.

15 MS. JIMENEZ: No, and it's true. And Ms.
16 Simchick makes a good point because we had a situation,
17 this Board, that denied an application. And the committee
18 that reviewed the application spent eight hours or
19 something like that reviewing it. And when it went to the
20 Board of Education, in like five minutes they overturned
21 the ruling even though the committee that explored the
22 application for eight hours sided with the school district.
23 So I know that whether we like it or not, the chance of an
24 appeal favoring the applicants, it's beyond our control.

25 But I don't want to vote because I believe that

1 if they didn't take the time to do the right thing right
2 now for this approval, once they are given the go ahead,
3 it's a done deal. We can't hold them accountable. We've
4 said they don't have -- you know, all this stuff that we
5 say they don't have, we can't force them to do it. We have
6 no authority.

7 So I would vote against it because I want it to
8 be clear that this Board -- and I have the hope that maybe
9 in Tallahassee they will do the right thing. But I hear
10 you because it's already happened once. But I'm not going
11 to vote for it just out of fear because I just don't think
12 that's the thing to do.

13 And again, we're entitled, you know, we always
14 have differences of opinion and that's okay because that's
15 how we hash it out. And you reminded me of that specific
16 point. If it goes to appeal, we may be forced to do this
17 whether we like it or not.

18 And the other issue with this is that we are very
19 stable in our population of students and we don't need
20 another school. We just don't need another school. We are
21 not at this capacity issue where we need a school. And
22 when the charter committee met, I think it was last year,
23 there were folks from all sides and all perspectives on
24 charter schools, that was one of the questions that was
25 brought up that people wanted to discuss.

1 You know, a school district will build a school
2 when it needs it. Charter schools are allowed to go to a
3 school district and put a school because they want it
4 there. And there's no local input do we need a school, do
5 we have no capacity that we need another school. But the
6 State has not ever responded to that concern which is a
7 valid concern. So, you know, it is very political
8 regardless.

9 But I just, they've had chances since 2013 and I
10 can't see as a Board member in good conscience saying okay,
11 go ahead because it's inevitable. I'd rather be seen as
12 saying no, this is wrong for our school district. If we
13 get it, we'll deal with it.

14 MR. MCCAIN: Mr. Frost.

15 MR. FROST: Thank you, Mr. Chair.

16 And this is a political issue. And there are a
17 number of flaws with this application. And I've said many
18 times that Tallahassee acts when local districts don't do
19 the right thing. And we saw that in the past case with the
20 approval of another public charter school.

21 That's another point I'd like to make. It's been
22 said to me that there's this contrast between charter and
23 public school. Charter schools, the full name is public
24 charter schools. They are public schools. You don't have
25 to pass a special test to go there. They are public school

1 children.

2 So, you know, and need is not a requirement.
3 It's important that the folks at home know that. There is
4 no need. But if there were a need, I mean if there were a
5 need to demonstrate need -- like if you build a hospital,
6 you have a Certificate of Need. We are a C district in a C
7 state. That's a need. Innovation can bring the change.
8 You know, it's one of those deals where competition raises
9 all boats.

10 So it's not as though I think, to Ms. Jimenez and
11 Board Member Simchick's point, you know, this is a perfect
12 application. It's not. And I think that it's important to
13 give it time to develop and to address any deficiencies.

14 So having said that, I think we're probably ready
15 to call. Thank you, Mr. Chair.

16 MR. MCCAIN: Any further discussion?

17 MR. SEARCY: Call the question.

18 MR. MCCAIN: The motion before us is to table
19 this item. We do have a second. Right now we'll call for
20 a vote. All those in favor signify by saying aye.

21 (Aye)

22 MR. MCCAIN: Any opposed?

23 (Nay)

24 MR. MCCAIN: Opposed. Motion fails 2-3.

25 So now, Ms. D'Agresta, do we go back to item E,

1 open it back up since it -- the motion was to table it.
2 That was denied. That was voted down. Now we're still on
3 E?

4 MS. D'AGRESTA: It's C.

5 MR. MCCAIN: I apologize. I'm looking at D on my
6 sheet and I'm going the wrong way. Item C, we're still on
7 C?

8 MS. D'AGRESTA: Yes, sir. And so if there's a
9 motion the Board could pass, that would be appropriate.

10 MR. MCCAIN: I'll entertain a subsequent motion
11 at this time.

12 MR. SEARCY: I'll move for approval to deny.

13 MR. MCCAIN: Mr. Searcy.

14 Do I have a second?

15 MS. JIMENEZ: Second.

16 MR. MCCAIN: Thank you, Ms. Jimenez.

17 Mr. Searcy, would you like to speak to your
18 motion?

19 MR. SEARCY: No, sir.

20 MR. MCCAIN: Ms. Jimenez, your second?

21 MS. JIMENEZ: No, thank you.

22 MR. MCCAIN: Any further discussion?

23 MS. SIMCHICK: Yes. Again, the table was not
24 based on the application.

25 But I have a question. And because the applicant

1 requested it, my discussion, which I must share with my
2 peers, with the attorney was that we could deny it and they
3 could appeal it, or they could withdraw. And I saw a, what
4 I thought was a fumble attempt to withdraw. And actually
5 she said they could withdraw and then address the items
6 that they found in the second finding.

7 If this Board was to deny, do they still have the
8 opportunity to withdraw after a denial and keep the
9 application open?

10 MS. D'AGRESTA: If the School Board denies the
11 application, at that point the process is over except for
12 appeal rights that are set forth in the law.

13 A charter applicant can always withdraw an
14 application. This application could be revised and
15 resubmitted during the next application session, if you
16 will, the time period for applications. The statute allows
17 an applicant to submit a draft by May 1st, and then the
18 school district staff have an opportunity to review and
19 provide comments on the draft. I think the deadline is,
20 the comments have to be back by either June 30th or July
21 1st, and then the applicant can submit a final application
22 by August 1st. Those are kind of the timelines in the
23 statute. So there's that possibility for there to be a
24 draft application of this high-performing replication be
25 submitted by May 1st is the deadline.

1 I think a charter applicant has a lot of
2 different options to fix issues. There's always technical
3 assistance being provided by the Department of Education.
4 And I know that district staff as well, the coordinators of
5 charters, also speak to applicants about our internal
6 processes here in Indian River to try and assist with an
7 application. So I think there are lots of options.

8 But yes, certainly you can deny, they can
9 withdraw, you can approve. I mean, there's lots of
10 different things you can do with an application. But we
11 have to be mindful of the deadlines that are set by statute
12 so that we can process an application and have them be able
13 to open their school by the school year.

14 MS. SIMCHICK: So I'm confused. What is the cut
15 off deadline?

16 MS. D'AGRESTA: August 1st is the final deadline
17 for a charter application, a final clean application to be
18 submitted for the district, and then the district has a
19 time period to review it and then bring a recommendation
20 forward.

21 MS. SIMCHICK: So then by removing or withdrawing
22 their application, what would be the cut off if they were
23 to clean up their issues as they had suggested tonight?
24 What would be the return?

25 MS. D'AGRESTA: By statute, it's August 1st.

1 MS. SIMCHICK: Of next year.

2 MS. D'AGRESTA: Yes.

3 MS. SIMCHICK: So they have a year.

4 MS. D'AGRESTA: Yes, yes.

5 MS. SIMCHICK: So by denial tonight, they cannot
6 submit it again until April, did I hear you, or May 1st?

7 MS. D'AGRESTA: May 1st for a draft.

8 MS. SIMCHICK: For a draft.

9 MS. D'AGRESTA: It's not required. But charter
10 schools may submit a draft application to get some feedback
11 from the district staff ahead of the final August 1st
12 deadline.

13 MS. SIMCHICK: I think I have that then.

14 So as I said then based on the information that
15 my attorney is giving me and based on -- I just want to
16 make clear that I fully support -- I will not be able to
17 support the motion, but I fully support the
18 superintendent's denial. I fully believe in the areas that
19 need to be cleaned up. But based on my personal witness to
20 the applicant who are willing to continue to work and the
21 misunderstanding that they spoke of, I would, you know,
22 support my earlier feelings of having that.

23 But I do support the superintendent. I just want
24 to make that clear. I do support your reason for denial.
25 And it is a flawed application. I was hoping that we

1 could, in a sense of community, have you address those
2 concerns even though you hadn't. But that does not look
3 possible at this time. So --

4 MR. MCCAIN: Any further discussion?

5 MR. SEARCY: Call the question.

6 MR. MCCAIN: Yes, sir.

7 MR. SEARCY: Call the question.

8 MR. MCCAIN: I apologize, I thought that you said
9 that you a question.

10 Mr. Frost.

11 MR. FROST: I do. Thank you. Thank you, Mr.
12 Chair. And I do understand the vice-chair has called for
13 the question.

14 I do think that we need to -- and it's been
15 brought out before, but I would like an opinion from our
16 attorney on this. Can we as constitutional officers do
17 something that may put us in peril as far as the
18 desegregation order? If we're under a federal
19 desegregation order, can I vote to approve something that
20 knowingly violates that? Not to put you on the spot or
21 anything. It's constitutional law, let's hear it.

22 MS. D'AGRESTA: Yes, sir. The School Board has
23 been ordered by a federal court to attain certain criteria,
24 if you will, with regard to student attendance and with
25 regard to employees. And no, you may not knowingly take

1 action to violate that consent decree. If you do, you just
2 must be aware that the federal court still has continuing
3 jurisdiction over the case and could entertain some sort of
4 sanction or call you back into court to discuss, you know,
5 your declination to adhere to that consent decree.

6 So you shouldn't, I'll put it that way it, you
7 really shouldn't violate your consent decree. If you do,
8 please be aware there may be sanctions.

9 MR. FROST: Thank you.

10 And I guess the same applies to Rhea vs. Alachua
11 Schools as far as the bylaws not requiring local meetings,
12 where I guess that case law says that the potential, as
13 their bylaws are written now on page 5 of 13 or page 209 of
14 342 of our action item C in our agenda, it addresses
15 specifically the legal implications of violating the
16 Sunshine Law by having a, potentially having a board
17 meeting as it exists now in their bylaws at their corporate
18 headquarters, or I'm sorry, their out-of-town headquarters
19 and thereby, you know, not allowing an open meeting
20 process. Is that the same?

21 MS. D'AGRESTA: That issue is slightly different.
22 That's a state law requirement. As you know, charter
23 schools are governed by the Sunshine Law which is the same
24 law that you are required to comply with and have your
25 meetings in public.

1 The application, the cold reading of the
2 application indicates that the governing board will have
3 two meetings every school year here in Indian River County.
4 That's required by law and they've recited that in their
5 application.

6 The issue that was raised had to do with a parent
7 dispute resolution process. It was a multi-step process
8 and the final step, I think it was four or five steps, the
9 final step for a parent of a child here in Indian River was
10 to attend a governing board meeting and address the
11 governing board with that complaint, whatever their
12 complaint may be. The issue raised was you're going to
13 have two meetings a school year. There was a concern that
14 the parent's complaint would not be able to be finally
15 resolved in a timely manner, okay.

16 And so part of the discussion during the
17 interview process was that the charter school governing
18 board was looking at a way for parents to attend remotely.
19 So that if the governing board was going to be meeting in
20 Fort Lauderdale or if a charter governing board was going
21 to be meeting in Jacksonville, that if there was an Indian
22 River parent with a concern that needed to be addressed by
23 the governing board, that they would just attend that
24 meeting remotely and have the governing board determine or
25 decide or do whatever they were going to do about the

1 Indian River issue at their meeting in Jacksonville or
2 Miami or Broward.

3 What the Alachua school board case tells us is
4 when the Alachua school board needs to make a decision,
5 they need to take action with regard to an Alachua school
6 board issue, that case law tells us they have to do it
7 within their jurisdiction. They have to be physically,
8 their quorum must be physically present in Alachua County.

9 And with the process that was being suggested to
10 address a dispute resolution with a parent, that Sunshine
11 Law issue was not going to be complied with because the
12 governing board would be taking action, a discussion
13 regarding Indian River charter school issues, somewhere
14 else, either down south or up north.

15 In addition to that, there's been a very recent
16 attorney general opinion, again on Sunshine Law, with
17 regard to a board of trustees for a pension down in South
18 Florida. And in that particular opinion -- again, the
19 attorney general this time, not a court -- came to the
20 conclusion that the board of trustees could not go to, I
21 think it was Massachusetts, and hold interviews and
22 meetings up in Massachusetts regarding a South Florida
23 board of trustees issue because they really had
24 jurisdiction there, they needed to physically produce their
25 meeting, have a physical quorum in their jurisdiction.

1 So that lends to the issue of if, if that's the
2 way this governing board is going to operate, that perhaps
3 they would call meetings in other areas of the state but
4 actually address Indian River County charter school issues
5 and make decisions, that it's going to raise a Sunshine Law
6 issue with regard to that attorney general opinion I
7 mentioned as well as the Rhea/Alachua school board case.

8 So that's why I included some language in the
9 analysis suggesting that we either need a court declaration
10 or perhaps something from the Florida attorney general's
11 office that gives some guidance that a charter school can
12 behave in this way because they're governed by the same
13 Sunshine Laws as you are.

14 So Sunshine Law, I don't know, you may find that
15 I am exceedingly conservative with regard to Sunshine Law
16 because there are criminal penalties and I want to be sure
17 that elected officials are well within the law and be sure
18 that our meetings comply. So that was the purpose of
19 adding that in.

20 Did I clarify?

21 MR. FROST: You did. Thank you.

22 And it's because they're public schools; right?

23 MS. D'AGRESTA: Yes.

24 MR. FROST: Okay. Thank you.

25 MR. MCCAIN: Anything further -- I'm sorry. Are

1 you done?

2 MR. FROST: No, I appreciate your indulgence,
3 Mr. Chair, because this is a very important decision and I
4 like to make informed decisions as best I can. So thank
5 you for the time.

6 MR. MCCAIN: That's all right.

7 Any further discussion?

8 Seeing none, all those in favor signifying by
9 saying aye.

10 (Aye)

11 MR. MCCAIN: Any opposed?

12 (Nay)

13 MR. MCCAIN: Four-one or 3-2?

14 MR. FROST: Four-one.

15 MR. MCCAIN: Four-one. Motion carries 4-1 this
16 time.

17 The next item is item D, approval for the
18 superintendent's recommendation to deny charter application
19 for Somerset Middle School.

20 Excuse me. Before we move on to that, we do have
21 some speakers to this item. The first speaker is Charles
22 Gibson.

23 MR. GIBSON: Good evening again.

24 I guess I have no new information other than I
25 can address certain items concerning the desegregation

1 order. And as I spoke at the initial public hearing, one
2 of the things that we pointed out in terms of the
3 desegregation order was that there's a distinction between
4 your public school and a charter school in the sense that
5 you all have certain geographical areas. And one of the
6 questions that was raised was where are you going to be
7 located. And our response was we, number one, we didn't
8 want to divulge that information because if, since it was a
9 public meeting, if we began negotiations with a potential
10 landlord, then they would know "Oh, you're coming here, so
11 now we're going to jack up the price." So that was one of
12 the rationale behind it. And in addition to, the statute
13 does not say that we have to have a location set in the
14 application.

15 But going back directly to the desegregation
16 order, one of the quagmires in that whole process is as a
17 charter school, we can't dictate who walks in our doors.
18 So hypothetically, if we get an overwhelming group of
19 students, hypothetically if it's Hispanics or whites or
20 blacks, then we would craft, of course, to make sure that
21 we follow the desegregation order accordingly. But if it
22 comes out to be those same percentages, then we will follow
23 that. And I think that that's really the biggest issue
24 that we have and that's what we explained to them. Because
25 how can we control which parents would apply? And once

1 they apply and are accepted, how can we then remove or
2 adjust students to fit a desegregation order? So that's
3 kind of the quagmire that we're in in terms of compliance.
4 I mean, listen, we're in the position of compliance.

5 One of the things, one of the comments that was
6 made, that we had two failing schools in other counties, we
7 closed those schools because -- it's not that they weren't
8 academically sufficient. Parents did not want to attend.
9 It was a numbers thing. Parents weren't interested, so
10 that's one of the reasons we closed. It wasn't that we
11 failed, it wasn't that we were out of compliance. But
12 again, this is a choice.

13 If we have a school here and parents do not want
14 to attend, then we'll have a school with either a smaller
15 enrollment or we won't have the school open. It is a
16 school of choice.

17 And so I make these comments because I think that
18 it's a little unfair to take certain things in isolation
19 because we have to look at the circumstances. And that's a
20 part of the dialogue that we were talking about.

21 When there's allegations that we're mismanaging
22 funds or that we're failing, I mean, that's simply not
23 true. I mean, if you look at nationwide, we have some of
24 the top schools in the nation. I mean, we do. If you look
25 at statewide, we have some of the top schools in the

1 nation. We have about --

2 MR. MCCAIN: It's three minutes. Yeah, please
3 wrap it up.

4 MR. GIBSON: Just in closing, I mean, we have
5 probably about 47 schools in our network and 95 percent of
6 them are above B average. So, you know, we want to bring
7 that, we want to bring that to this county.

8 Thank you for the time and I appreciate it.

9 MR. MCCAIN: Thank you.

10 Our next speaker is Adriana Lima.

11 MS. LIMA: Thank you for your time.

12 I actually just wanted to clarify. I believe the
13 schools that you're referring to in Brevard and Orange are
14 part of addendum C and none of those schools were Somerset
15 schools actually. So Somerset Academy has not closed a
16 school in Brevard or Orange County.

17 The other statement I believe that was made was
18 that SoMi is currently, or Somerset South Miami is
19 currently under investigation. Somerset is not currently
20 under investigation.

21 So I just wanted to make those two points of
22 clarification. Thank you.

23 MR. MCCAIN: Our next speaker is Mr. Richard
24 Moreno.

25 MR. MORENO: Pass.

1 MR. MCCAIN: You pass, okay. Thank you.

2 The item before us is action item D, approval for
3 the middle school.

4 Dr. Rendell.

5 DR. RENDELL: Thank you, Chairman McCain.

6 It is my recommendation that the School Board
7 deny the application for Somerset Academy for the
8 replication of a charter middle school here in Indian River
9 County. The application is to replicate a charter middle
10 school in Miami. The review committee found several
11 deficiencies in the application, and as a result of that, I
12 am recommending denial.

13 MR. MCCAIN: I'll entertain a motion at this
14 time.

15 MR. SEARCY: So move.

16 MR. MCCAIN: Thank you, Mr. Searcy.

17 Do I have a second?

18 MS. JIMENEZ: Second.

19 MR. MCCAIN: Thank you, Ms. Jimenez.

20 Mr. Searcy, would you like to speak to your
21 motion?

22 MR. SEARCY: No.

23 MR. MCCAIN: Ms. Jimenez, your second?

24 MS. JIMENEZ: Dr. Rendell, is there any
25 possibility of addressing the allegation that there is a

1 current Somerset school, the one that the replication model
2 is after? In your document to us, there is a statement,
3 and in parentheses, a reference to that statement, and that
4 is being denied by the applicants. Can we just have a
5 little clarification on that.

6 DR. RENDELL: It's my understanding that the City
7 of South Miami is investigating the racial disparities of
8 membership at the elementary school that they're
9 replicating.

10 Dr. Fritz, I believe you asked the questions
11 regarding that in the interview process?

12 DR. FRITZ: Thank you, Dr. Rendell.

13 The reference that you're speaking of,
14 Ms. Jimenez, is a Miami Herald article. There's actually a
15 series of two, one from this summer and one from I believe
16 February of 2015, where the Miami Herald reported that they
17 were under investigation. So it was just a citation of
18 what was in the newspaper article. We are aware that there
19 is a justice center with the University of Miami that has
20 been trying to work with them to resolve the issues, and as
21 we understand it, as of the date of the interview, that
22 resolution process is in accordance currently.

23 DR. RENDELL: But to confirm, when you asked
24 about that in the interview process, they confirmed that
25 they were working with that group to remedy that situation.

1 DR. FRITZ: Yes. They verified they were working
2 with the organization in Miami to work on that issue.

3 MR. MCCAIN: Any further discussion?

4 MS. JIMENEZ: Thank you.

5 MR. MCCAIN: Ms. Simchick.

6 MS. SIMCHICK: Yes. And again, there was no
7 sense to make a motion to table and deny again.

8 But I just want to make clear that I am not in
9 favor of approving this application. But my personal
10 integrity, in the spirit of allowing everybody a free
11 moment to amend or rectify any complaints, I want to make
12 sure that I have extended the extra yard. I support again
13 the superintendent, but I am neither denying or approving
14 this application at this time.

15 MR. MCCAIN: Any further discussion?

16 MR. FROST: Thank you, Mr. Chair.

17 So if the noted deficiencies in the application
18 go to the State Board of Education, will they amend them or
19 just approve the application? I'm sorry, I'm new here
20 remember. How does that work?

21 DR. RENDELL: I'm not sure we can tell you.

22 MS. D'AGRESTA: Yes, I don't know that I can
23 predict what the State Board of Education will do. But
24 typically the process is that the State Board of Education
25 either approves or rejects this Board's action, or any

1 school board's action. The State Board of Education should
2 not be revising applications, it should not be, you know,
3 adding or subtracting from applications, it should just be
4 looking at the information presented to it and making its
5 decision on that information.

6 MR. MCCAIN: Any further discussion?

7 MR. FROST: Just to be clear, so it could come
8 back as it is approved from the, it's possible that it
9 could come back as it is approved from the State.

10 MS. D'AGRESTA: Yes, sir. The State Board of
11 Education can approve or deny -- excuse me, approve or
12 reject this Board's action.

13 So if the State Board -- let's take the
14 scenarios. If the State Board of Education decides to
15 accept what this School Board has done if an appeal is
16 filed -- I mean, let's step back. If an appeal is filed,
17 the State Board has the option to approve or agree with
18 what this School Board has done.

19 The State Board of Education also has the option
20 of rejecting what this School Board has done. And what the
21 statute says is the State Board would then return the
22 application to this School Board for the School Board to
23 also approve. So it would come back as it went up. So it
24 would basically look the same.

25 The School Board at that point, of course, would

1 have its appeal rights to the Fourth District Court of
2 Appeal if you wished to challenge the action of the State
3 Board of Education.

4 MR. FROST: And that's the reason I wished we
5 worked together on this rather than getting the potential
6 of having something come back to us that's completely
7 untenable. We'll have to go through the appeal process,
8 assuming they appeal and then we appeal their appeal and,
9 you know, on and on, rather than working together to bring
10 what looks like a pretty neat school to the district. it's
11 unfortunate.

12 Thank you, Mr. Chairman.

13 MR. MCCAIN: Any further discussion?

14 All those in favor signify by saying aye.

15 (Aye)

16 MR. MCCAIN: Opposed?

17 (Aye)

18 MR. MCCAIN: Motion carries 3-2, Ms. Stang.

19 (End of discussion)
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25

1 STATE OF FLORIDA)
2 : SS
3 COUNTY OF INDIAN RIVER)

4 CERTIFICATE

5
6 I, PATRICE C. HENSLEY, Notary Public of the State
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8 did stenographically report the foregoing proceedings and
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10 stenographic notes.

11 DATED this 18th day of August, 2012

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<p>vote 5:12 18:25 19:7,11 21:20 26:19 voted 22:2 vs 27:10</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>waive 6:1 walks 32:17 want 3:17 5:4,20 6:1 17:13,14 17:16 18:5,12 18:25 19:7 20:3 25:15,23 30:16 32:8 33:8,13 34:6,7 37:8,11 wanted 4:7 19:25 34:12,21 wants 5:22 wasn't 16:20 33:10,11 way 15:8 16:4 16:22,23 18:10 22:6 27:6 28:18 30:2,12 we'll 6:6 20:13 21:19 33:14 39:7 we're 4:19 7:17 10:19 13:20,20 14:8,9 19:13 21:14 22:2,6 26:18 32:11 33:3,4,21,22 we've 11:1 19:3 WEISS 2:12 welcome 4:19 6:16 9:7 15:5 went 9:24 18:19 38:23 weren't 10:3 16:8 33:7,9 whites 32:19 WILLIAM 2:6 willing 17:10 25:20</p>	<p>window 10:1 wished 39:2,4 withdraw 17:7 17:10 23:3,4,5 23:8,13 24:9 withdrawing 24:21 withdrew 11:17 witness 25:19 wonderful 14:9 14:10 words 6:17 work 9:24 25:20 36:20 37:2,20 worked 39:5 working 6:15 17:5 36:25 37:1 39:9 wrap 34:3 written 27:13 wrong 20:12 22:6</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yard 37:12 Yeah 34:2 year 11:17 19:22 24:13 25:1,3 28:3,13 years 6:16 yield 5:18,22,25 6:7,10 York 12:16</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>Zulueta 14:22</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>110 7:10 111 2:13 13 1:8 27:13 15 6:16 18th 40:11 1990 1:3</p>	<p>1st 23:17,21,22 23:25 24:16,25 25:6,7,11</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2-3 21:24 2000 2:13 2013 11:13,18 12:1 13:3 15:10 20:9 2015 1:8 36:16 40:11 209 27:13 22 11:13 25th 1:3</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3-2 31:13 39:18 30th 23:20 32801 2:14 32960 1:4 33134 2:16 342 27:14</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4-1 31:15 46,000 6:25 47 34:5</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 27:13</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6:00 1:9 3:3 6340 2:16</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>75 7:9</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>95 34:5 9th 12:16</p>
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5

Date: 07:23 PM EST, 11/19/2015
From: Collette Papa <cpapa@academica.org>
To: "store1631@theupsstore.com" <store1631@theupsstore.com>
Subject: Fwd: Receipt of Applications

Begin forwarded message:

From: Adriana Lima <alima@academica.org>
Date: October 6, 2015 at 10:39:49 AM EDT
To: Collette Papa <cpapa@academica.org>
Subject: FW: Receipt of Applications

Adri C. Lima / Academica
305.878.9993 / alima@academica.org
Office: 305.669.2906 / Fax: 305.669.4390
6340 Sunset Drive Miami, FL 33143
www.academica.org



From: <Ferrentino>, "Michael.Ferrentino@indianriverschools.org" <Michael.Ferrentino@indianriverschools.org>
Date: Wednesday, August 5, 2015 at 10:09 AM
To: Adri Lima <alima@academica.org>
Cc: "Michael.Ferrentino@indianriverschools.org" <Michael.Ferrentino@indianriverschools.org>
Subject: Receipt of Applications

Good afternoon Ms. Lima,

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

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

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

Thank you.....Mike

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

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

Good morning Ms. Lima,

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

We have scheduled the "Interview" sessions as follows:

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

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

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

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

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

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

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

Michael Ferrentino, Ed.D.

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

Indian River County School District

Ex. 5-2

Charter School Application Timeline-2015-2016

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

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

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

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

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

Adri C. Lima / Academica
305.878.9993 / www.academica.org

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

Hello Mr. Concepcion,

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

Thank you....Mike Ferrentino

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

<Karen.Malits@indianriverschools.org>, "McCarty, Patrick"
 <Patrick.Mccarty@indianriverschools.org>, "Morrison, Carter"
 <Carter.Morrison@indianriverschools.org>, "Robison, Jamie"
 <Jamie.Robison@indianriverschools.org>, "Rynberg, Andrew"
 <Andrew.Rynberg@indianriverschools.org>, "Suit, Edwina"
 <Edwina.Suit@indianriverschools.org>, "Taylor, Christopher"
 <Christopher.Taylor@indianriverschools.org>, "Torres-Martinez, Lillian"
 <Lillian.TorresMartinez@indianriverschools.org>

Subject: RE: Reminder for Interview dates

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

I met with the various review team members this morning in regards to the storm and our meeting schedule.

Although at present, the superintendent is anticipating school to be open for business on Monday. However, all team members felt that considering that we are requesting you to come from our south counties, it is unfair, and probably unsafe, to have you drive through rain and wind even if it only remains a Tropical Storm.

Thus, we have rescheduled the interviews as follows:

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

Lunch 12 noon-1:00 PM

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

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

Mike Ferrentino

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

Sent: Thursday, August 27, 2015 2:11 PM

To: Ferrentino, Michael

Subject: Re: Reminder for Interview dates

Good Afternoon Dr. Ferrentino

I hope you are doing well.

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

Looking forward to hearing from you.

Thanks

Adri C. Lima / Academica
 305.878.9993/ alima@academica.org

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 6340 Sunset Drive Miami, FL 33143
www.academica.org

Facebook Twitter Instagram

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

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

Thank you very much. Take care and be safe!

Adri C. Lima / Academica
 305.878.9993 / alima@academica.org

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 6340 Sunset Drive Miami, FL 33143
www.academica.org

Facebook | Twitter | Instagram

From: <Ferrentino>, "Michael.Ferrentino@indianriverschools.org"
 <Michael.Ferrentino@indianriverschools.org>
Date: Friday, August 28, 2015 at 1:54 PM
To: Adri Lima <alima@academica.org>, "dconcepcionfl@gmail.com"
 <dconcepcionfl@gmail.com>
Cc: "Alderman, Donna" <Donna.Alderman@indianriverschools.org>, "Berg, Deborah" <Deborah.Berg@indianriverschools.org>, "Blanco, Alice" <Alice.Blanco@indianriverschools.org>, "Chesnut, Patricia" <Patricia.Chesnut@indianriverschools.org>, "D'Agresta, Suzanne" <Suzanne.D'Agresta@indianriverschools.org>, "Michael.Ferrentino@indianriverschools.org" <Michael.Ferrentino@indianriverschools.org>, "Francis, Kathrine" <Kathrine.Francis@indianriverschools.org>, "Fritz, William" <William.Fritz@indianriverschools.org>, "Green, Bruce" <Bruce.Green@indianriverschools.org>, "Hayes, Christina" <Christina.Hayes@indianriverschools.org>, "Long, Deborah" <Deborah.Long@indianriverschools.org>, "Malits, Karen"

5-6

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

Good evening Mr. Ferrentino

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

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

Thank you!

Adri C. Lima / Academica
305.878.9993 / www.academica.org

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

Hi Ms. Lima,

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

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

Somerset Academy Elementary Vero to **Thursday, September 10, 2015 @ 1:30 AM – 3:00 PM**

Somerset Academy Middle Vero to **Thursday, September 10, 2015 @ 3:30 PM – 5:00 PM**

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

Thank you,
Michael Ferrentino

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

That is no problem. Thank you so much!

Adri C. Lima / Academica
305.878.9993 / www.academica.org

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

I will work on that.....

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

Thanks....Mike

5-7

Subject: RE: Reminder for Interview dates

Date: Tuesday, September 1, 2015 at 4:44:41 PM Eastern Daylight Time

From: Ferrentino, Michael

To: Adriana Lima, 'dconcepcionfl@gmail.com'

Wonderful,

I will let the Review Team know that our revised schedule will work for both parties.

Looking forward to seeing you on the 15th.

Mike

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

Sent: Tuesday, September 01, 2015 4:42 PM

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

Subject: Re: Reminder for Interview dates

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

Adri C. Lima / Academica
305.878.9993 / alima@academica.org

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

Facebook: [https://www.facebook.com/academica.org](#)

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

<Michael.Ferrentino@indianriverschools.org>

Date: Tuesday, September 1, 2015 at 4:39 PM

To: Adri Lima <alima@academica.org>, "'dconcepcionfl@gmail.com'" <dconcepcionfl@gmail.com>

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

Subject: RE: Reminder for Interview dates

Good afternoon Ms. Lima,

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

Somerset Academy Elementary Vero to **Tuesday, September 15, 2015 @ 1:30 AM – 3:00 PM**

Somerset Academy Middle Vero to **Tuesday, September 15, 2015 @ 3:30 PM – 5:00 PM**

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

Thank you for your consideration,

Mike Ferrentino

Charter School Application Timeline-2015-2016

5-7

- July 31, 2015 SOMERSET ACADEMY APPLICATION RECEIVED.
- Aug. 3, 2015 SOMERSET ACADEMY MIDDLE APPLICATION RECEIVED.
- Aug. 14, 2015 Initial meeting with selected reviewers. Application forwarded to selected (11-noon, LICR) reviewers for scoring and School Board members (SLC.)
- Aug. 17-21, 2015 selected reviewers begin working meetings with their staff.
- Aug. 21, 2015 Follow-up meeting with selected reviewers. (11-noon, LICR)
- Aug. 24-28, 2015 (cont.) Selected reviewers - working meetings with their staff.
- Aug. 28, 2015 Follow-up meeting with selected reviewers. Preparatory meeting for Interviews (Public meeting) with Somerset Representatives. (11-noon, LICR)
-
- Sept. 11, 2015 Review Compiled Interview Questions (11-noon, LICR)
- Sept. 15, 2015 District Review Team conducts Interviews (Public Meeting) (1:00 PM, TEC) with Somerset Academy Representatives.

District Review Team conducts Interviews (Public Meeting) (3:00 PM, TEC) with Somerset Academy Middle Representatives.
- Sept. 18, 2015 Team Meeting to review Interview Question responses. (1-2, LICR)
- Sept. 25, 2015 Team meeting to prepare responses for Summary of Findings meeting.
- Sept. 29, 2015 District Review Team conducts, "Summary of Findings meeting" (public meeting) (1:00 pm, TEC) for Somerset Academy Representatives.

District Review Team conducts, "Summary of Findings meeting" (public meeting) (3:00 pm, TEC) for Somerset Academy Middle Representatives.
- Sept. 30, 2015 Review Team Recommendations to Superintendent.
Notification to Somerset Representatives of Recommendation to Board.
- Oct. 1, 2015 Notification of the Superintendent's recommendation to the School Board.
- Oct. 1, 2015 (noon) Item placeholder on the School Board's 10/13/15 agenda for decision.
- October 13, 2015 School Board Meeting.
- October 14, 2015 Formal notification of Award or Denial after School Board meeting for Somerset Academy.
Formal notification to State of Florida of the status on the application.

6

U.S. Department of Education

Office for Civil Rights



May 14, 2014

Dear Colleague:

One of the fastest-growing areas of school reform is the creation of public schools through a chartering process. Since first appearing in the early 1990s, many charter schools have provided students with additional meaningful opportunities to receive a high-quality education. In communities throughout the nation, numerous charter schools are developing unique learning environments, spurring innovation, engaging parents and other stakeholders, and improving educational opportunities for students. The U.S. Department of Education (Department) is committed to supporting the establishment of high-quality public charter schools from which all students can benefit.

Because many charter schools are newly created, it is understandable that charter school administrators are interested in information about the applicability of Federal civil rights laws.¹ Parents, teachers, community leaders, and charter school authorizers have also sought guidance as to charter schools' legal obligations under the Federal civil rights laws.

I am writing to remind you that the Federal civil rights laws, regulations, and guidance that apply to charter schools are the same as those that apply to other public schools. For this reason, it is essential that charter school officials and staff be knowledgeable about Federal civil rights laws. These laws extend to all operations of a charter school, including recruiting, admissions, academics, educational services and testing, school climate (including prevention of harassment), disciplinary measures (including suspensions and expulsions), athletics and other nonacademic and extracurricular services and activities, and accessible buildings and technology.

The Department's Office for Civil Rights (OCR) enforces a number of Federal civil rights laws that apply to charter schools, including:

¹ More than one quarter of charter schools have been open three years or less. See National Alliance for Public Charter Schools, *The Public Charter Schools Dashboard Report on Charter School Age*, available at <http://dashboard.publiccharters.org/dashboard/schools/page/age/year/2013>.

- Title VI of the Civil Rights Act of 1964 (Title VI) (prohibiting discrimination based on race, color, or national origin);²
- Title IX of the Education Amendments of 1972 (Title IX) (prohibiting discrimination based on sex);³ and
- Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) (prohibiting discrimination based on disability).⁴

These Federal civil rights laws and the specific legal obligations discussed in this letter apply to all public charter schools in the United States, regardless of whether they receive Federal funds under the Department's Charter Schools Program.⁵ In addition, charter schools that receive funds—either directly or through a State educational agency (SEA)—under a Department grant program, such as the Charter Schools Program, are subject to the additional requirements of each grant program.⁶

This letter does not attempt to summarize the entire body of Federal civil rights laws. Instead, it briefly addresses a few of the subjects that have arisen in the charter schools context: equal opportunity in admissions; provision of a free appropriate public education (FAPE) to students with disabilities; provision of services to English-language learners so that they can participate fully in their school's educational program; and the non-discriminatory administration of discipline. Throughout, this letter also identifies Departmental guidance and resources that are available to charter schools to assist them in complying with the Federal civil rights laws.

The obligations discussed below under the Federal civil rights laws are independent of charter schools' obligations under the Individuals with Disabilities Education Act (IDEA). Working with the Department's Office of Special Education and Rehabilitative Services (OSERS), which is responsible for administering the IDEA, OCR intends to issue joint guidance on the rights of students with disabilities who attend charter schools and their parents.

² 42 U.S.C. § 2000d *et seq.*; 34 C.F.R. Part 100.

³ 20 U.S.C. § 1681 *et seq.*; 34 C.F.R. Part 106.

⁴ 29 U.S.C. § 794; 34 C.F.R. Part 104; 42 U.S.C. § 12131 *et seq.*; 28 C.F.R. Part 35. Pursuant to a delegation by the Attorney General of the United States, OCR shares in the enforcement of Title II in all programs, services, and regulatory activities relating to the operation of, among other types of entities, public elementary and secondary educational programs. 28 C.F.R. § 35.190(b)(2). Title II cannot be construed to establish any lesser standard than the standards established under Section 504 and its implementing regulations. 42 U.S.C. § 12201(a); 28 C.F.R. § 35.103(a).

⁵ 20 U.S.C. § 7221-7225g. Title II applies to all public entities (including public schools) regardless of whether they receive Federal financial assistance. Title VI, Title IX, and Section 504 apply to all education programs or activities that receive Federal financial assistance either directly from the Department or through a local educational agency (LEA), State educational agency, or otherwise. OCR is unaware of any public school, including a charter school, that is not part of a program or activity that receives Federal financial assistance directly or indirectly from the Department.

⁶ For further information on the Charter Schools Program, see <http://www.ed.gov/programs/charter/index.html>.

Nondiscrimination in admissions. Charter schools may not discriminate in admissions on the basis of race, color, national origin, or disability.⁷

Although public charter schools' civil rights obligations are no different from those of other public schools in this regard, the fact that students choose to attend a charter school and are not simply assigned to attend a charter school underscores the need to be mindful of the rights of children and parents in the community when publicizing the school to attract students and when evaluating their applications for admission.

Charter schools must ensure that language-minority parents who are not proficient in English receive meaningful access to the same admissions information and other school-related information provided to English-proficient parents in a manner and form they can understand, such as by providing free interpreter and/or translation services.⁸ Also, communications with parents with disabilities must be as effective as communications with other parents. Appropriate auxiliary aids and services (such as Braille materials or a sign language interpreter) must be made available whenever they are necessary to ensure equally effective communication with parents with hearing, vision, or speech disabilities.⁹

As a general rule, a school's eligibility criteria for admission must be nondiscriminatory on their face and must be applied in a nondiscriminatory manner. In addition, a charter school may not use admissions criteria that have the effect of excluding students on the basis of race, color, or national origin from the school without proper justification.¹⁰ Charter schools also may not categorically deny admission to students on the basis of disability.¹¹

Charter schools located in a school district subject to a desegregation plan (whether the plan is court-ordered, or required by a Federal or State administrative entity) must be operated in a

⁷ 34 C.F.R. §§ 100.3(b)(1) (Title VI), 104.4(b) (Section 504). Generally, Title IX, which prohibits sex discrimination in federally funded education programs and activities, does not apply to admissions. A vocational (or career and technical education) charter school, however, may not discriminate on the basis of sex in its admissions policies or practices. 34 C.F.R. §§ 106.21(a), 106.35. The United States Constitution imposes strict parameters on the creation and operation of single-sex public schools and other uses of sex-based criteria. See *United States v. Virginia*, 518 U.S. 515, 531-33 (1996); Brief for the United States as *Amicus Curiae* Supporting Appellants at 25-26, *Doe v. Vermillion Parish Sch. Bd.*, No. 10-30378 (5th Cir. June 4, 2010), available at http://www.justice.gov/crt/about/app/briefs/vermillion_brief.pdf. Charter schools considering the use of sex-based admissions criteria should consult with legal counsel.

⁸ OCR, *Identification of Discrimination and Denial of Services on the Basis of National Origin*, (May 25, 1970), reprinted in 35 Fed. Reg. 11,595 (July 18, 1970).

⁹ See 34 C.F.R. § 104.4(b) and 28 C.F.R. § 35.160 (effective communication); see also 34 C.F.R. §§ 104.21-104.23 and 28 C.F.R. §§ 35.149-35.152 (program and facility accessibility).

¹⁰ 34 C.F.R. §§ 100.3(b)(2), 100.3(b)(6). See also OCR and Department of Justice, *Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools*, at p. 12 (December 2, 2011) (*Voluntary Use of Race Guidance*), available at <http://www.ed.gov/ocr/docs/guidance-ese-201111.pdf>.

¹¹ 34 C.F.R. § 104.4(b); and 34 C.F.R. §§ 104.33-104.36.

manner consistent with that desegregation plan.¹² Charter schools may also voluntarily elect to create learning environments that include students of diverse backgrounds. The benefits of such student body diversity are many. Diverse environments help students sharpen their critical thinking and analytical skills; prepare them to succeed in an increasingly diverse and interconnected world; break down stereotypes and reduce bias; and enable schools to fulfill their role in opening doors to students of all backgrounds.¹³

If a charter school wishes to promote racial diversity or avoid racial isolation, it has the flexibility (to the extent permitted by applicable State law) to pursue a variety of approaches in the context of admissions and recruiting, school location, attendance boundaries, transfers, and retention and support programs. As explained in greater depth in the *Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools*,¹⁴ charter schools should consider approaches that do not rely on the race of individual students before adopting approaches that do. Race-neutral approaches can take racial impact into account to promote diversity or avoid racial isolation;¹⁵ examples include targeting specific media outlets in which to advertise, reaching out to particular community groups, or using lotteries that give extra weight based on the socioeconomic status of a child's parents.¹⁶ If a charter school determines that race-neutral approaches would be unworkable or ineffective, it may employ generalized race-based approaches, which use race as an express criterion (such as locating a school based on the overall racial composition of neighborhoods or feeder schools) but do not rely on the race of individual

¹² In some instances, it may also be necessary for a charter school to seek a modification of the school district's desegregation plan or order from the court or administrative entity requiring the desegregation plan.

¹³ *Grutter v. Bollinger*, 539 U.S. 306, 330-31 (2003); see also *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 787-89, 797-98 (2007) (Kennedy, J., concurring).

¹⁴ Available at <http://www.ed.gov/ocr/docs/guidance-ese-201111.pdf>. See also OCR and Department of Justice, *Questions and Answers About Fisher v. University of Texas at Austin* (September 27, 2013), available at <http://www.ed.gov/ocr/docs/dcl-qa-201309.pdf> (affirming validity of *Voluntary Use of Race Guidance*); Department of Education and Department of Justice, *Dear Colleague Letter on Schuette v. Coalition to Defend Affirmative Action* (May 6, 2014), available at <http://www.ed.gov/ocr/letters/colleague-201405-schuette-guidance.pdf> (same).

¹⁵ Racial impact may not, however, be considered in furtherance of an invidious purpose. *Voluntary Use of Race Guidance* at p. 5.

¹⁶ Nonregulatory guidance from the Department identifies circumstances under which a charter school receiving Federal funds under the Charter Schools Program may use weighted lotteries: (1) when necessary to comply with certain Federal civil rights laws, the Equal Protection Clause of the United States Constitution, or applicable State law; (2) to give slightly better chances for admission to students seeking to transfer schools under the public school choice provisions of Title I, part A of the Elementary and Secondary Education Act of 1965 (ESEA); or (3) if permitted by State law, to give slightly better chances for admission to educationally disadvantaged students, including students who are economically disadvantaged, students with disabilities, migrant students, limited English proficient students, neglected or delinquent students, and homeless students. Department of Education, *Charter Schools Program: Title V, Part B of the ESEA: Nonregulatory Guidance* (January 2014) at pp. 18-19 (E-3), available at <http://www2.ed.gov/programs/charter/fy14cspnonregguidance.doc>. That guidance also suggests that charter schools consider conducting additional recruitment efforts toward groups that might otherwise have limited opportunities to participate in the charter school's programs. See *id.* at p. 20 (E-4). Note that the nonregulatory guidance only applies to Charter Schools Program recipients and does not otherwise apply to a charter school.

students. If race-neutral and generalized race-based approaches would be unworkable, a charter school may consider an individual student's race under appropriate factual circumstances.¹⁷

Free appropriate public education for students with disabilities.¹⁸ Under Section 504, every student with a disability enrolled in a public school, including a public charter school, must be provided a free appropriate public education—that is, regular or special education and related aids and services that are designed to meet his or her individual educational needs as adequately as the needs of students without disabilities are met.¹⁹ Evaluation and placement procedures are among the requirements that must be followed if a student needs, or is believed to need, special education or related services due to a disability.²⁰

Charter schools may not ask or require students or parents to waive their right to a free appropriate public education in order to attend the charter school. Additionally, charter schools must provide nonacademic and extracurricular services and activities in such a manner that students with disabilities are given an equal opportunity to participate in these services and activities.²¹ More information will be provided in joint guidance that OCR and OSERS plan to issue on the rights of students with disabilities who attend charter schools.

Affirmative steps for English-language learners. Like all public schools, charter schools must take “affirmative steps” to help English-language learners overcome language barriers so that they can participate meaningfully in their schools’ educational programs.²² A charter school must timely identify language-minority students who have limited proficiency in reading, writing, speaking, or understanding English, and must provide those students with an effective language instruction educational program that also affords meaningful access to the school’s academic content. Federal civil rights laws do not, however, require any school, including a charter school, to adopt or implement any particular educational model or program of instruction for English-language learners; schools have substantial flexibility to determine how they will satisfy their legal obligations to meet these students’ needs.²³

¹⁷ Schools thinking about considering individual student’s race in admissions should carefully review the *Voluntary Use of Race Guidance* for detailed analysis of when such consideration may be lawful and may also wish to consult with legal counsel.

¹⁸ IDEA also has a specific statutory definition of the term free appropriate public education. 20 U.S.C. § 1401(9) and 34 C.F.R. § 300.17. This letter does not address the IDEA definition of free appropriate public education or other related IDEA requirements.

¹⁹ 34 C.F.R. § 104.33(b)(1).

²⁰ 34 C.F.R. § 104.35.

²¹ 34 C.F.R. § 104.37; see also OCR, *Dear Colleague letter on Extracurricular Athletics* (January 25, 2013), available at <http://www.ed.gov/ocr/letters/colleague-201301-504.pdf>.

²² See *Lau v. Nichols*, 414 U.S. 563, 566 (1974).

²³ OCR’s policies governing the treatment of English-language learners are available at <http://www.ed.gov/ocr/ellresources.html>.

Nondiscrimination in discipline. Data collected by OCR have demonstrated significant disparities in the use of exclusionary discipline (such as suspensions or expulsions) against students of color and students with disabilities in many schools across the country, and that an increasing number of students are losing important instructional time due to exclusionary discipline.²⁴ All public schools, including charter schools, are obligated to avoid and redress discrimination in the administration of school discipline on the basis of race, color, or national origin; disability; and sex. This obligation applies over the entire course of the disciplinary process, from behavior management in the classroom, to referral to an authority outside the classroom because of misconduct, to resolution of the discipline incident. The *Guidance on the Nondiscriminatory Administration of School Discipline*²⁵ offers detailed assistance on how to identify, avoid, and remedy discriminatory discipline. The discipline guidance document focuses on racial discrimination, but much of its analytical framework also applies to discrimination on other prohibited grounds.²⁶ In addition, when addressing discipline for students with disabilities, it is important that charter schools comply with applicable legal requirements governing the discipline of a child for misconduct caused by, or related to, the child's disability.²⁷

This is by no means an exhaustive list of the legal requirements that apply to charter schools under these Federal civil rights laws. A full list of OCR's guidance publications is available at <http://www.ed.gov/ocr/publications.html>. OCR can provide technical assistance to help charter school authorizers and charter school operators, administrators, board members, and teachers understand and comply with these civil rights laws and other laws enforced by OCR.²⁸

OCR is also available to provide technical assistance to students, parents/guardians, community-based organizations, and other stakeholders who are interested in learning more about the Federal civil rights of students and parents and the responsibilities of charter schools. The Federal civil rights laws prohibit retaliation and intimidation against those who contact OCR to gather information about their rights or who file a complaint. It is also unlawful for a school to retaliate

²⁴ See OCR and Department of Justice, *Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline* (January 8, 2014) at pp. 3-4, available at <http://www.ed.gov/ocr/letters/colleague-201401-title-vi.pdf>.

²⁵ *Id.* See also Department of Education guidance package on Student Climate and Discipline, including a Guiding Principles of Reform non-regulatory guidance, a Directory of Federal Resources, and a Compendium of State Laws and Regulations on School Discipline, available at <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>.

²⁶ See *Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline*, at pp. 2-3.

²⁷ 34 C.F.R. § 104.35(a). See generally 34 C.F.R. §§ 104.4, 104.32-36.

²⁸ In addition to the statutes discussed in the letter, OCR enforces the Age Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.*; 34 C.F.R. Part 110; and the Boy Scouts of America Equal Access Act of 2001, 20 U.S.C. § 7905; 34 C.F.R. Part 108. The Department of Justice enforces Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c *et seq.*, and the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703.

against an individual for bringing concerns about possible civil rights problems to a school's attention.²⁹

SEAs and charter school authorizers have an important role in assisting charter schools with civil rights compliance. Every SEA or charter authorizer that receives Federal financial assistance has, as a matter of Federal law, an obligation to ensure that any charter school to which it provides a charter, money (regardless of whether they are Federal or State funds), or other significant assistance, is not discriminating.³⁰ In addition to SEAs and charter school authorizers, States can designate other agencies to take, investigate, and resolve complaints of discrimination by charter schools. Together with OCR, these entities can all provide technical assistance and support for charter schools, parents, and students.

If you have any questions or would like technical assistance on these issues, I encourage you to contact the OCR office in your region. I particularly urge individuals designated to coordinate charter schools' compliance with the civil rights laws to seek OCR's assistance whenever needed.³¹

The list of OCR offices is available at <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>. You may also contact OCR's Customer Service Team at (800) 421-3481 or ocr@ed.gov.

Thank you for your commitment to improving public education and providing high-quality educational opportunities to our nation's students.

Sincerely,

/s/

Catherine E. Lhamon
Assistant Secretary for Civil Rights

²⁹ 34 C.F.R. § 100.7(e) (Title VI); 34 C.F.R. § 106.71 (Title IX) (incorporating 34 C.F.R. §100.7(e) by reference); 34 C.F.R. § 104.61 (Section 504) (incorporating 34 C.F.R. §100.7(e) by reference); 28 C.F.R. § 35.134 (Title II); *see also* OCR *Dear Colleague Letter on Retaliation*, available at <http://www.ed.gov/ocr/letters/colleague-201304.html>.

³⁰ *See, e.g.*, 34 C.F.R. §§ 100.3(b)(1), 100.3(b)(2), 100.4(b) (Title VI); 34 C.F.R. § 104.4(b)(1)(v) (Section 504); 34 C.F.R. § 106.31(b)(6) (Title IX).

³¹ 34 C.F.R. §§ 106.8(a) (Title IX) (requiring each recipient of Federal financial assistance to designate coordinator); 104.7(a) (Section 504) (each recipient with at least 15 employees); 28 C.F.R. § 35.107(a) (Title II) (each public entity with at least 50 employees, regardless of whether they are a recipient of Federal financial assistance).

7



Adam Tebrugge | Staff Attorney
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Direct (813) 288-8390 | atebrugge@aclufi.org
Because Freedom Can't Protect Itself | www.aclufi.org

November 6, 2015

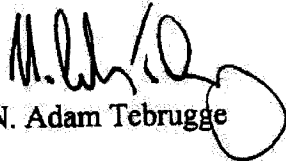
Office for Civil Rights
U.S. Department of Education
61 Forsyth St. SW, Suite 19T10
Atlanta, GA 30303-8927

Greetings:

Enclosed you will find our six page administrative complaint and accompanying exhibits. I will be the primary contact person. Could you please confirm that you received this complaint, and keep me informed of any progress.

If I may be of any assistance, please let me know.

Sincerely,



N. Adam Tebrugge

Cc: Dr. Mark J. Rendell
Superintendent
School District of Indian River County
1990 25th Street
Vero Beach, FL 32960

U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
ADMINISTRATIVE COMPLAINT

November 6, 2015

Office for Civil Rights
U.S. Department of Education
61 Forsyth St. SW, Suite 19T10
Atlanta, GA 30303-8927

COMPLAINANT

American Civil Liberties Union Foundation of Florida, Inc.
4500 Biscayne Boulevard, Suite 340
Miami, Florida 33137
(813) 286-3439

The ACLU of Florida is a statewide, nonprofit, nonpartisan organization with approximately 15,000 members dedicated to preserving the principles embodied in the Bill of Rights.

RECIPIENT

Dr. Mark J. Rendell
Superintendent
School District of Indian River County
1990 25th Street
Vero Beach, FL 32960
(772) 564-3150

PRELIMINARY STATEMENT This Complaint is filed by the ACLU Foundation of Florida, Inc. regarding the School District for Indian River County's (the "School District") failure to comply with a 1967 desegregation order. As a result of the School District's noncompliance, and as more fully stated below, students in Indian River County are being affected.

LEGAL HISTORY

In *Sharpton v. Board of Public Instruction for Indian River County*, No. 64-721 (S.D. Fla. May 13, 1967), the Southern District of Florida issued a desegregation order requiring the School District to place students into schools "without regard to race or color" by the 1967-68 school year. (See Order attached as EXHIBIT I). The Order set up a system of parental and student choice of a preferred school and forbids any discrimination on the basis of race for any service, facility, activity or program provided by the schools. The Order also required the School District to provide equal facilities, and to "take positive and affirmative steps to accomplish the desegregation of their school facilities and achieve substantial desegregation of faculties." Teachers and professional staff were not to be demoted, dismissed or passed over for retention or promotion on the basis of race. The Court also made provisions to monitor the progress of the Indian River School District.

In 1994, the NAACP and the School District came back before the court in a continuation of the same action. They jointly sought approval for a new court order (Order, attached as EXHIBIT II) in light of the changed circumstances in the District. Order II directed the School District to make: "A significant effort . . . to bring the ratio of minority teachers in the teaching population in line with the ratio of minority students in the student population. A 'significant effort' will be defined as a range of 20% to 40% per annum of all new hires and replacement teachers employed during the next three years and beyond until the proper ratio has been achieved." The District was ordered to use all possible and appropriate strategies to recruit and employ minority teachers. Additionally, the District was to ensure that each school employed minority teachers, that minorities would be placed in higher level non-instructional positions, and that there would be additional minority representation on coaching staffs. The Court also required the School District to develop "a meaningful multicultural achievement plan" to improve the academic performance of Indian River minority students. Finally, the Court required that the percentage of minority students assigned to schools would be consistent with the number of minority students living within the District.

JURISDICTION

The Office of Civil Rights is responsible for ensuring compliance with Title VI and receiving information about, investigating, and remedying violations of Title VI and its implementing regulations and guidelines in the region. 34 C.F.R. § 100.6, *et seq.* The ACLU has not filed this Complaint with any other agency or institution.

The School District's actions and inaction documented herein related to the 1967 desegregation orders are ongoing and the number of impacted students, faculty and administrators continues to expand. Therefore, this Complaint is timely.

Under Title VI of the Civil Rights Act of 1964 (42 USC S 2000D et seq.) which "prohibits discrimination ... in programs and activities receiving federal financial assistance", The School District which receives federal financial assistance, including funds directly from the Department of Education and Department funds passed through the Florida Department of Education, and is thereby prohibited "from discrimination on the basis of race, color or national origin."

COMPLAINT

The School District for Indian River County has failed to comply with the basic directions of the Court as memorialized by the 1967 and 1994 desegregation orders. In a school board workshop held February 10, 2015, members of the School District openly acknowledged that they were not in compliance.

A. The School District has failed to employ minority teachers in a ratio proportional to the number of minority students in the population.

The District has not engaged in a good faith effort to recruit or retain minority teachers. As mentioned, Order II required the District to make a "significant effort" to address the ratio of minority faculty to students. According to the Order: "A 'significant effort' will be defined as a range of 20% to 40% per annum of all new hires and replacement teachers employed during the next three years and beyond until the proper ratio has been achieved."

The 2014-2015 Ethnicity-Race Report (attached as EXHIBIT III) demonstrates that the ratio of minority instructional staff is significantly below the number of minority students. The District Totals show that while Black students make up 18% of the student body, Black teachers makeup only 7.2% of the instructional staff. Hispanics make up 23% of the student body, but only 5.6% of the instructional staff.

Nor has the District maintained qualified minority teachers in administrative or coaching positions. For instance: In 2012, Vero Beach High School Principal Eric Seymour was removed without cause from his position and reassigned to a middle school. He has now been reassigned to the position of social worker. In 2012, Coach Randy Bethel, who had sixteen years of head coaching experience, was fired without cause after winning a District Championship. <http://www.tcpalm.com/sports/high-school/bethel-refused-resign>. Thereafter, other African American coaches were subjected to racial taunts. <http://tinyurl.com/nbwqbhq>

B. The failure of the Indian River School District to comply with the desegregation order entered in 1965 and revised in 1994, has had consequences for the students.

The District has failed to prepare or implement a meaningful "multicultural achievement plan" as required by the desegregation order. This plan was to be presented to the School Board by 1994 and then implemented and monitored. The failure to prepare and implement this plan has resulted in deficiencies in academic achievement among minority students in the District.

These deficiencies are shown in the Florida Comprehensive Assessment Test Scores reflected in Table 67 of EXHIBIT IV attached. Black or African American Non-Hispanic students ranked lowest at all grade levels in the FCAT math test.

C. The School District has failed to closely monitor the Exceptional Student Education (ESE) and Alternative Education programs.

Order II required the Indian River School District to closely monitor the Exceptional Student Education (ESE) and Alternative Education programs. Instead, there is more than a decade long history of being cited by the Florida Department of Education (FLDOE) for non-compliance. The District received letters of non-compliance in 2005, 2008 and 2011. In May, 2014, the FLDOE released a report about the Indian River School District and ESE students. See 2013-2014 Exceptional Student Education Monitoring and Assistance On Site Visit Report, attached as EXHIBIT V. This report identified numerous issues with the use of restraints and suspensions in the District.

D. Minority students face disproportionate discipline.

The United States Department of Education maintains Civil Rights Data Collection. The most recent data for the Indian River School District is from 2011 and may be found at <http://ocrdata.ed.gov/Page?t=d&eid=31619&syk=6&pid=961> . This data shows that Black students made up 16.1% of the District Enrollment in 2011 and received 45.4% of the in school suspensions, 29.7% of the out of school suspensions and had an expulsion rate of 50%. In addition, Hispanic students made up 19.7% of the District Enrollment in 2011 and experienced an out of school suspension rate at 22.5% and an expulsion rate of 16.7%. See EXHIBIT VI.

The discipline issues referenced in sections C and D of this complaint are the result of zero tolerance policies, a lack of meaningful due process, and overreliance on School Resource Officers to address problems. School Resource Officers are first and foremost law enforcement

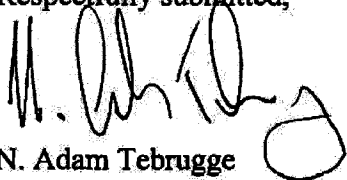
officers assigned to the Indian River School District. These officers are too often using arrests in lieu of alternatives such as civil citations. The School District ranks near the bottom of the State of Florida for use of civil citations. See *Stepping Up: Florida's Top Civil Citation Efforts*, section 31, available at <http://tinyurl.com/o34u7dw>.

RELIEF REQUESTED

The ACLU of Florida requests that the Office of Civil Rights:

1. Conduct a thorough, independent evaluation of racial disparities and other inequities within the School District, including the administration, staff and School Board of Indian River County.
2. Ensure that the School District complies with the desegregation Order of 1965, and Order II entered in 1994, by:
 - a. Requiring the District to "recruit and employ minority teachers" to "bring the ratio of minority teachers in the teaching population in line with the ratio of minority students in the student population."
 - b. Requiring proportional assignment of minority students to schools within the District.
 - c. Requiring the District to develop "a meaningful multicultural achievement plan" to improve the academic performance of Indian River minority students.
 - d. Requiring the District to better monitor the placement of students in ESE and alternative education programs. Determine why the District continues to overuse restraints on disabled students.
3. Review the discipline of students by the School District and its compliance with applicable federal civil rights laws, including Title VI of the Civil Rights Act of 1964 and The Individuals with Disabilities Education Act (IDEA). Specifically, you should determine why:
 - a. The discipline/risk ratio for minority students as determined by the Florida Department of Education's LEA profile continues to be unacceptably high;
 - b. African-American students, particularly those with disabilities, are subjected to suspension or expulsion from school at a significantly higher rate than other students.
 - c. Determine why the District is relying upon School Resource Officers and arrests, rather than use of alternatives such as civil citations.
4. Confirm receipt of this complaint and update us as to your response.

Respectfully submitted,



N. Adam Tebrugge

Fla. Bar# 0473650

ACLU of Florida

P.O. Box 21142

Tampa, Florida 33622-1142

Nancy Abudu

Legal Director

ACLU of Florida

Renee Parsons

President

Treasure Coast Chapter of the ACLU

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

DENISE SHARPTON, et al.,

Plaintiffs,

vs.

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

Defendant.



ORDER

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

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

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

2. The following provisions shall apply to all grades:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(m) Second Choice Where First Choice is Denied.

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

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

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

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

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

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

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

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

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

4. Transfers.

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

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

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

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

6. **School Equalization.**

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

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

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

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

8. Faculty and Staff.

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

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

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

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

9. Reports to the Court.

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

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

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

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

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

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

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

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

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

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

(Date Sent)

Dear Parent:

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

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

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

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

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

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

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

Additional information concerning assignment procedures may be obtained by contacting Mr. Drennen Browne, Director of Educational Services, at the County School Office located at 1426 - 19th Street or by calling telephone number 562-6468.

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

Sincerely yours,
Superintendent.

CHOICE FORM

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

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

Address _____

Mailing address, if different from above _____

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

Name of Parent or other adult serving as parent _____

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

Grade child is entering _____

School attended last year: _____

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

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

Signature _____
Date _____

To be filled in by Superintendent:
School Assigned _____

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

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

C. CLYDE ATKINS

Judge

I certify the foregoing to be a true and correct copy of the original which has been filed of record in this Office.
Joseph I. Bogart, Clerk
United States District Court
Southern District of Florida

By 
Deputy Clerk

COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT COURT OF FLORIDA

CASE NO. 64-721-Civ-ATKINS

DENISE SHARPTON, DARRYL
SHARPTON, et al.,

Plaintiffs,

D.C.
MAY 2 1974
U.S. DISTRICT COURT
MIAMI

-vs-

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

Defendants.

REVISED ORDER APPROVING PLAN

This cause arose based on the Parties joint Motion Requesting Approval of Revised Order Approving Plan. The School Board of Indian River County, Florida, hereafter referred to as the "School Board", and The National Association for the Advancement of Colored People, Indian River County Branch, hereafter referred to as the "NAACP", requested this Court's consideration and approval of a Revised Order Approving Plan which has been negotiated and approved by the remaining parties to this case. The Court, having considered the joint motion of the parties, the facts, the record, the plan as presented in the Motion and the history of cooperation of the parties, does hereby

Find as facts:

In 1964, two sets of parents with students in the Indian River County public school system filed suit stating there existed in Indian River County a segregated system of public schools. This Court entered an Order Approving Plan on May 19, 1969, based on a plan put

forth by the parties. This plan called for complete desegregation of the public school system. Since the entry of the Order Approving Plan, dated May 19, 1969, the school system changed by closing three formerly all-black schools, two were permanently closed and the third was integrated according to the terms of the plan. One of the terms of the plan specified that there would only be one school providing all the children of Indian River County with a sixth (6th) grade education. That first sixth (6th) grade school was located in the middle of Indian River County and was called Gifford Middle Six.

In the late 1970's a second sixth (6th) grade was established in a new school, Sebastian River Middle Junior High School. This school started out serving the growing but less populated northern part of Indian River County. Where the former plan had provided for all students in Indian River County to attend the 6th grade at Gifford Middle Six, the new school allowed North county residents to attend the sixth (6th) grade at Sebastian River Middle Junior High School. No modification was sought to amend the 1969 Order Approving Plan and no objection was raised in the public meetings of the School Board to the second sixth (6th) grade being established.

In the late 1980's the School Board adopted a reorganization plan for the establishment of a "middle school system" to replace the elementary schools (K-5), sixth grade school, seventh grade school, junior high school (8 & 9) and high school system. The middle school system would operate elementary schools (K-5), middle schools (6-8) and high schools (9-12). This plan has been debated, negotiated and agreed upon by the parties, with certain conditions. The conditions center around maintaining a racial balance of students, teachers and noninstructional employees throughout the school system, at each school site and in proportion to the number of minorities in the county wide population.

Through a series of meetings spanning 1990-1993, pursuant to this Court's direction, the parties have met and reached an agreement which they are now requesting this Court to review and approve. The parties have acknowledged that during the span of approximately thirty (30) years since the entry of this Court's last order approving the 1969 plan, schools have come and gone and the student population of Indian River County has risen from 8,500 to almost 13,000. Under current conditions, the 1969 plan makes it difficult for the School Board to maintain an educationally sound program for all student. Therefore, the aforesaid changes are necessary to foster an effective operation of this School District.

This Court does therefore

Order and Adjudge that the following plan of organization of the School District of Indian River County, Florida is approved.

The School Board middle school system reorganization plan and update of minority achievement plan shall be implemented as set forth below and any modification of the following be discussed by the parties and the results of those discussions be forwarded to this Court for further action.

I. Facilities Reorganization

- * **The School Board may officially close Gifford Middle 6 in June of 1995 as a sixth grade center. The School Board is currently working on a list of future uses for that building. All faculty and staff will be reassigned.**
- * **The School Board may officially close Gifford Middle 7 as a seventh grade center in June of 1995 and reopen it as Gifford Middle Magnet, grades 6, 7, and 8 in August of 1995.**
- * **The School Board may officially rename Vero Beach Junior High to Vero Beach Middle, grades 6, 7, and 8 in August of 1995.**
- * **The School Board may officially rename Sebastian River Middle/Junior High School to Sebastian River Middle School, grades 6, 7, and 8. All 9th grade students will be reassigned to the new high school.**
- * **The school district will open the new South County Middle School with 6, 7 and 8 grades in August of 1995.**
- * **The school district will open the new Sebastian River High School with grades 9, 10 and 11 in August of 1994. Grade 12 will be added in 1995-1996.**
- * **The School Board will move the 9th graders from Vero Beach Junior High to Vero Beach High School in August of 1995.**

These recommendations are subject to be delayed or modified if the building program is delayed and/or modified and if the over-crowding at Vero Beach Senior High cannot be

addressed by another option.

II. Minority Teacher Ratio

A significant effort will be made to bring the ratio of minority teachers in the teaching population in line with the ratio of minority students in the student population. A "significant effort" will be defined as a range of 20% to 40% per annum of all new hires and replacement teachers employed during the next three years and beyond until the proper ratio has been achieved. Should the agreed yearly range not be met, the district will document by November 1st of each year the number of letters of intent offered and refused. The parties agree that all teachers to be hired must be qualified, and the district will ensure that qualifications requirements are applied uniformly and publicized with respect to both minority and non-minority applicants.

III. Minority Teacher Recruitment/Employment

The School District will utilize all possible/appropriate strategies in attempting to employ minority teachers. Those strategies include, but are not limited to:

1. Using staff and lay citizens to facilitate recruiting;
2. Visiting colleges/universities/career fairs to recruit potential minority teachers;
3. Having potential minority teaching candidates visit Indian River County;
4. Designating a staff member or consultant to visit colleges of education in the region to interview and offer letter of intent;
5. Having the local businesses and banks assist with moving expenses and start up costs;
6. Working with the teachers' union to facilitate the employment of these and other critical shortage area faculty; and
7. Utilizing current Indian River County hiring practices of application, structured interviewing by individuals in the district office, and interviewing by building

principals and/or members of the School Improvement Teams. When these hiring practices fail to produce appropriate minority staffing results, the Superintendent will take the necessary steps to achieve compliance. This Recruitment/Employment plan shall not alter the School Board's authority, pursuant to Section 230.23, Fla.Stats., including the authority to designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees nor shall it alter the Superintendent's authority under Section 230.33, Fla.Stats. including those duties of recommending employment positions to be filled and persons to fill those positions. The Superintendent retains final approval for hiring all employees.

IV. Minority Faculty/Staff Assignment by School

The School District of Indian River County acknowledges that some schools do not have minority teachers on staff. The School District agrees that every school will have minority representation on the instructional or administrative staff by November 1, 1994. This representation will not be achieved by shifting minority teachers among the staff unless no positions are being added to one of these schools. The School Board will attempt to encourage and place more minorities in "higher level" non-instructional positions, such as supervisor, administrative secretary, etc. The School Board will also work to provide additional minority representation on the coaching staff in the school district.

V. Future Schools in the Gifford Community

A substantial building renovation program of approximately five million dollars is planned at Middle Seven (formerly Gifford Middle High School). It is intended to utilize that facility as a sixth, seven, and eighth grade middle school with a special magnet instructional program. The NAACP shall select a representative to attend all future facility/construction planning sessions associated with the renovation.

The current Gifford Middle Six will be closed as a sixth grade center. Its anticipated future operation, while currently in planning stages, has centered around the following scenarios including, but not limited to, one or more of the following:

1. A pre-school facility providing low-cost child care and pre-school academic instruction.
2. An elementary magnet school with a specific curriculum; possible a school of the

performing arts or a math and science magnet school.

3. An adult education center providing a more expanded adult education program.
4. A specialized vocational center providing training in fields like technology, cosmetology, and nursing.
5. A community youth center providing recreational and counseling opportunities for the young people in the community.
6. Early intervention classes for three and four year old (Pre K site)
7. Adult Literacy (GED)
8. Parent Education
9. After School Enrichment
10. Senior Center
11. Recreation Center (Family)
12. Social Services Agencies (satellite site)
13. Computing Center
14. Library (satellite)
15. Career Development Center
16. Extension Center
17. Medical Services (Well-child Clinic)
18. DARE office or COPE office

The above list of options is open for discussion. The school district has no intention of abandoning the Gifford Middle Six facility. Whatever scenario is selected will have to generate a revenue stream to assist with utilities and other operational expenses of the building.

VI. Minority Student Achievement/Resource Allocation

A meaningful multicultural achievement plan will be implemented and monitored so that the academic achievement of minority students in Indian River County is improved. The plan will be presented to the School Board no later than January of 1994. The district will closely monitor students assigned to ESE and Alternative Education.

In cases where these numbers exceed state and district averages, a plan of action will be developed in consultation with the NAACP for immediate intervention.

VII. Student Assignments

The district will continue the practice of curricular and programmatic choice in assigning students who may reside outside an attendance area of school on a space available basis. This will allow all students to take advantage of special programs. The percentage of minority students assigned to individual schools should be consistent with the percentage of minority students represented in the school district. At the present time there are 17.8% minority students in the school system.

The School District will allocate student populations at each school in proportion to the percentage distribution of minority students system-wide within a range of plus or minus 9%. The School District needs to keep this percentage range wide enough to satisfy natural fluctuation. The Parties feel 9%-27% will eliminate additional extensive transportation of students.

VIII. Plan Supervision

The School District will continue under this Revised Order Approving Plan while the plan is implemented. This will maintain an avenue for dealing with problems should any occur in the process of implementation. This Revised Order Approving Plan will continue in effect until further Court Order. This case will remain open; the parties agree there has not yet been a determination of unitary status and the Court shall retain jurisdiction of this case.

IX. Transportation

There are no requirements for any change to the current transportation system.

X. Extra-Curricular

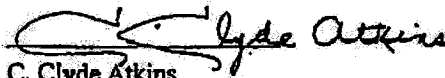
There are no requirements for change to the current extra-curricular structure.

XI. Changes and Disputes

The Parties agree that changes to this plan may be made in writing and upon mutual

agreement. The Parties agree to continue to work together to provide for the changing student and adult populations of Indian River County. If either Party feels there is a need to meet on any issue relating to this or any subsequent plan for desegregation, they shall notify the other and make arrangements through their appropriate officers to meet and discuss the issues prior to the need for Court action. If there is a dispute over any issues relating to desegregation, be it an issue covered in this plan or one not covered, every effort shall be made to handle those issues between the Parties without the necessity for Court action. Mediation methods and techniques shall be employed where meetings between the parties are unsuccessful. The Parties to this case and their successors have enjoyed a long relationship of cooperation through negotiation and settlement of their disputes by agreement. It is the intent of this plan to continue that relationship through a commitment to meetings and negotiation rather than litigation.

DONE AND ORDERED this 23rd day of May, 1994 in Miami, Florida.


C. Clyde Atkins
United States District Judge

cc: G. Russell Petersen, Esq.
Norman J. Chachkin, Esq.

2014-2015 Ethnicity - Race Report as of February 10, 2015

School	White	Black	Hispanic	Asian	Other
Alternative Center Instructional Staff w	75.0%	16.7%	8.30%	0%	0%
Support Staff	37.5%	62.5%	0%	0%	0%
Students	26.92%	55.77%	17.31%	0%	0%
Beachland Elementary Instructional Staff ww	87.8%	4.9%	4.9%	0.0%	2.4%
Support Staff	73.00%	7.0%	20.0%	0%	0%
Students	61.54%	20.56%	13.08%	7.7%	4.04%
Citrus Elementary Instructional Staff ww	94.7%	5.3%	0%	0%	0%
Support Staff	80.80%	11.50%	7.70%	0%	0%
Students	52.6%	21.02%	21.59%	7.1%	3.69%
Dodgertown Elementary Instructional Staff WH	90.2%	4.9%	4.9%	0.0%	0%
Support Staff	42.90%	47.60%	9.50%	0%	0%
Students	25.49%	38.34%	33.33%	2.2%	2.40%
Fellsmere Elementary Instructional Staff HW	80.4%	5.4%	12.5%	0.0%	1.8%
Support Staff	59.0%	7.0%	28.0%	3.0%	3.0%
Students	9.57%	4.71%	85.41%	1.5%	1.5%
Gifford Middle School Instructional Staff WBW	87.7%	8.8%	3.5%	0%	0.0%
Support Staff	57.0%	38.0%	5.0%	0%	0%
Students	54.10%	26.63%	13.98%	1.57%	3.01%
Glendale Elementary Instructional Staff ww	93.8%	4.2%	2.1%	0.0%	0.0%
Support Staff	79.0%	16.0%	5.0%	0%	0%
Students	48.99%	24.22%	18.72%	1.47%	6.06%
Indian River Academy Instructional Staff ww	86.8%	5.30%	7.90%	0%	0%
Support Staff	61.10%	38.90%	0%	0%	0%
Students	36.72%	33.40%	22.61%	2.49%	4.36%
Liberty Magnet School Instructional Staff BW	80.5%	7.3%	12.2%	0.0%	0.0%
Support Staff	84.20%	5.30%	10.50%	0%	0%
Students	68.12%	8.56%	16.58%	3.46%	3.28%
Osceola Magnet School Instructional Staff ww	97.3%	2.7%	0%	0%	0%
Support Staff	66.67%	26.67%	6.67%	0%	0%
Students	67.66%	11.03%	15.33%	2.24%	3.55%
Oslo Middle School Instructional Staff BBW	77.2%	17.5%	5.3%	0%	0.0%
Support Staff	54.0%	39.0%	7.0%	0%	0%
Students	48.81%	22.60%	20.56%	2.26%	4.97%
Pelican Island Elementary Instructional Staff BW	88.6%	6.8%	2.3%	0%	2.3%
Support Staff	52.17%	39.13%	4.35%	4.35%	0%
Students	61.73%	19.59%	9.57%	6.8%	7.74%

Exhibitor III

2014-2015 Ethnicity – Race Report as of February 10, 2015

School	White	Black	Hispanic	Asian	Other
Rosewood Magnet School	89.7%	5.1%	5.1%	0.0%	0.0%
Instructional Staff ww					
Support Staff	55.56%	33.33%	5.56%	0%	5.56%
Students	74.82%	11.41%	9.96%	1.09%	2.72%
Sebastian Elementary	92.1%	5.3%	2.6%	0.0%	0.0%
Instructional Staff bw					
Support Staff	68.40%	15.80%	10.50%	0%	5.30%
Students	67.72%	15.16%	10.04%	1.18%	5.91%
Sebastian River Middle	78.0%	6.8%	11.9%	1.7%	1.7%
Instructional Staff bbw					
Support Staff	50.0%	20.80%	29.20%	0%	0%
Students	52.36%	8.75%	34.64%	.69%	3.34%
Sebastian River High	82.9%	6.8%	7.7%	0.9%	1.7%
Instructional Staff wbbww					
Support Staff	64.60%	14.60%	20.80%	0%	0%
Students	59.41%	10.51%	25.82%	.75%	3.13%
Storm Grove Middle	72.9%	18.6%	6.8%	1.7%	0.0%
Instructional Staff bbw					
Support Staff	46.20%	50.0%	3.80%	0%	0%
Students	61.28%	14.19%	19.58%	2.09%	2.75%
Treasure Coast Elementary	85.1%	4.3%	4.3%	4.3%	2.1%
Instructional Staff wb					
Support Staff	76.50%	17.60%	5.90%	0%	0%
Students	65.43%	10.65%	18.83%	1.70%	3.40%
Vero Beach Elementary	89.3%	8.9%	1.8%	0.0%	0.0%
Instructional Staff ww					
Support Staff	73.30%	16.70%	3.30%	0%	6.70%
Students	36.56%	26.14%	29.96%	1.76%	5.58%
Vero Beach High	86.0%	7.0%	6.4%	0.6%	0.0%
Instructional Staff wbwwww					
Support Staff	56.90%	33.30%	5.60%	1.40%	2.80%
Students	60.81%	20.28%	14.28%	1.86%	2.63%
Wabasso	92.3%	0%	7.7%	0%	0%
Instructional Staff w					
Support Staff	58.3%	41.7%	0%	0%	0%
Students	48.31%	27.12%	16.95%	.85%	6.78%

District Totals	White	Black	Hispanic	Asian	Other
Instructional Staff	86%	7.2%	5.6%	.5%	.7%
Support Staff	62.4%	26.9%	8.7%	.5%	1.5%
Students	54%	18%	23%	1%	4%
Administrative Staff - District	71%	23.2%	5.8%	0%	0%
Administrative Staff – School Based	70.6%	25.5%	3.9%	0%	0%

2014-2015 Ethnicity - Race Report as of February 10, 2015

Charter Schools - Students Only	White	Black	Hispanic	Asian	Other
North County Charter	59.93%	14.04%	20.89%	1.37%	3.77%
IR Charter High School	76.18%	5.19%	11.45%	2.29%	4.89%
St. Peter's Academy	1.65%	62.81%	34.71%	0%	.83%
Imagine School	76.65%	4.69%	12.51%	2.01%	4.13%
Sebastian Charter Jr. High	58.20%	5.47%	33.20%	1.95%	1.17%

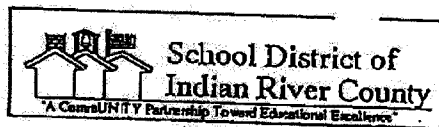
2013-2014

School/Principal		White	Black		Hispanic	Asian	Other/Multi
Beachland Elem	Instruc St	90.9	4.5	-	2.3	0	2.3
	WW Support St	55.6	11.1	OK	33.3	0	0
	Students	65.1	20.3	OK	12.1	1	1.5
Citrus Elem	Instruc St	94.6	5.4	-	0	0	0
	WW Support St	68.4	21.1	OK	10.5	0	0
	Students	53.3	18.9	OK	22.3	1	4.5
Dodger Town Elem	Instruc St	90.2	4.9	-	2.4	2.4	0
	WW Support St	46.7	40	+	13.3	0	0
	Students	29.4	32.7	+	35	0.5	-2.4
Fellsmere Elem	Instruc St	82.8	5.2	-	10.3	0	1.7
	HW Support St	44.4	5.6	-	38.9	5.6	5.6
	Students	11.4	3.2	-	84.7	0.3	0.4
Glendale Elem	Instruc St	88.9	4.4	-	4.4	0	2.2
	WW Support St	84.6	7.7	-	7.7	0	0
	Students	48.8	23.7	OK	18.7	1.7	7.1
Highlands Elem	Instruc St	92.1	0	-	7.9	0	0
	WW Support St	57.1	35.7	+	7.1	0	0
	Students	38	36.1	+	19.5	1.7	4.7
Liberty Magnet	Instruc St	80.5	7.3	-	12.2	0	0
	BW Support St	76.9	7.7	-	15.4	0	0
	Students	70.6	7.5	-	15.7	3.8	2.4
Osceola Magnet	Instruc St	97.3	2.7	-	0	0	0
	WW Support St	60	30	+	10	0	0
	Students	71.4	9.9	OK	12.7	3.2	2.8
Pelican Island Elem	Instruc St	90.9	9.1	OK	0	0	0
	BW Support St	47.1	47.1	+	5.9	0	0
	Students	58.8	20.4	OK	11.4	0	9.4
Rosewood Magnet	Instruc St	89.5	5.3	-	5.3	0	0
	WW Support St	57.1	42.9	+	0	0	0
	Students	73.7	12	OK	11.3	0.7	2.3
Sebastian Elem	Instruc St	92.5	5	-	2.5	0	0
	BW Support St	81.8	9.1	OK	0	0	9.1
	Students	69.3	14.8	OK	9.7	1.5	4.7
Treasure Coast Elem	Instruc St	87.2	4.3	-	4.3	2.1	0
	WB Support St	54.5	36.4	+	9.1	0	0
	Students	63.3	10.5	OK	21.3	1.4	3.5
Vero Beach Elem	Instruc St	91.5	6.8	-	1.7	0	0
	WW Support St	72	20	OK	0	0	8
	Students	38.5	26.2	OK	27.8	1.9	5.6
Gifford MS	Instruc St	91.5	6.8	-	1.7	0	0
	WBW Support St	50	50	+	0	0	0
	Students	55.3	26.2	OK	13.1	1.5	3.9
Oslo MS	Instruc St	76.8	17.9	OK	5.4	0	0
	BBW Support St	52.9	35.3	+	11.8	0	0
	Students	49.6	22.4	OK	20	2.3	5.7
Sebastian River MS	Instruc St	74.2	8.1	-	12.9	1.6	3.2
	WBW Support St	56.3	25	OK	18.8	0	0
	Students	51.7	10.3	OK	35.1	0.4	2.5
Storm Grove MS	Instruc St	71.4	19.6	OK	8.9	0	0
	BBW Support St	61.5	38.5	+	0	0	0
	Students	63.4	14.8	OK	17.3	1.4	3.1
Sebastian River HS	Instruc St	83.5	6.1	-	8.7	0	1.7
	WBW Support St	63.2	15.2	OK	21.2	0	0
	Students	59.8	9.7	OK	25.8	1	3.6
Vero Beach HS	Instruc St	87.1	6.5	-	5.8	0.6	0
	WB Support St	50	37.9	+	6.9	1.7	3.4
	Students	62	20.3	OK	13.3	1.6	2.8

Racial Identification of Instructional Staff, Support Staff and Students, by School (%)

Note: W=White, B=Black, H=Hispanic, "+"= exceeds Order, OK = compliance with Order, "-" = less than Order

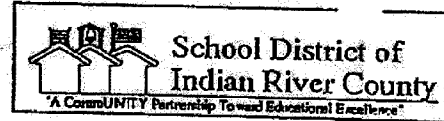
Ethnic by School with Percentages & Total School Enrollment



Detail Filter: Current Enrollment

Facil Abbr	Total	Amer. Indian		Asian		Black		Hispanic		Multiracial		White	
	Cnt	Cnt	Pct	Cnt	Pct	Cnt	Pct	Cnt	Pct	Cnt	Pct	Cnt	Pct
County													
ADULT ED	325			4	1.23%	75	23.08%	88	27.08%	2	0.62%	156	48.00%
ALT ED	51	1	1.96%			28	54.90%	6	11.76%			16	31.37%
BEACHLAND	583			4	0.69%	120	20.56%	71	12.18%	13	2.23%	375	64.32%
CITRUS	680	7	1.03%	6	0.88%	133	19.56%	153	22.50%	26	3.82%	355	52.21%
DODGERTOWN	466	2	0.43%	3	0.64%	161	34.55%	163	34.98%	8	1.72%	129	27.68%
FELLSMERE	686			1	0.15%	21	3.06%	590	86.01%	2	0.29%	72	10.50%
GIFFORD	872	8	0.92%	12	1.38%	227	26.03%	116	13.30%	27	3.10%	482	55.28%
GLENDALE	503	3	0.60%	8	1.59%	115	22.86%	99	19.68%	34	6.76%	244	48.51%
HIGHLANDS	478	2	0.42%	11	2.30%	175	36.61%	91	19.04%	20	4.18%	179	37.45%
LIBERTY MAGNET	540			21	3.89%	37	6.85%	82	15.19%	13	2.41%	387	71.67%
NUMBER-JOHN MCK	47					5	10.64%	7	14.89%			35	74.47%
OSCEOLA	530	1	0.19%	17	3.21%	54	10.19%	69	13.02%	14	2.64%	375	70.75%
OSLO	912	5	0.55%	21	2.30%	200	21.93%	183	20.07%	46	5.04%	457	50.11%
PELICAN IS	484	2	0.41%	6	1.24%	92	19.01%	57	11.78%	38	7.85%	289	59.71%
ROSEWOOD	549			4	0.73%	65	11.84%	64	11.66%	11	2.00%	405	73.77%
SEB ELEM	544	1	0.18%	8	1.47%	79	14.52%	52	9.56%	32	5.88%	372	68.38%
SEB MIDDLE	848	4	0.47%	3	0.35%	87	10.26%	302	35.61%	18	2.12%	434	51.18%
SRHS	1,840	6	0.33%	20	1.09%	188	10.22%	475	25.82%	62	3.37%	1,089	59.18%
STORM GROVE MID	927	1	0.11%	14	1.51%	140	15.10%	155	16.72%	27	2.91%	590	63.65%
TREASURE COAST	653			9	1.38%	68	10.41%	138	21.13%	24	3.68%	414	63.40%
VB ELEM	707	1	0.14%	13	1.84%	183	25.88%	201	28.43%	38	5.37%	271	38.33%
VBHS	2,739	6	0.22%	44	1.61%	554	20.23%	370	13.51%	73	2.67%	1,692	61.77%
WABASSO	137			1	0.73%	35	25.55%	27	19.71%	8	5.84%	66	48.18%
	16,101	50	0.53%	230	1.44%	2,842	19.73%	3,559	21.90%	536	3.55%	8,884	53.47%

Ethnic by School with Percentages & Total School Enrollment



Detail Filter: Current Enrollment

Fac/ Abbr	Total	Amer. Indian		Asian		Black		Hispanic		Multiracial		White	
	Cnt	Cnt	Pct	Cnt	Pct	Cnt	Pct	Cnt	Pct	Cnt	Pct	Cnt	Pct
Charter													
ESP/K/HOME	12					2	16.67%	4	33.33%			6	50.00%
HOME BASED	713	1	0.14%	8	1.12%	24	3.37%	34	4.77%	9	1.26%	637	89.34%
JR CHARTER HIGH	653	4	0.61%	15	2.30%	33	5.05%	74	11.33%	18	2.76%	509	77.95%
Imagine Schools	896			19	2.12%	47	5.25%	110	12.28%	35	3.91%	685	76.45%
MIGRANTS	13							13	100.00%				
N CO CHART	255	1	0.39%	6	2.35%	40	15.69%	56	21.96%	7	2.75%	145	56.86%
PK EARLY	162					28	17.28%	50	30.86%	2	1.23%	82	50.62%
SB CHAR JR	203			2	0.99%	8	3.94%	60	29.56%	5	2.46%	128	63.05%
ST PETER'S	114					70	61.40%	41	35.96%	1	0.88%	2	1.75%
TEEN BABY	16					8	50.00%	5	31.25%	1	6.25%	2	12.50%
	3,037	6	0.38%	50	1.78%	260	19.85%	447	31.13%	78	2.69%	2,196	53.17%
District Total:	19,138	56	0.51%	280	1.50%	3,102	19.77%	4,006	24.69%	614	3.31%	11,080	53.39%

EMPLOYMENT EQUITY

2013-14 School District Administrative Positions							
	Total	# & % Black	# & % Hispanic	# & % White	# & % Other	# & % Female	# & % Male
Student Demographics	16081	2831 (18%)	3505 (22%)	8946 (56%)	799 (5%)	7819 (49%)	8262 (51%)
Administrators	72	16 (22%)	3 (4%)	51 (74%)	0 (0%)	38 (53%)	34 (49%)

2013-14 School District Instructional and Support Positions							
Teachers Fall 2013	Total	# & % Black	# & % Hispanic	# & % White	# & % Other	# & % Female	# & % Male
Classroom Teachers							
Elementary	591	29 (5%)	25 (4%)	531 (90%)	6 (1%)	544 (92%)	47 (8%)
Middle	233	30 (13%)	17 (7%)	183 (79%)	3 (1%)	167 (72%)	66 (28%)
High	271	17 (6%)	19 (7%)	231 (85%)	4 (1%)	152 (56%)	119 (44%)
Other Schools	35	3 (8%)	2 (5%)	30 (86%)	0 (0%)	29 (83%)	6 (17%)
Total	1130	79 (7%)	63 (6%)	975 (86%)	13 (1%)	892 (79%)	236 (21%)
District (Student Services, ESE, Instructional & PD)	68	0 (0%)	2 (3%)	65 (96%)	1 (1%)	60 (88%)	8 (12%)
District Instructional Total	1198	79(7%)	65 (5%)	1040 (87%)	14 (1%)	952 (79%)	246 (21%)
Support Staff							
Elementary	252	58 (23%)	26 (10%)	160 (63%)	8 (3%)	222 (88%)	30 (12%)
Middle	89	30 (34%)	10 (11%)	49 (55%)	0 (0%)	74 (83%)	15 (17%)
High	127	34 (27%)	13 (10%)	77 (61%)	3 (2%)	100 (79%)	27 (21%)
Other	27	12 (44%)	0 (0%)	15 (56%)	0 (0%)	26 (96%)	1 (4%)
District	268	88 (33%)	14 (5%)	158 (59%)	8 (3%)	143 (54%)	125 (47%)
Support Total	763	222(29%)	63 (8%)	459 (60%)	19 (2%)	565 (74%)	198(26%)
District Total	2038	318 (16%)	132 (6%)	1555 (76%)	33 (2%)	1556 (76%)	482 (24%)

11/8/13

POSITIONS POSTED AND FILLED AS OF OCTOBER 15, 2013

EMPLOYEE TYPE	TOTAL APPLICANTS	TOTAL MINORITY APPLICANTS	ETHNICITY OF HIRED EMPLOYEE			
			Black	Hispanic	White	Total Positions
Support	1293 (with duplication)	334 (with duplication)	14 (26%)	5 (9%)	34 (64%)	53
Instructional	1458 (with duplication)	85 (with duplication)	4 (6%)	1 (1%)	62 (93%)	67
TOTAL	2741 (with duplicatas)	419 (with duplicatas)	18 (15%)	6 (5%)	96 (80%)	120

School District of Indian River County - Information Technology

2014-2015 Support Staff

Group - Administrative or Primary Resp Ctr	White		Black		Hispanic*		Asian		Other		Total
Adult Education	7	77.8%	2	22.2%	0	0.0%	0	0.0%	0	0.0%	
Alternative Center For Edu.	3		5		0		0	0.0%	0	0.0%	
Beachland Elementary Ext Day	3	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Beachland Elementary Food Serv	3	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Beachland Elementary School	5	55.6%	1	11.1%	3	33.3%	0	0.0%	0	0.0%	
Board Member'S Office	1	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Building Department	4	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Citrus Elementary Ext Day	2	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Citrus Elementary Food Service	6	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Citrus Elementary School	13	72.2%	3	16.7%	2	11.1%	0	0.0%	0	0.0%	
Dodgertown Elementary Food Ser	1	20.0%	4	80.0%	0	0.0%	0	0.0%	0	0.0%	
Dodgertown Elementary School	7	46.7%	6	40.0%	2	13.3%	0	0.0%	0	0.0%	
Facilities	3	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Fellsmere Elementary Food Serv	9	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Fellsmere Elementary School	8	40.0%	2	10.0%	8	40.0%	1	5.0%	1	5.0%	
Finance Department	12	80.0%	2	13.3%	1	6.7%	0	0.0%	0	0.0%	
Food Service	5	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Freshmen L/C Food Service	3	60.0%	2	40.0%	0	0.0%	0	0.0%	0	0.0%	
Gifford Middle Food Service	5	83.3%	1	16.7%	0	0.0%	0	0.0%	0	0.0%	
Gifford Middle School	6	54.5%	4	36.4%	1	9.1%	0	0.0%	0	0.0%	
Glendale Elementary Food Serv	3	60.0%	2	40.0%	0	0.0%	0	0.0%	0	0.0%	
Glendale Elementary School	12	85.7%	1	7.1%	1	7.1%	0	0.0%	0	0.0%	
Highlands Elementary Ext Day	1	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Highlands Elementary Food Serv	0	0.0%	3	75.0%	0	0.0%	0	0.0%	1	25.0%	
Human Resources	5	55.6%	4	44.4%	0	0.0%	0	0.0%	0	0.0%	
Liberty Magnet Ext Day	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	
Liberty Magnet Food Service	4	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Liberty Magnet School	12	85.7%	1	7.1%	1	7.1%	0	0.0%	0	0.0%	
Osceola Magnet Extended Day	1	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Osceola Magnet Food Service	3	75.0%	1	25.0%	0	0.0%	0	0.0%	0	0.0%	
Osceola Magnet School	6	66.7%	2	22.2%	1	11.1%	0	0.0%	0	0.0%	
Oslo Middle School	9	52.9%	7	41.2%	1	5.9%	0	0.0%	0	0.0%	
Oslo Middle School Food Serv	6	60.0%	4	40.0%	0	0.0%	0	0.0%	0	0.0%	

School District of Indian River County - Information Technology

Support Staff

Group - Administrative or Primary Resp Ctr	White		Black		Hispanic*		Asian		Other		Total
Pelican Island Elem Food Serv	4	80.0%	0	0.0%	0	0.0%	1	20.0%	0	0.0%	
Pelican Island Elementary Schl	8	44.4%	9	50.0%	1	5.6%	0	0.0%	0	0.0%	
Purchasing Department	8	72.7%	1	9.1%	1	9.1%	0	0.0%	1	9.1%	
Risk Management	2	50.0%	1	25.0%	1	25.0%	0	0.0%	0	0.0%	
Rosewood Magnet Extended Day	1	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Rosewood Magnet Food Service	3	75.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Rosewood Magnet School	6	46.2%	6	46.2%	1	7.7%	0	0.0%	1	25.0%	
Sebastian Elementary Food Serv	3	50.0%	1	16.7%	2	33.3%	0	0.0%	0	0.0%	
Sebastian Elementary School	10	76.9%	2	15.4%	0	0.0%	0	0.0%	1	7.7%	
Sebastian River High Food Serv	11	78.6%	1	7.1%	2	14.3%	0	0.0%	0	0.0%	
Sebastian River Mid Food Serv	3	42.9%	1	14.3%	3	42.9%	0	0.0%	0	0.0%	
Sebastian River Middle School	9	52.9%	4	23.5%	4	23.5%	0	0.0%	0	0.0%	
Sebastian River High School	19	57.6%	6	18.2%	8	24.2%	0	0.0%	0	0.0%	
Storm Grove Food Service	5	50.0%	4	40.0%	1	10.0%	0	0.0%	0	0.0%	
Storm Grove Middle School	7	41.2%	9	52.9%	1	5.9%	0	0.0%	0	0.0%	
Superintendent'S Office	2	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Transportation	37	51.4%	32	44.4%	3	4.2%	0	0.0%	0	0.0%	
Treasure Coast Elem Food Srv	5	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Treasure Coast Elementary Schl	8	66.7%	3	25.0%	1	8.3%	0	0.0%	0	0.0%	
Vero Beach Elementary Ext Day	4	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Vero Beach Elementary Food Ser	3	60.0%	1	20.0%	1	20.0%	0	0.0%	0	0.0%	
Vero Beach Elementary School	15	71.4%	4	19.0%	0	0.0%	0	0.0%	2	9.5%	
Vero Beach High Food Service	10	76.9%	3	23.1%	0	0.0%	0	0.0%	0	0.0%	
Vero Beach High School	31	52.5%	21	35.6%	4	6.8%	1	1.7%	2	3.4%	
Wabasso School	8	61.5%	5	38.5%	0	0.0%	0	0.0%	0	0.0%	
Instructional Division	2	66.7%	1	33.3%	0	0.0%	0	0.0%	0	0.0%	
Ese Districtwide	4	80.0%	0	0.0%	0	0.0%	0	0.0%	1	20.0%	
Student Services	2	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	
Attendance	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	
Indian River Academy	10	71.4%	4	28.6%	0	0.0%	0	0.0%	0	0.0%	
Total	408	62.4%	176	26.9%	57	8.7%	3	0.5%	10	1.5%	

School District of Indian River County - Information Technology

Administrative,

Group - Administrative or Primary Resp Ctr	White		Black		Hispanic*		Total	0	0
Administrative	49		16		4		69	0	
Total	49	71.0%	16	23.2%	4	5.8%	69	0	

Florida Comprehensive Assessment Test (FCAT)

The Florida Comprehensive Assessment Test started in 1998 as the state's plan to increase student achievement by way of implementing higher standards in the areas of mathematics, reading, writing, and science. During the 2010-11 school year, Florida began transitioning from FCAT to FCAT 2.0 and the Florida End-of-Course (EOC) Assessments, changing some of the logistics of testing, but still including the same areas of study. Please see the glossary at the end of this report for a description of FCAT scoring. Table 66 shows the percentage of students in Indian River County and Florida, grades 3 – 10, scoring 3 and above on the FCAT 2.0, in 2013 and 2014.

Table 66: Students Scoring 3 and Above on FCAT, Indian River, Florida, 2013 and 2014

Grade	2013	2014	2013	2014	2013	2014	2013	2014
3	58%	49%	56%	49%	57%	58%	57%	58%
4	61%	55%	59%	52%	60%	61%	61%	63%
5	60%	51%	63%	52%	60%	55%	61%	56%
6	58%	49%	58%	45%	59%	52%	60%	53%
7	58%	49%	54%	44%	57%	55%	57%	56%
8	56%	12%	58%	18%	56%	51%	57%	47%
9	57%	NA	50%	NA	53%	NA	53%	NA
10	60%	NA	61%	NA	54%	NA	55%	NA

Source: Florida Department of Education, Florida 2.0 Comprehensive Assessment Test, 2013 & 2014

Note: NA indicates the test was not given for that year or is not administered for the selected grade level

Compiled by: Health Council of Southeast Florida, 2015

Table 67 shows FCAT math percentage rates for achievement level three and above for Indian River schools grades 3 to 8 in 2013. Asian, Non-Hispanic had the highest percentage from 3 through 7 grade, with the exception of the 5th grade at which White non-Hispanic students excelled greatest. Black or African American Non-Hispanic students ranked lowest at all grade levels.

Table 67: FCAT Math, Indian River Schools, Percent Greater than or Equal to Level 3 in 2013

Grade	White	Black	Hispanic	Asian	Other	White	Black	Hispanic	Asian	Other
3	59%	27%	75%	51%	42%	49%				
4	63%	26%	6%	52%	51%	55%				
5	63%	20%	56%	40%	48%	51%				
6	60%	21%	60%	52%	41%	49%				
7	58%	22%	64%	50%	45%	48%				
8	17%	4%	0%	0%	14%	12%				

Source: Florida Department of Education, 2014

Compiled by: Health Council of Southeast Florida 2014

Table 68 shows FCAT reading percentage for achievement level three and above in Indian River schools grades 3 to 8 in 2013. White non-Hispanic students had the highest percentage passes in FCAT reading scores in 5 of the 8 grade levels listed in the table below. Asian, Non-Hispanic achieved the highest in 5th, 9th and 10th grade. Black or African American Non-Hispanic students ranked lowest at all grade levels for FCAT reading scores.

Table 68: FCAT Reading, Indian River Schools, Percent Greater than or Equal to Level in 2013

3	72%	32%	68%	63%	45%	58%
4	71%	40%	64%	50%	52%	61%
5	72%	38%	78%	51%	47%	60%
6	70%	31%	56%	52%	50%	58%
7	71%	31%	68%	53%	45%	58%
8	66%	34%	38%	53%	44%	56%
9	67%	30%	75%	54%	42%	57%
10	68%	34%	71%	68%	48%	60%

Source: Florida Department of Education, 2014

Compiled by: Health Council of Southeast Florida 2014



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December 15, 2014

Dr. Frances J. Adams, Superintendent
Indian River County School District
1900 25th Street
Vero Beach, FL 32960-3395

Dear Superintendent Adams:

We are pleased to provide you with the **2013-14 Exceptional Student Education (ESE) Monitoring and Assistance On-Site Visit Report for Indian River County School District**. This report was developed by integrating multiple sources of information related to an on-site monitoring visit to your school district on May 14-15, 2014. Those information sources included interviews with district and school staff, student-focus groups, student record reviews, **Local Educational Agency Profiles, Guiding Questions – District Level Needs Assessment** and an action-planning and problem-solving process. This report will be posted on the Bureau of Exceptional Education and Student Services' (BEESS) website and may be accessed at <http://www.fldoe.org/ese/mon-home.asp>.

The 2013-14 ESE Monitoring and Assistance process focuses on those State Performance Plan indicators that contributed to the targeting of school districts for coordinated early intervening services and those indicators that affect equity and access in the educational environment for students with disabilities. Additionally, the process focuses on a shift from ESE compliance to outcomes to prepare all students for college and career readiness, which include: increasing standard diploma graduates; decreasing the number of students dropping out of school; increasing regular class placement; decreasing the need for seclusion and restraint; and eliminating disproportionality in eligibility identification and discipline.

The Indian River County School District was selected for an on-site visit due to discipline and restraint for students with disabilities. The on-site visit was conducted by a state support team (SST) that included BEESS and discretionary project staff.

Exhibit V

Monica Verra-Tirado, Ed.D., Chief
Bureau of Exceptional Education and Student Services

Superintendent Adams
December 15, 2014
Page Two

Mr. Michael Ferrentino, ESE executive director, and his staff were very helpful to the SST in preparing for the on-site visit and throughout the visit. In addition, the principals and other staff members at the schools visited welcomed the SST and demonstrated a commitment to the education of students in the school district.

As part of the SST's visit, representatives from the school district's ESE department, the schools visited and other school district staff participated in an action-planning and problem-solving process. This group reviewed the school district's data collected prior to and during the on-site visit, and came to consensus on a priority goal related to district-wide implementation of a multi-tiered system of support to result in increased levels of student engagement and academic success. An action plan, developed around that goal, will be implemented by the ESE department with the assistance of designated discretionary project staff from the SST.

Thank you for your commitment to improving services to exceptional education students in the Indian River County School District. If there are any questions regarding this report, please contact me at 850-245-0475 or via email at monica.verra-tirado@fldoe.org.

Sincerely,

Monica Verra-Tirado, Ed.D., Chief
Bureau of Exceptional Education and Student Services

Enclosure

cc: Michael Ferrentino
Cathy Bishop
Patricia Howell
Liz Conn

**2013-14 Exceptional Student Education
Monitoring and Assistance
On-Site Visit Report**

Indian River County School District

May 14-15, 2014

**Florida Department of Education
Bureau of Exceptional Education and Student Services**

**2013-14 Exceptional Student Education
Monitoring and Assistance
On-Site Visit Report**

Indian River County School District

May 14-15, 2014

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**2013-14 Exceptional Student Education
Monitoring and Assistance
On-Site Visit Report**

Indian River County School District

May 14-15, 2014

Authority

The Florida Department of Education (FDOE), Bureau of Exceptional Education and Student Services (BEESS), in carrying out its roles of leadership, resource allocation, technical assistance, monitoring and evaluation, is required to oversee the performance of district school boards in the enforcement of all exceptional student education (ESE) laws and rules (sections 1001.03(3), 1003.571 and 1008.32, Florida Statutes [F.S.]). One purpose of the Individuals with Disabilities Education Act (IDEA) is to assess and ensure the effectiveness of efforts to educate children with disabilities (s. 300.1(d) of Title 34, Code of Federal Regulations [CFR]). The bureau is responsible for ensuring that the requirements of IDEA and the educational requirements of the state are implemented (34 CFR §300.149(a)(1) and (2)).

In fulfilling this requirement, the bureau monitors ESE programs provided by district school boards in accordance with ss. 1001.42, 1003.57 and 1003.573, F.S. Through these monitoring activities, the bureau examines records and ESE services, evaluates procedures, provides information and assistance to school districts and otherwise assists school districts in operating effectively and efficiently. The monitoring system is designed to facilitate improved educational outcomes for students while ensuring compliance with applicable federal laws and regulations and state statutes and rules.

Under 34 CFR §300.646(b)(2), if a state identifies significant disproportionality based on race or ethnicity in a local educational agency (LEA) with respect to the identification of children as children with disabilities, the identification of children in specific disability categories, the placement of children with disabilities in particular educational settings or the taking of disciplinary actions, the LEA must use the maximum amount (15 percent) of funds allowable for comprehensive coordinated early intervening services (CEIS) for children in the LEA, particularly, but not exclusively, for children in those groups that were significantly overidentified.

Section 1003.573, F.S., Use of restraint and seclusion on students with disabilities, was created in July 2010, and established documentation, reporting and monitoring requirements for districts regarding the use of restraint and seclusion for students with disabilities. School districts were required to have policies and procedures that govern parent notification, incident reporting, data collection and monitoring of the use of restraint or seclusion for students with disabilities in place no later than January 31, 2011. In July 2011, s. 1003.573, F.S., was amended to require that the FDOE establish standards for documenting, reporting and monitoring the use of manual or physical restraint and occurrences of seclusion. In September and October 2011, the standards established by the FDOE were provided to school districts and were included in the district's **Exceptional Student Education Policies and Procedures (SP&P)** document.

ESE Monitoring and Assistance Process

Background Information

The 2013-14 ESE Monitoring and Assistance process focuses on those State Performance Plan (SPP) indicators that contributed to the targeting of school districts for CEIS and the following indicators that affect equity and access in the educational environment for students with disabilities.

- Indicator 1 – Graduation: Percentage of youth with individual educational plans (IEPs) graduating from high school with a regular diploma.
- Indicator 2 – Dropout: Percentage of youth with IEPs dropping out of high school.
- Indicator 4 – Rates of suspension and expulsion:
 - A. Percentage of districts that have a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs.
 - B. Percentage of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and support and procedural safeguards.
- Indicator 5 – Educational environments:
 - Percentage of children with IEPs ages 6 through 21:
 - A. Inside the regular class 80 percent or more of the day;
 - B. Inside the regular class less than 40 percent of the day; and
 - C. In separate schools, residential facilities or homebound or hospital placements.
- Indicator 10 – Disproportionality, specific disability categories: Percentage of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.
- CEIS – Services provided to students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education environment.
- Restraint – Rate of incidents of restraint, as reported in the FDOE website.
- Seclusion – Rate of incidents of seclusion, as reported in the FDOE website.

The 2013-14 ESE Monitoring and Assistance process includes four phases:

- Phase 1 was composed of planning activities that occurred in advance of the first on-site visit to the school district.
- Phase 2 was the initial on-site visit to the selected school district by the state support team (SST).
- Phase 3 includes follow-up and post-initial visit activities that are conducted by a designated follow-up team, as determined by the SST, and identification of the ongoing data that will be collected.
- Phase 4 includes evaluation of the effectiveness of the school district's action plan, and should include participation of the comprehensive team that was involved in Phase 1.

For ESE compliance monitoring purposes, the bureau required all school districts to participate in the 2013-14 Level I Fall Cycle Self-Assessment process, which included the review of records for implementation of IEPs and a review of incidents of restraint and seclusion. School districts

identified as part of the monitoring and assistance process with on-site visits during the 2013-14 school year were exempt from self-assessing school records for IEP implementation and restraint and seclusion. Instead, bureau members of the school district's SST reviewed a sample of records as part of the on-site visit.

In a letter dated August 27, 2013, the superintendent of the Indian River County School District was informed that BEESS would be conducting an on-site monitoring visit related to the areas of discipline and restraint of students with disabilities.

School Selection

Upon review of the school district's data reported via the FDOE's web-based reporting systems for incidents of restraint and seclusion and SPP indicator 4B, and additional data provided by the school district, it was determined that the monitoring and assistance process would involve the following schools and programs for record reviews, school-level administrator interviews or on-site visits:

- Vero Beach High School
- Oslo Middle School
- Wabasso School
- Liberty Magnet School

Pre-visit School-Level Administrator Interviews

Prior to the on-site visit, interviews were conducted via telephone with district-level administrators. The district has been working with Center for Autism and Related Disabilities (CARD), Project 10, Florida Diagnostic and Learning Resources System (FDLRS) and Florida Inclusion Network (FIN). Behavior specialists are focused at individual schools where some students are restrained multiple times during the day.

On-Site Activities

SST – On-Site Visit Team

The following SST members conducted the monitoring and assistance on-site visit:

FDOE, BEESS

- Liz Conn, program director, Dispute Resolution (facilitator)
- Jill Snelson, program specialist (co-facilitator)
- Jerry Brown, program specialist

FDOE, Bureau Discretionary Projects

- Michelle White, technical assistant specialist, Positive Behavior Support (PBS) and Multi-tiered systems of support (MTSS) (action-planning and problem-solving facilitator)
- Jayna Jenkins, MTSS and Response to Intervention (RtI) consultant, Student Support Services (action-planning and problem-solving co-facilitator)
- Teresa DiBiasio, school improvement specialist, FDOE Office of Differentiated Accountability (DA), University of South Florida (USF)
- Maryellen Quinn-Lunny, director, CARD, USF
- Sandra Akre, director, FDLRS
- Emily Tonn, regional facilitator, FIN, East Region

- Eileen Orr, project manager, Multiagency Network for Students with Emotional Behavioral Disabilities (SEDNET)
- Heather Mack, regional transition representative, Region 3, Project 10

Data Collection

On-site monitoring and assistance activities included the following:

- School-level administrator interviews – 12 participants
- Interviews with staff who have restrained students – three participants
- Student focus groups – 11 participants
- School walk-through observations – six schools
- Completion of Restraint protocol – six students
- Completion of individual educational plan (IEP) Implementation protocol – 10 students
- Action-planning and problem-solving process – 28 participants
- Review of data from the school district's LEA Profiles, Guiding Questions – District-Level Needs Assessment and data compiled from district data systems

Review of Records

The school district was asked to provide the following documents, as applicable, for each of the 10 students selected for review of restraint or seclusion, IEP implementation or discipline:

- IEPs for the 2012-13 and the 2013-14 school years
- Current functional behavioral assessments (FBA)
- Current behavioral intervention plans (BIP)
- Discipline and attendance records for 2013-14 school year
- Progress reports and report cards for the 2012-13 and the 2013-14 school years
- Results of state testing
- Students' current schedules
- Parent notifications and other documentation related to incidents of restraint and seclusion
- Verification of training for staff members involved in incidents of restraint or seclusion
- Verification of the provision of related services and accommodations (lesson plans, teacher schedules and therapy logs)

Guiding Questions – District-Level Needs Assessment

Prior to the on-site visit, the school district was provided with questions to use as a guide in the collection of data. SST and district staff reviewed these data during the action-planning and problem-solving process. Indian River County School District's questions were related to restraints and SPP indicator 4B. A list of these questions is located in Appendix A of this report.

Best Practices for Inclusive Education (BPIE)

Prior to the on-site visit, the school district participated in the BPIE. In addition to continuing to strengthen the use of people first language strategies, the district chose to focus on professional development related to instruction and student achievement, including the following:

- Providing district and school leaders with ongoing and current information and professional development about best practices for inclusive education for all students with disabilities

- Providing job-embedded, collaborative professional development and technical assistance to all schools to integrate IEP goals and objectives and the general education standards
- Providing ongoing professional development and technical assistance to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all students with disabilities in the general education setting
- Providing professional development and technical assistance to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional and behavioral interventions for all students with disabilities in general education and natural settings
- Providing ongoing, job-embedded, collaborative professional development and technical assistance to school-based personnel to implement best practices for inclusive education for all students with disabilities

Results

The following results reflect the data collected and reviewed through the activities of the 2013-14 ESE Monitoring and Assistance process for Indian River County School District. Also included are commendations, findings of noncompliance and next steps, as applicable.

Restraint and Seclusion

According to the school district's SP&P document and the responses to the **Guiding Questions – District-Level Needs Assessment** document, the school district trains personnel with regard to the use of restraint and seclusion using the following crisis management programs: Techniques for Effective Aggression Management (T.E.A.M.) and Crisis Prevention Institute's Nonviolent Crisis Intervention (CPI). Beginning the 2014-15 school year, Professional Crisis Management (PCM) has been offered to teachers who work in classrooms that are dedicated to students with autism spectrum disorder (ASD) and emotional or behavioral disabilities (EBD).

Data Review

**Restraint Incidents
August 1, 2012, through October 31, 2012**

# of Incidents	# of Students	% Students in Grades Prekindergarten (PK) -3	% Students in Grades 4-8	% Students in Grades 9-12	% Students with ASD	% Students with Intellectual Disabilities (InD)	% Students with EBD	% Students with Specific learning disabilities (SLD)	% Students with Other Disability
28	23	65%	30%	4%	26%	0%	30%	0%	43%

**Restraint Incidents by District
August 1, 2013, through October 31, 2013**

# of Incidents	# of Students	% Students in Grades PK-3	% Students in Grades 4-8	% Students in Grades 9-12	% Students with ASD	% Students with InD	% Students with EBD	% Students with SLD	% Students with Other Disability
14	14	50%	36%	14%	29%	7%	36%	0%	29%

**Restraint Incidents by District
August 1, 2014, through October 31, 2014**

# of Incidents	# of Students	% Students in Grades PK-3	% Students in Grades 4-8	% Students in Grades 9-12	% Students with ASD	% Students with InD	% Students with EBD	% Students with SLD	% Students with Other Disability
34	18	33%	44%	22%	33%	22%	17%	0%	28%

In addition to the data above, the school district reported the following from a review of the guiding questions.

- Restraints are higher for individual students in some cluster programs.
- Students who are classified as being a student with an InD, EBD or ASD are more frequently restrained than other ESE students with other exceptionalities.
- Schools with cluster programs are contributing more to restraint and have students with high numbers of multiple incidents of restraints.
- Elementary school cluster students (grades 3 – 5) are contributing more to frequency.
- Board certified assistant behavior analysts and board certified behavior analysts (BCBAs) are on site to complete the FBA and BIP process for students who are being restrained often.
- PCM trainings are offered.
- There is a student services specialist and a BCBA specifically assigned to the ASD program.
- There is a lack of proper visual supports and the understanding of how to use them by ESE personnel.
- The district provides PBS training for school teams upon request.

Possible hypotheses regarding why gaps are occurring:

Classroom management:

- There is a lack of personnel who are physically able to handle aggressive students.
- There is a need for increased teacher skill sets for responding to problem behaviors.
- There is need for more training in classroom management to recognize triggers and precursors.
- It has been a challenge to recruit and retain highly qualified teachers in ASD classes (at the center school).

The process:

- Problem-solving staff development has been limited to district ESE groups. More problem solving needs to occur at the school level.
- Restraint is being used when it is not an emergency.

- There is a need to review the process for debriefing after restraint to reduce or prevent repeated restraints.
- Training is on a case-by-case basis from district staff due to limited planning time.
- Supports for schools are being used inconsistently.

The students:

- Increased time for IEP development is needed.
- Over-age students are being restrained.
- The number of involuntary commitments under the Baker Act is increasing.

Discipline (Suspensions and Expulsions)

Students with Disabilities Suspended or Expelled for More than 10 Days

	2009-10	2010-11	2011-12	2012-13
Indian River	3%	3%	3%	3%
State	1%	1%	1%	<1%

Nondisabled Students Suspended or Expelled for More than 10 Days

	2009-10	2010-11	2011-12	2012-13
Indian River	1%	1%	1%	1%
State	<1%	<1%	<1%	<1%

Discipline risk ratios by racial or ethnic group are calculated for students with disabilities by dividing the discipline rate of a specific racial or ethnic group by the rate of all nondisabled students. (For example: A risk ratio of 1.0 indicates that, for instance, black students with disabilities are equally likely to be suspended or expelled as all nondisabled students.)

Discipline Risk Ratios

Source: 2014 LEA Profile - FDOE

	2009-10	2010-11	2011-12	2012-13
Indian River	2.75	1.92	2.36	1.70
State	1.44	1.43	1.34	1.21

Discipline Risk Ratios by Race or Ethnicity

Race	2011-12 School Year*		2012-13 School Year**	
	State	Indian River	State	Indian River
White	0.80	1.66	0.74	Less than 10 students
Black	2.67	4.47	2.49	Less than 10 students
Hispanic	1.01		0.76	Less than 10 students
Asian				
American Indian and Alaskan Native	1.03		1.27	Less than 10 students
Native Hawaiian and Other Pacific Island				
Two or more races	1.34		1.29	Less than 10 students

Source: *2013 LEA Profile; **2014 LEA Profile - FDOE (<http://www.fdoe.org/ese/datapage.asp>)

In addition to the data above, the school district reported the following from a review of the guiding questions.

- Black students with EBD are suspended at a higher rate. For the 2011-12 school year the risk ratio was 4.47 compared to the state, which was 2.67.
- Students with EBD have 2.8 times the risk of receiving suspension than all other ESE students.
- Black ESE males are 38 times more likely to be suspended than black ESE females.
- One high school and two middle schools had a higher number of suspensions and recommendations of expulsions than other schools in the district.
- Middle school students are more likely to be suspended than high school or elementary school students
- Home-based services to ensure a free and appropriate public education (FAPE) are provided to all suspended ESE students.
- District-level staff are assigned to each school to problem solve and consult with administrators who are suspending students.
- Positive behavior support training is offered to school teams on a yearly basis.
- An alternative to suspension needs to be developed and presented to assistant principals who are processing office discipline referrals (ODRs).
- Belief systems regarding drop-out and suspension rates of ESE students are a potential barrier.
- Administrative teams are not always following through with the recommendations of ESE school-based personnel. The ESE director has met with individual school-based administrative staff.

Possible hypotheses regarding why gaps are occurring:

Perceptions:

- There are misconceptions of MTSS across the district.
- There needs to be accountability for implementing evidence-based practices related to MTSS (vertical communication).
- There is a lack of district-wide consensus and buy in of PBS.

Classroom management:

- Due to other initiatives in the district, there is limited access to professional development for administrators from the ESE department regarding the following:
 - Alternatives to suspensions for principals
 - Training for de-escalation of problem behavior that leads to discipline referrals
 - The need, in classroom management, to recognize triggers and precursors
- Coaching and proactive supports are decreasing with the decrease in Tier One implementation fidelity.
- Resources for coaching are lacking.

School supports:

- We are coaching in crisis.
- There is inconsistent use of supports for schools.
- There are insufficient resources for the full continuum of services at each school.

Schools:

- There is inconsistent Tier One implementation (academic and behavior).
- Course recovery is easier than passing core classes. (Teachers and students accept failure in order to get course recovery.)
- There are 30-40 students in co-facilitation classes – freshmen enrolled in Algebra 1 and English 1.
- There are gaps with how administrative teams follow through with ESE school-based personnel recommendations.
- The practice of maintaining a 10-day limit for suspensions for all ESE students is not followed in all schools.
- There are no consequences for not following procedures.
- Administrative involvement in out-of-school suspension (OSS) reviews prior to 10 days is not occurring everywhere.
- In-school suspension (ISS) leads to OSS resulting in lost instructional time.
- Exit interviews for students dropping out are difficult to complete.
- Teachers need to be made more aware of students' IEPs, Section 504 plans, FBAs and BIPs.
- ESE teachers are teaching general education classes in high school, which limits time for case management.

Student Focus Groups

Student focus groups were conducted at two middle schools and one high school during the monitoring and assistance on-site visit. Student views were collected on the following topics: IEP team meetings and parental participation, career and technical education, academics, extracurricular activities, Florida Comprehensive Assessment Test ® (FCAT) 2.0, diploma options, dropout, and suspension and expulsion.

High School:

Students with disabilities were able to explain what an IEP team meeting is. They indicated that accommodations are discussed at their meetings. Students were asked what they need more help with. Post-high school goals were discussed. ESE classes taken by the students included reading, resource room and learning strategies.

It was the general consensus that when students are referred due to discipline problems, only the teacher's side is heard. One student in the group had been suspended. The student's parent collected work from school, and, once, a teacher came to the house.

Two students had part-time jobs. The students indicated that the school counselor is instrumental in helping students to get jobs.

All students in the group had post-high school plans. These plans included further education for some.

One student planned to join the armed forces.

Middle School:

Students with disabilities had varying perceptions of what an IEP team meeting is. One student indicated that IEP team meetings are where "they discuss your grades and where you should be placed." One student said that, "All they did was tell me what I was doing wrong." Several students thought they had an IEP because they often got into trouble. Another student thought he had an IEP due to his attitude. One student did not know what an IEP was. Two students indicated that they had attended an IEP meeting this year. One student was asked what he wanted to do when he got older during the IEP team meeting.

The students were in both ESE and general education classes. They indicated that the ESE class was a "behavior class." In general education classes, they felt that even though other students behaved similarly, they were the ones whose behaviors were addressed. They reported that some teachers were hard on them. In general, the students did not feel that they benefitted from positive behavioral supports. One student indicated that rewards are "rigged."

Regarding suspension, one student felt that "They try to get rid of the main problems so that they think they won't have problems." One student reported being picked on in class by other students, and being the one who is suspended. The students who had been suspended from school reported that most of the time they were provided with assignments.

Regarding the FCAT, the students indicated that it depended on which teacher you had whether you were prepared for the test.

Commendations

1. Between August 2013 and April 2014, there were 72 incidents of restraint. This was a decrease from the 80 incidents reported for the same period during the 2012-13 school year.
2. Students with EBD who are suspended for 10 or more days have decreased from 23 percent in 2009 to 13 percent in 2013.
3. The district's standard diploma rate of 92% for students with disabilities exceeds the rate of other districts in this enrollment group, as well as the state rate.
4. The school district's dropout rate of 2 percent is below the enrollment group and state averages for all students with disabilities and students with EBD and SLD.

ESE Monitoring and Compliance

Records Review

Bureau staff reviewed records of 10 students in the school district, from a sampling of two schools. Standards from the IEP Implementation and Restraint and Seclusion protocols were reviewed. Noncompliance was found in seven records related to the following:

- Evidence of implementation of strategies to work toward mastery of the annual goals as specified on the IEP
- Evidence of provision of special education services of specially designed instruction as specified on the IEP
- Evidence of the provision of supports for school personnel as specified on the IEP
- Evidence of the provision of supplementary aids and services as specified on the IEP
- Evidence of the provision of program modifications or classroom accommodations as specified on the IEP

The district has corrected all student-specific findings of noncompliance. In addition, no later than one year from the date of the student-specific corrective action letter (January 23, 2015), the district must demonstrate correct implementation of the standards identified as noncompliant by providing a sample of records that demonstrates 100 percent compliance for each of these standards. Documentation of the completion of all components of the corrective action must be received no later than one year from the date of formal identification (January 23, 2015).

Action-Planning and Problem-Solving and Planning Process and Next Steps

The team identified a long list of resources and obstacles to achieving the goal related to district-wide implementation of MTSS to result in increased levels of student engagement and academic success. The barrier around data was selected as the first to work on, and an action plan was developed to address the concerns in this area.

The team defined the desired outcome for the district as follows:

- District-wide implementation of MTSS as measured by Survey 4 data will result in increased levels of student engagement, leading to academic success as evidenced by:
 - Increase in the graduation rate
 - Decreased retention rates
 - Decreased course failure rates
 - Decreased OSS days for high school students by 10 percent; for middle school students by 25 percent
 - Decreased OSS days per 100 students for both high school and middle school
 - Decreased office discipline referrals
 - Decreased total district restraints by 10 percent
 - Increased academic learning time

Discussion:

Instruction:

- Improve use of Universal Design for Learning.
- Look more closely at differentiated instruction. How differentiated are accommodations beyond giving extra time?
- What are the misconceptions of MTSS?
- Lack of effective core (behavior and academic) leads to loss of instruction time (ISS, OSS, Tardy Room and Time out Room).
- Need to ensure healthy core instruction (academic and behavior).
- If there is a strong structure for MTSS implementation, students will increase instructional time during core instruction. That will result in increased student engagement, increased graduation rate and decreased dropout rate.

Students:

- Increase support for overage students.
- Increase the efficacy of course recovery.
- Ensure that IEPs have accurate data and accommodations.
- Implement an Early Warning System (EWS).

Action Planning:

Activities	When
Contact Information Technology (IT) department to discuss data needs for Early Warning System	By end of May 2014
Communicate what exists and what is needed from the Vendor	After contacting IT
Ask vendor(s) which other districts use TERMS to use established queries	By June 1, 2014
Create data display of baseline data for Goal 1; send to SST and facilitator	By end of June 2014

In July 2014 activities were revised as follows:

- ESE and student services subgroups will receive professional development specific to manifestation determination procedures and requirement to review FBAs, BIPs and data for next steps.
- Collaborate with the IT department to develop a monthly report to include the following data:
 - Restraints documented in TERMS or Focus
 - Suspensions for all students disaggregated by ESE, ethnicity, size-alike comparison schools
 - Collaboration with IT has begun to develop quick reference guides with IEP goals or objectives and course accommodations and 504 accommodations
 - Percentage of students with one or fewer, two through five and six or more referrals
- Beginning in August 2014, ESE personnel will review and analyze quarterly suspension data with school-based leadership teams to include resource specialists and student support specialists for problem solving and next steps. A document will be developed in collaboration with the FIN to include guiding questions and a problem-solving framework to ensure common discussion and problem solving across schools. Strategically align ESE personnel skillsets with school-based needs based on determined criteria and school academic and behavioral intervention needs.
- ESE department personnel will prepare and present at the August 2014 administrator's meeting specific to college, career and community readiness and alternatives to suspension.
- Professional development will be provided in August 2014 for student support specialists on use and analysis of pivot table data per school for discipline.

The following resources were available:

- Procedures for Suspension of Students with Disabilities (SWD)
- ESE-Recommended School-Based Disciplinary Procedures for SWD
- Common Boards from Indian River Fellowship for Instructional Leaders Day 1 and Day 2 that reflect district-wide efforts to refine MTSS problem-solving process

The problem-solving team reconvened on August 25, 2014, and determined action steps to gather baseline data for the purpose of generating goals for both restraint, Indicator 4B and graduation.

- Data priorities included the following:
 - Verify baseline data regarding graduation rates, retention rates, course failure rates, OSS, restraints and amount of student, faculty and administrator time consumed by ODRs.
 - Determine how many class periods students are serving ISS over a period of time.
 - Determine the number of OSS days accumulated per 100 students during each nine-week quarter.
 - Determine the number of ISS and ODR per hundred students to compare days of ISS or total number of ODRs from year to year
 - Clarify the communication channels between the ESE and student services department and the school leadership teams regarding ongoing data review and the identification of all students at risk for academic or behavioral concerns, with particular emphasis on Indicator 4B and Restraint.
 - Gather data on effective components of well-implemented ISS programs.
 - Ascertain the possibility of using the database to automate reports for identified indicators.
- Professional development priorities included providing additional training with regard to EWS and data-based decision making.
- Priorities regarding stakeholders included the following:
 - Expand the team membership for current problem-solving activities to be more representative of all stakeholders.
 - Communicate restraint debriefing information to all stakeholders.
 - Send out the technical assistance paper on restraint to all administrators.
 - Convene a workgroup to identify the level of supports needed by schools throughout the district.

Next Steps	
Discipline (4B)	
Summary:	The district was found to have significantly disproportionate data for black students with disabilities with respect to disciplinary actions, including suspensions and expulsions.
Recommendations:	Continue professional development for teachers and staff in the area of positive behavior support.
Required Actions:	By January 15, 2015 , the school district must review current school and district policies related to student code of conduct to determine patterns of suspension. Outcomes of this review and any resulting additions or changes to the district's plan must be provided to BEESS by January 30, 2015 .

Next Steps	
Restraint and Seclusion	
Summary:	<p>According to the district's SP&P, "Prone restraints are utilized when safety risks to students are increased due to the intensity of an event. A seated restraint may be inadequate to secure the student and prevent injury due to biting behavior. Once additional staff arrive a decision may be made to utilize a prone restraint."</p> <p>At the center school it was noted, upon review of restraint reports, that there was a pattern of the use of prone restraint. School staff indicated that prone restraint is used only after less restrictive methods are unsuccessful.</p>
Recommendations:	N/A
Required Actions:	In the case of prone restraints, the district must document other restraints leading to the use of prone restraint. Restraints at this location must be closely monitored by the district; problem-solving around students who have been restrained through the prone method must be documented. This documentation must be provided to BEESS by January 30, 2015 .
Phases 3 and 4 of the ESE Monitoring and Assistance process	
Summary	<ul style="list-style-type: none"> • Additional action planning and problem solving for other priorities for the school district in regard to restraint and discipline will be scheduled by the SST liaison for the school district and the ESE director. • By January 20, 2015, the SST team, ESE director and designated district staff will evaluate the effectiveness of the school district's action plan(s) and determine additional next steps, as appropriate.

Technical Assistance

1. **Implementing a Multi-Tiered System of Support for Behavior: Recommended Practices for School and District Leaders** (Florida's PBS Project) may be accessed at http://flpbs.fmhi.usf.edu/pdfs/RTIB%20Guide%20101811_final.pdf and provides an overview of the critical components of an MTSS for behavior. These critical components describe systems changes that are necessary for a results-driven ESE system.
2. The district's **ESE Policies and Procedures** document provides district- and school-based standards for documenting, reporting and monitoring the use of manual, physical or mechanical restraint and seclusion developed by the FDOE. The school district's document for the 2013-14 through 2015-16 school years may be accessed at <http://beess.fcim.org/sppDistrictDocSearch.aspx>.
3. The technical assistance paper entitled **Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities**, dated October 14, 2011, may be accessed at <http://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>. This document provides guidance regarding the use, documenting, reporting and monitoring of restraint and seclusion with students with disabilities in school districts, including (a) when restraint or seclusion might be used, (b) considerations when selecting a training program for restraint, (c) what should be documented, (d) parent notification and reporting, and (e) monitoring use. It also contains information about s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities.
4. The United States Department of Education, in collaboration with the United States Department of Justice, released **School Discipline Guidance** in the January 2014, Volume 4, Issue 1 of the **Office of Special Education Programs Monthly Update**. This package will assist states, districts and schools in developing practices and strategies to enhance school climate, and ensure those policies and practices comply with federal law. The resource documents listed below are included in the package, and are available at <http://www.ed.gov/school-discipline>:
 - **Dear Colleague** guidance letter on civil rights and discipline;
 - **Guiding Principles** document that draws from emerging research and best practices;
 - **Directory of Federal School Climate and Discipline Resources** that indexes federal technical assistance and other resources; and
 - **Compendium of School Discipline Laws and Regulations** that catalogue State laws and regulations related to school discipline.

**Florida Department of Education
Bureau of Exceptional Education and Student Services**

2013-14 ESE Monitoring and Assistance

State Support Team for Indian River County School District

**Bureau of Exceptional Education and
Student Services**

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Appendix A

Guiding Questions – District-Level Needs Assessment

1. What are the most current data levels on each of the targeted BEESS indicators?
2. What is the gap between BEESS expected level(s) of targeted indicators and your district's current level(s) of targeted indicators?
3. Do data indicate equity issues related to the selected BEESS indicators? Are there subgroups for which the gap between expected and goal levels of performance and current levels of performance is more or less significant?
 - Gender
 - Race or ethnic group
 - Economically disadvantaged
 - Students with disabilities (by each sub-group)
 - English language learners
 - Comparison within and across above sub-groups
4. Disaggregate district-level indicator data to school levels. Which schools are contributing to total district frequency for each of the targeted BEESS indicators?
5. Disaggregate school-level indicator data by grade level. Which grades within each school are contributing to total school frequency for each of the targeted BEESS indicators?
6. Disaggregate between type of school (elementary, middle school and high school) by student outcomes.
7. What evidence-based practices are currently planned for use or implementation at the school level?
8. Are the expected evidence-based practices occurring sufficiently?
9. If expected evidence-based practices are not occurring or not occurring sufficiently, why not? (What are some potential barriers specific to targeted BEESS indicators at the school level?)
10. How are school-level evidence-based practices being supported by the district specific to BEESS indicators being targeted for improvement?
11. Are district supports for school-level practices being provided sufficiently?
12. If district supports are not occurring or not occurring sufficiently, why not? (What are some potential barriers specific to targeted BEESS indicators at the district level?)
13. What strategies, initiatives and resources have been identified in the District Improvement and Assistance Plan (DIAP) with regard to achieving annual measurable outcomes (AMO) targets for students with disabilities?
14. As applicable, has the mid-year reflection based on mid-year assessment data been completed, and what, if any, adjustments have been made to the DIAP with regard to strategies to improve outcomes for students with disabilities?

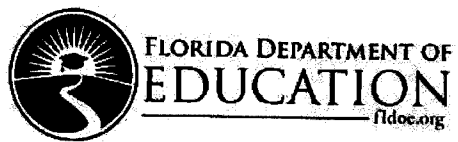
15. What does the **ESE Policies and Procedures** document reflect with regard to the district's goal to improve targeted indicator performance? Did the district achieve the goal set during the prior year?
16. What is occurring with regard to implementing the strategies in the **ESE Policies and Procedures** document with regard to targeted indicator performance? Based on all of the above answers, what priorities will be targeted to improve **BEES** targeted indicators?
17. Based on all of the above answers, what priorities will be targeted to improve **BEES** targeted indicators?

Bureau of Exceptional Education and Student Services

Glossary of Acronyms and Abbreviations

The following is a list of acronyms, abbreviations and terms used within this report.

ASD	Autism spectrum disorder
BCBA	Board certified behavior analysts
BEESS	Bureau of Exceptional Education and Student Services
BIP	Behavioral intervention plan
BPiE	Best Practices for Inclusive Education
CARD	Center for Autism and Related Disorders
CEIS	Coordinated early intervening services
CFR	Code of Federal Regulations
CPI	Crisis Prevention Institute's Nonviolent Crisis Intervention
DA	Differentiated Accountability
EBD	Emotional or behavioral disability
ESE	Exceptional student education
EWS	Early warning system
FAPE	Free Appropriate Public Education
FCAT 2.0	Florida Comprehensive Assessment Test 2.0
FDOE	Florida Department of Education
FIN	Florida Inclusion Network
FDLRS	Florida Diagnostic and Learning Resources System
F.S.	Florida Statutes
FBA	Functional behavioral assessment
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
InD	Intellectual disabilities
ISS	In-school-suspension
IT	Information Technology
LEA	Local educational agency
MTSS	Multi-tiered system of support
ODR	Office discipline referral
OSS	Out-of-school suspension
PCM	Professional Crisis Management
PBS	Positive Behavior Support
PBS/MTSS	Positive Behavior Support/Multi-tiered System of Supports
PK	Prekindergarten
PS/RtI	Problem-Solving/Response to Intervention
RtI	Response to intervention
SLD	Specific learning disorder
SEDNET	Multiagency Network for Students with Emotional Behavioral Disabilities
SP&P	Exceptional Student Education Policies and Procedures
SPP	State Performance Plan
SST	State Support Team
SWD	Students with disabilities
T.E.A.M.	Techniques for Effective Aggression Management
USF	University of South Florida



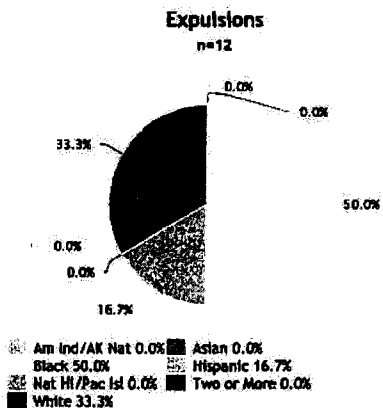
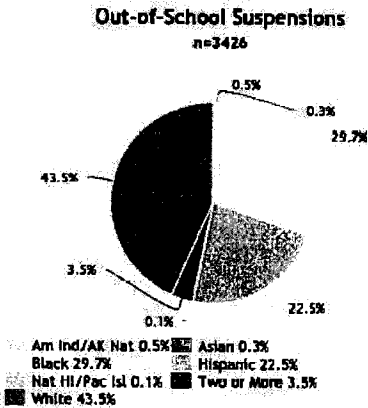
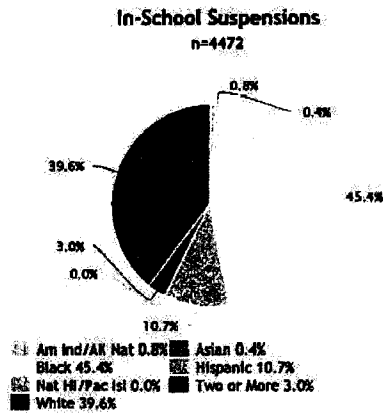
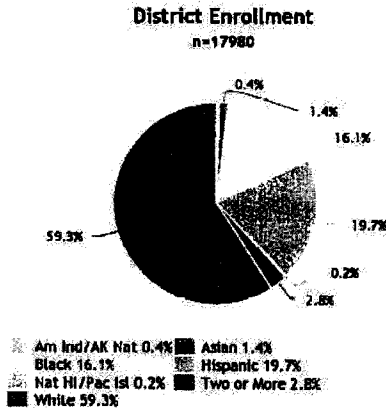
Pam Stewart, Commissioner

3132001

Discipline, Restraints/Seclusion Harassment/Bullying

Discipline, Restraints/Seclusion, Harassment/Bullying

Compared to overall enrollment, what is the race/ethnicity of students receiving In-School Suspensions, Out-of-School Suspensions, or Expulsions?



* Section 504 Only discipline data is not available by race/ethnicity. Number of Section 504 Only students disciplined: In-School Suspensions=14, Out of School Suspensions=14, Expulsions=2

	Total
Total Number of Students Referred to Law Enforcement	292
Total Number of Students with School-Related Arrests	25
Total Number of Expulsions Under Zero-tolerance Policies	0

Civil Rights Data Definitions

Exhibit VI

8

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2013

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

SCHOOL BOARD OF SEMINOLE COUNTY,
FLORIDA,

Appellant,

v.

Case No. 5D12-2473

RENAISSANCE CHARTER SCHOOL, INC.,
and RENAISSANCE CHARTER SCHOOL AT
SEMINOLE,

Appellees.

Opinion filed April 26, 2013.

Administrative Appeal from the
Florida State Board of Education.

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.

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").

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."

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 sponsor¹ 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

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.

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.

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 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."

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 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.

providing in section 1002.33(6), Florida Statutes (2002), that the State Board's review of a District School Board's decision is a final action subject to judicial review. By not specifying the court in which the judicial review is to take place, the Legislature has generated the quandary faced by the litigants and this court in determining which court, circuit or district, is to review the State Board's decision.

911 *911 Initially, we observe that the appeal provisions of Chapter 120 of the Florida Statutes, the "Administrative Procedure Act," are not applicable because section 1002.33(6)(c) specifically exempts decisions rendered by the State Board from that act. The parties to this appeal agree that the avenue of appeal is not provided by chapter 120, notwithstanding the inclusion in the State Board's final order that judicial review of its order is available pursuant to section 120.68, Florida Statutes, a subsection of the Administrative Procedure Act.

In the absence of legislative selection of the proper forum, we turn to the Florida Rules of Appellate Procedure, but those rules do not precisely prescribe the court in which Charter School decisions are to be reviewed. Rule 9.030(b)(1)(C), prescribing the appellate jurisdiction of district courts and rule 9.030(c)(1)(C), prescribing the appellate jurisdiction of circuit courts, mirror the language that each of the courts "shall review, by appeal . . . administrative action if provided by general law." As stated earlier, the Legislature has enacted a general law establishing review by appeal, but omitted specifying the appropriate forum.

If analysis of the appellate rules stopped at this point, one could preliminarily conclude that both the circuit court and district court would have jurisdiction under the rules to entertain review of the State Board's decision. However, a concurrent jurisdiction conclusion is not practical. Additionally, if one were to file an appeal with the circuit court, still another appeal would be allowable to the district court pursuant to rule 9.030(b)(2)(B) which prescribes jurisdiction in the district courts to review "final orders of circuit courts acting in their review capacity." Surely, the Legislature did not intend to create a third tier of review from a local school board decision; the third appeal would be possible if we accepted the School Board's argument.

In Orange Ave. Charter School v. St. Lucie County School Bd., 763 So.2d 531 (Fla. 4th DCA 2000) review denied, 786 So.2d 1187 (Fla.2001), a charter school sought administrative review of an order of the county school board denying renewal of the school's charter to serve at-risk students. The State Board rejected the school board's initial determination and remanded the case for further consideration. On remand, the school board conducted a full evidentiary public hearing in which it again decided not to renew the school's charter.^[1] The school board's subsequent denial after remand constituted a final action for purposes of review.^[2] Notably, the charter school filed a direct appeal of the school board's ruling with the Fourth District Court of Appeal, not with the circuit court. Admittedly, the district court's opinion did not address the jurisdictional issue that is raised here. Similarly, in School Bd. of Nassau County v. Arline, 408 So.2d 706 (Fla. 1st DCA 1982) affirmed on other grounds, 480 U.S. 273, 107 S.Ct. 1123, 94 L.Ed.2d 307 (1987), the district court heard a direct appeal from the school board regarding a final order issued by the state board. Again, that court's opinion did not discuss the court's jurisdiction.

912 Other authorities support a district court's jurisdiction over this matter. See § 23.2 Phillip J. Padovano, *Florida Appellate Practice* 380 (noting that administrative decisions of state agencies are appealable either to the supreme court or to the district court of appeal). For purposes of appeal, there is no substantive difference between the final action taken by the State Board here and the final action taken by the St. Lucie school board^[3] in *Orange Ave* or the final order issued by the state board in *School Bd. of Nassau County*.

Finally, the *Orange Ave.* decision was decided in the year 2000, giving the Legislature an opportunity to make its intent known if it differed with those decisions in which the district court entertained jurisdiction in charter school decisions.

The School Board cites Eckert v. Bd. of Comm. of N. Broward Hosp. Dist., 720 So.2d 1151 (Fla. 4th DCA 1998), in support of its argument that jurisdiction is properly in the circuit court. In *Eckert*, a physician petitioned the Fourth District Court of Appeal by writ of certiorari seeking review of a hospital district's decision to suspend his staff privileges. The *Eckert* court held that it lacked jurisdiction over the matter and transferred the case to the circuit court because it considered the hospital district to be purely local in nature, in that it was a special taxing district created by special law

Schools.

UCP did not qualify to receive funds under any of the foregoing provisions, and if UCP's application were approved, the creation of the new school would have no impact on the capital funding currently provided to existing charter schools in the county for at least the first three years. The School Board was aware of this fact when it provided UCP with a high passing score on its Charter School Application Rating Form, which included an analysis of UCP's short and long-term financial plan. In fact, the record shows that the School Board admitted that its denial was based on a projection of how much funding will be available in the future. In rejecting UCP's application, the School Board made a broad, unsupported assumption that the current funding scheme will remain unchanged over the next three years although funding is unpredictable.

The second ground for denial is based on conjecture and is also without merit. The evidence demonstrates that at the time UCP's application was denied, Osceola County had received the lowest state operational funding of any school district in the state, ranking 67th out of 67 school districts. Collectively, the existing charter schools in the county extracted \$1,896,026 from the total operational budget due to the legislative freeze on state-wide capital funding.^[8] As a result, eight of the ten existing charter schools currently operate with deficit balances.^[9] The School Board considered these facts and concluded that due to the lack of capital funding, approval of a new charter school will necessarily result in each student receiving less of an education, providing good cause to deny UCP's application. Inadequate funding is a serious issue that continues to plague Florida school districts. Most public schools have reached capacity, classes remain overcrowded and salaries remain low, making it difficult to retain high quality teachers. However, a denial based on good cause contemplates a legally sufficient reason.

Here, the record is completely devoid of any empirical evidence that correlates inadequate education with the lack of capital funding or a reduction in operational funding. The School Board failed to provide any evidence to support its contention that students attending schools that are inadequately funded receive less of an education, or evidence that students attending UCP's charter school would be more educationally deficient than students attending previously approved charter schools or other public schools in the district. The School Board asserts that the actual adverse impact Osceola County charter schools have experienced with regard to capital funding was "fully discussed" at the School Board meeting. But, the transcript from that hearing is not contained in the record, making it impossible to determine whether any empirical evidence was presented at that time to support its denial.

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The School Board also cites *Orange Ave.* to support its denial of UCP's application. In that case, the Fourth District Court of Appeal found that the school board established good cause to deny renewal of the school's charter. Importantly, the school *915 board presented substantial empirical evidence of specific factors that warranted denying the school's request for renewal. Specifically, the school board presented evidence which demonstrated that: (1) only a small percentage of students were projected to score at, or above, the median on standardized tests, (2) community and parental support of the school sharply declined, (3) enrollment declined, (4) meetings were unsuccessful and unorganized, and (5) management ran the school inefficiently. But in the instant case, the School Board presented no direct evidence of harm or adverse impact that would result if UCP's application was approved. At best, the School Board demonstrated that its district is woefully under-funded.

The School Board implies that under the current funding scheme, the creation of new charter schools places existing schools at an increased risk of losing funding in the event the charter school fails and must be taken over by the school district.^[10] This is not entirely correct.^[11] Although the district would likely experience some financial impact associated with a charter school's failure, the amount is unclear and does not appear to warrant denial on that basis alone. Sections 1002.33(14) and 1013.62(7) provide for indemnification of school boards from the private debts of a charter school. Further, in the event a charter school fails, the school's infrastructure would already exist, potentially saving the school district significant amounts of money in new construction costs that it otherwise would have been required to expend in the absence of the charter school.

Despite the legislative freeze on capital funding, and a significant increase in the number of charter school applications, the Florida Charter School Review Panel recommended to the Florida Legislature that it repeal section 1002.33(13),

materials and cover all other expenses needed to operate a school.

[8] The State discontinued capital funding, with limited exceptions, after the 2003-2004 school year. See generally § 1013.62(7), Fla. Stat. (2003).

[9] The School Board attached a table to its appeal showing the operational budgets, and deficits, of each charter school in Osceola County between 2002 and 2003.

[10] See § 1002.33(8)(d), Fla. Stat. (2003) (requiring the district to assume control over a failed charter school within the district).

[11] We also note that funding for charter schools can be supplemented by private donations.

[12] See *Recommended Revisions to Florida's Charter School Code, An Annual Report to the Legislature, Governor and Secretary of Education* 8 (Dec. 18, 2002).

[13] See 2003-393 Laws of Florida.

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974 So.2d 1186 (2008)

SCHOOL BOARD OF VOLUSIA COUNTY, Appellant,
v.
ACADEMIES OF EXCELLENCE, INC., etc., et al., Appellee.

No. 5D06-1054.

District Court of Appeal of Florida, Fifth District.

February 22, 2008.

1187 *1187 Theodore R. Doran, Audrie M. Harris and Michael Ciocchetti of Doran, Wolfe, Ansay & Kundid, Daytona Beach, for Appellant.

Christopher V. Carlyle, Shannon McLin Carlyle and Gilbert S. Goshorn, Jr., of The Carlyle Appellate Law Firm, The Villages, for Appellee.

ON MOTION FOR REHEARING AND REHEARING EN BANC

PALMER, C.J.

The motion for rehearing and for rehearing en banc filed by the **School Board of Volusia County** is denied. However, the prior opinion of this court, dated November 30, 2007 is withdrawn, and we substitute the following in its place.

The **School Board of Volusia County (School Board)** appeals the final order entered by the State of Florida, Department of Education (**State Board**), reversing the **School Board's** denial of the charter **school** application filed by **Academies of Excellence, Inc. (Academies)**. Determining that the record contains competent, substantial evidence to support the **State Board's** decision, we affirm.

Academies applied to the **School Board** for permission to open a charter elementary **school** in **Volusia County, Florida**. Pertinent to this appeal, in the application the following information was set forth:

L. Student Performance Standards

4. To be considered as meeting student performance standards, students must perform at Level 3 and above on the mathematics and reading sections of the Florida Comprehensive Assessment Test.

5. Students who score at or above the 25th percentile on norm-referenced tests are considered to have demonstrated acceptable student performance standards.

Additionally, as part of the finance portion of the application, **Academies** indicated that it expected to initially enroll 450 students.

1188 *1188 The **School Board** held a hearing to consider **Academies'** application. During the hearing, Dr. Chris Colwell, Deputy Superintendent for Instruction Services, testified that **Academies'** application failed to set a goal for itself of attaining an A, B, C, or D grade in terms of success of the **school**. He stated that a specific stated goal was required and appropriate. Next, Colwell took issue with **Academies'** standard that "students who score at or above the 25th percentile on norm referenced tests are considered to have demonstrated acceptable student performance standards." He testified that the standard was lower than the standards held by public schools in **Volusia County** and lower than the standards that would be expected by the State of Florida.

Bill Kelly, Jr., Deputy Superintendent of Finance, opined that **Academies'** application lacked evidence of sound financial planning. Specifically, Kelly found **Academies'** enrollment projection of 450 students in the first year of operation to be unreasonable. Based on the unreasonable enrollment figure, Kelly stated that **Academies'** budget revenues were overstated. Kelly also stated that **Academies** was understating its capital budget by one million dollars for facilities and land costs.

At the conclusion of the hearing, the **School Board** denied **Academies'** application. Specifically, the **School Board** concluded that **Academies'** application failed to meet the standards for minimal acceptance in the areas of student assessment/accountability and finance/class size requirements.

Academies appealed the **School Board's** ruling to the State **Board** of Education. The Charter **School Appeals** Commission^[1] conducted a hearing on the matter. During that hearing, Kathleen Schoenberg, attorney for **Academies**, argued that **Academies'** application properly addressed the statutory requirement regarding student assessment and that the argument over finances was just a difference of opinion between the **School Board** and **Academies**.

Ted Doran, attorney for the **School Board**, argued that **Academies** had failed for the fourth time to produce an application sufficient statutorily to proceed to the next level. Dr. Colwell testified that **Academies'** failure to include a **school** goal in its application made **Academies** unaccountable for its performance under the Governor's A-Plus Plan. Further, Colwell stated that it was unacceptable that **Academies** considered the 25th percentile to be an acceptable level of student performance. However, he did indicate that **Academies** had admitted that this figure on their application was a typographical error and that the figure should have been 51st percentile instead of 25th percentile.

In response, Schoenberg stated that **Academies** mistakenly omitted a sentence stating that the **school's** goal was to be an "A" **school**. However, she argued that omission of that one sentence was not enough to make the entire application deficient.

The Commission asked the parties whether there was a specific requirement that a **school** grade be part of the application. Colwell admitted that the application template did not include such a requirement and Schoenberg stated that the statute does not require the **school** to include a **school** grade as one of its goals.

1189 At the conclusion of the comments on student assessment/accountability, the *1189 Commission voted that the **School Board** had competent, substantial evidence to support its finding that the application was statutorily deficient in the area of student assessment/accountability. However, immediately thereafter, the Commission voted that the **School Board's** finding that the application was statutorily deficient in the area of student assessment/accountability was not good cause for denial.^[2] After more discussion, the Commission voted that the **School Board** did not have competent substantial evidence to support its finding that the application was statutorily deficient in the areas of finance/class size requirements. Subsequently, the Commission voted to recommend to the State **Board** that **Academies'** appeal be granted.

The Commission's recommendations were submitted to the State **Board**. The State **Board** conducted a hearing during which it considered whether to accept the Commission's recommendation to overturn the decision of the **School Board** and to grant **Academies'** application. During the hearing, a member of the State **Board** requested clarification regarding the 25th percentile versus the 51st percentile. The head of the appeals commission responded:

I absolutely admonished the applicant that that's not acceptable. They had noted it. They admitted it. They said it was a typo. They absolutely agree on the record and in writing, it should be 51 percent which is the norm for the FCAT.

Subsequently, the State **Board** issued a written order upholding the findings and recommendations of the Commission. This appeal timely followed.

The **School Board** challenges the State **Board's** final order, claiming first that the **Board** deviated from the record below and improperly created its own record during the appeal process. Specifically, the **School Board** argues that the **School**

Board and Academies were bound by the record developed before the **School Board** and thus it was error for the parties to add new evidence during the appeal process. We reject this argument because both the **School Board** and **Academies** presented, without any objection, testimony before the Commission regarding the issues of student assessment/accountability and finance/class size requirements. Additionally, the **School Board** did not raise any objections to the comments made during the State **Board** meeting regarding the 25th percentile promotion rate, nor did the **School Board** raise the argument before the State **Board** that it now raises on appeal. Accordingly, the **School Board** failed to preserve this issue for our review.

1190 In a related argument, the **School Board** claims that the State **Board** improperly conducted a *de novo* review of the evidence *1190 by accepting testimony at the State **Board** hearing. Again, this argument was not properly preserved for our review.

The **School Board** further argues that the State **Board's** order must be reversed because it fails to include a fact-based justification for the **Board's** decision. We disagree.

Section 1002.33(6)(e)1. & 5. of the Florida Statutes (2005) provides:

1002.33. Charter schools

(6) Application process and review.

Beginning September 1, 2003, applications are subject to the following requirements:

(e) 1. A Charter **School** Appeal Commission is established to assist the commissioner and the State **Board** of Education with a fair and impartial review of appeals by applicants whose charter applications have been denied, whose charter contracts have not been renewed, or . . .

5. Commission members shall thoroughly review the materials presented to them from the appellant and the sponsor. The commission may request information to clarify the documentation presented to it. In the course of its review, the commission may facilitate the postponement of an appeal in those cases where additional time and communication may negate the need for a formal appeal and both parties agree, in writing, to postpone the appeal to the State **Board** of Education. A new date certain for the appeal shall then be set based upon the rules and procedures of the State **Board** of Education. Commission members shall provide a written recommendation to the state **board** as to whether the appeal should be upheld or denied. A fact-based justification for the recommendation must be included. The chair must ensure that the written recommendation is submitted to the State **Board** of Education members no later than 7 calendar days prior to the date on which the appeal is to be heard. Both parties in the case shall also be provided a copy of the recommendation.

§ 1002.33(6)(e)1. & 5., Fla. Stat. (2005)(emphasis added). The statute clearly states that the Commission, not the State **Board**, must include a fact-based justification for its recommendation. Therefore, the failure of the State **Board** to include a fact-based justification for its decision does not constitute reversible error.^[3]

The **School Board** next challenges the State **Board's** final order, claiming that the **School Board's** basis for denying **Academies'** charter **school** application constituted good cause because **Academies'** application was unsound in student assessment/accountability and finance/class size requirements. The **School Board** claims that, because the Commission found that **Academies'** application was statutorily deficient in the area of student assessment/accountability, the Commission erred in concluding that this deficiency was not good cause for denial of **Academies'** application. We disagree.

1191 *1191 While **Academies** admitted at the hearing before the Commission that it had mistakenly omitted a sentence from its application that should have said the **school's** goal was to be an "A" **school**, a representative from the **School Board** also admitted that the application template did not include a requirement that one of the goals include a **school** grade. Section 1002.33(6)(a) of the Florida Statutes also contains no such requirement, and the Florida charter schools standard application includes no such requirement. Therefore, competent substantial evidence supports the Commission's conclusion that the **School Board** did not have good cause to deny **Academies'** application on that basis.

Next, the **School Board** argues that the Commission erred in concluding that the **School Board** did not have good cause to deny **Academies'** application based on statutory deficiencies in **Academies'** basis for promotion of students. Specifically, the **School Board** argues that **Academies'** could not promote students based on reaching the 25th percentile. This issue was extensively discussed at the meeting before the Commission. **Academies** indicated that it was willing to correct this language. **Academies'** willingness to rectify the situation appeared to be the reason that the Commission concluded that this error on **Academies'** application was not good cause to deny the application. Based on the testimony and argument presented at the hearing, the Commission had sufficient evidence before it to properly conclude that, although **Academies'** application was statutorily deficient, such a deficiency was not good cause for denial of the application when **Academies** recognized the problem and was willing to correct it.

The **School Board** also argues that the Commission erred in concluding that the **School Board** did not have competent substantial evidence to support its finding that **Academies'** application was statutorily deficient in the area of finance/class size requirement. We again disagree. The record demonstrates that **Academies** rebutted the reasons the **School Board** gave for denying its application, and the evidence demonstrated that many of the **School Board's** reasons for denial were based on opinion. Also, a **School Board** representative admitted that **Academies'** budget was correct if it could achieve its estimated enrollment number.

Finally, the **School Board** challenges the State **Board's** final order, claiming that the order which was entered pursuant to section 1002.33 of the Florida Statutes conflicts with, and thereby violates, the **School Board's** constitutional authority under Article IX, section 4(b), of the Florida Constitution, to operate, control and supervise public schools, and its authority under Article IX, section 1(a), of the Florida Constitution, to make adequate provision for a uniform and high quality system of free public schools. Specifically, the **School Board** argues that, because the act of operating and controlling all free public schools in **Volusia County** is conferred exclusively on the **School Board**, section 1002.33(6)(c) is unconstitutional because it permits the State **Board** to open a charter **school**.

Section 1002.33(6)(c) of the Florida Statutes provides:

1002.33 Charter Schools

* * *

(6) Application process and review. — Beginning September 1, 2003, applications are subject to the following requirements:

* * *

(c) An applicant may appeal any denial of that applicant's application or failure to act on an application to the State **Board** of Education no later than 30 calendar days after receipt of the district *1192 **school board's** decision or failure to act and shall notify the district **school board** of its appeal. Any response of the district **school board** shall be submitted to the State **Board** of Education within 30 calendar days after notification of the appeal. Upon receipt of notification from the State **Board** of Education that a charter **school** applicant is filing an appeal, the Commissioner of Education shall convene a meeting of the Charter **School** Appeal Commission to study and make recommendations to the State **Board** of Education regarding its pending decision about the appeal. The commission shall forward its recommendation to the state **board** no later than 7 calendar days prior to the date on which the appeal is to be heard. The State **Board** of Education shall by majority vote accept or reject the decision of the

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district **school board** no later than 90 calendar days after an appeal is filed in accordance with State **Board** of Education rule. The Charter **School Appeal Commission** may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant may have up to 15 calendar days from notice of rejection to resubmit an appeal that meets requirements of State **Board** of Education rule. An application for appeal submitted subsequent to such rejection shall be considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the district **school board's** denial of the charter application. The State **Board** of Education shall remand the application to the district **school board** with its written decision that the district **school board** approve or deny the application. The district **school board** shall implement the decision of the State **Board** of Education. The decision of the State **Board** of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

§ 1002.33(6)(c), Fla. Stat. (2005).

Article IX, Section 1(a) of the Florida Constitution provides:

§ 1. Public education

(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people require. . . .

Article IX, section 4(b) of the Florida Constitution provides:

§ 4. **School** districts; **school** boards

* * *

(b) The **school board** shall operate, control and supervise all free public schools within the **school** district and determine the rate of **school** district taxes within the limits prescribed herein. Two or more **school** districts may operate and finance joint educational programs.

Article IX, section 2 of the Florida Constitution provides:

§ 2. State **board** of education

The state **board** of education shall be a body corporate and have such supervision of the system of free public education as is provided by law. The state **board** of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state **board** of education shall appoint the commissioner of education.

1193 *1193 Section 1002.33(6)(c) does not permit the State **Board** to open a charter **school**. Rather, the statute permits the State **Board** to approve or deny a charter application after it completes an extensive review process. Granting a charter application is not equivalent to opening a public **school**. The approval of an application is just the beginning of the process to open a charter **school**. Once the charter application has been granted, the **school board** still has control over the process because the applicant and the **school board** must agree on the provisions of the charter. See § 1002.33(6)(h), Fla. Stat. (2005). A **school board** can also cause a charter to be revoked or not renewed. See § 1002.33(8), Fla. Stat. (2005). Furthermore, under the Constitution of Florida, while the **school board** shall operate, control and supervise all free public schools within their district the State **Board** of Education has supervision over the system of free public education as provided by law.

AFFIRMED.

SAWAYA, J., concurs.

GRIFFIN, J., concurs specially, with opinion.

GRIFFIN, J., concurring specially.

For what it is worth, in my view, the **School Board** acted appropriately in denying the application. This was the fourth time that **Academies** had submitted its application for this charter **school**. In the previous application, the minimum standard **Academies** identified for assessment of the **school** itself was not to receive an "F" from the State's grading system for two consecutive years. The **County** found such a standard unacceptable so, in this fourth application, **Academies** simply eliminated *any* measure for the **school**. As for the 25th percentile threshold for individual student evaluation, the application says that it would be acceptable if students scored at or above the 25th percentile on norm reference tests. This is clearly not an acceptable standard for several reasons that were discussed in the hearing. **Academies'** response was that their standard *appeared* to be unacceptable due to an inadvertently omitted sentence and poor wording, but in fact, they intended to have a standard that would not be unacceptable. The **Board** concluded that it could only act on the application that had been submitted, not the application that might be submitted if errors were corrected, and accordingly denied the application. Surely, they could not have approved the application in its current form.

Few things in the administrative process are more destructive than the belief on the part of the applicant and the decision-maker that the "review" of administrative action is really nothing more than a "do-over" with more receptive listeners. A fact-finder and decision-maker who knows its decisions will not be accorded respect is less inclined to worry over their accuracy. Nevertheless, for reasons best known to others, this is apparently the way this process has been designed to operate. Therefore, I concur in the result.

[1] Upon receipt of notification from the State **Board** of Education that a charter **school** applicant is filing an appeal, the Commissioner of Education shall convene a meeting of the Charter **School** Appeal Commission to study and make recommendations to the State **Board** of Education regarding its pending decision about the appeal. § 1002.33(6)(c), Fla. Stat. (2005).

[2] Section 1002.33(6)(b)3 of the Florida Statutes provides:

1002.33 Charter Schools

(6) Application process and review. — Beginning September 1, 2003, applications are subject to the following requirements:

[b] 3. A district **school board** shall by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the district **school board** and the applicant mutually agree to temporarily postpone the vote to a specific date, at which time the district **school board** shall by a majority vote approve or deny the application. If the district **school board** fails to act on the application, an applicant may appeal to the State **Board** of Education as provided in paragraph (c). If an application is denied, the district **school board** shall, within 10 calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the charter application.

§ 1002.33(6)(b)3, Fla. Stat. (2005) (emphasis added).

[3] To the extent the **School Board** argues that the Commission's order is insufficient for failure to include detailed factual findings, the **School Board** failed to preserve this argument because it failed to raise the insufficiency of the Commission's recommendations before the State **Board**. See *Imhotep-Nguzo Saba Charter School v. Department of Educ.*, 947 So.2d 1279 (Fla. 4th DCA 2007) (holding appellate court would not consider issue raised by charter schools for first time on appeal).

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