



STATE BOARD OF EDUCATION  
FLORIDA DEPARTMENT OF EDUCATION  
CHARTER SCHOOL APPEAL COMMISSION

**LEON COUNTY SCHOOL BOARD**  
**RESPONSE TO RED HILLS CHARTER**  
**ACADEMY APPEAL**

Charter School Appeal Commission  
c/o Chris Emerson  
Agency Clerk  
**Florida Department of Education**  
325 West Gaines Street  
Room 1520  
Tallahassee, Florida 32399-0400

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2757 W. Pensacola St.  
Tallahassee, FL 32304

July 2, 2021

Charter School Appeal Commission  
Agency Clerk  
Florida Department of Education  
325 West Gaines Street  
Room 1520  
Tallahassee, Florida 32399-0400

**Re: Appeal Response of Red Hills Academy, Inc. Application**

To Whom It May Concern:

Attached please find the Leon County School Boards response to the appeal filed by Red Hills Charter Academy on June 4, 2021. Upon review of the Application, the committee had substantive concerns with the detail, breadth and specificity of the Application and of the Application's ability to fulfill the representations made during their interview with the review committee. The Leon County School Board voted 3-2 to deny the Application and request that based on these findings, you uphold the School Board's decision to deny the Red Hills Charter Application.

Additionally, in the applicants appeal they raised several instances where an error, deficiency or omission is technical or non-substantive in nature and therefore, they should have been afforded notice and an opportunity to cure. However, as will be explained in more detail below, each error, deficiency or omission raised in the appeal was substantive in nature.

I am requesting that you schedule a time for me to appear before the State Board of Education to discuss my reasons for denying this Application before a final decision is made. I can be reached at (850) 487-7147 or hanna@leonschools.net.

Please feel free to contact me regarding questions.

Sincerely,



Rocky Hanna, Superintendent of Schools

**LEON COUNTY SCHOOL BOARD RESPONSE TO RED HILLS CHARTER ACADEMY APPEAL**

The Leon County School Board voted 3-2 to deny the Red Hills Academy, Inc. Application on April 27, 2021. The applicant is appealing the denial. As per Section 1002.33, F.S., our response to the applicant's appeal is below. While our Leon County Schools Charter School Application Review Committee, voted to recommend approval of the Application, eleven (11) members voted to approve with conditions while eight (8) members voted to deny the application. Overall, the committee had substantive concerns with the detail, breadth and specificity of the Application and of the Applications ability to fulfill the representations made during their interview with the review committee.

**a. The Educational Program Design as described in the Application met the requirements of statute and the Florida Charter School Application Evaluation Instrument.**

**LCSB RESPONSE**

RHA failed to provide an educational program design that is based on effective, experienced or research-based educational practices and teaching methods, and high standards for student learning as required by the Florida Charter School Application Evaluation Instrument criteria. Section 3.C. on p. 10 of the Application fails to cite any research-based practices. There is a single quotation from an Association for Supervision and Curriculum Development d/b/a ASCD handout, but that handout is not a research-based report. Many of the concepts, constructs, and practices mentioned throughout the Application do have some research-based information, but there is no evidence that RHA has conducted a meaningful review of it, or intends to construct its education program in response to the specific findings. RHA merely asserts that a research-based curriculum will be used; an assertion that this requirement will eventually be done is not sufficient to demonstrate that the applicant has the capacity to deliver it. Attachment D of the Application does provide a single report regarding the ReadyGen ELA product. The report indicates percentile rank gains for first and fourth grade students that are higher than gains for students in a control group. However, there is no discussion of how these percentile rank gains corresponded to gains in achievement. Since all of the school's academic goals are stated in terms of

achievement levels rather than in percentile rank gains, it remains unclear how or if this product will help the school attain its goals. Attachment D fails to provide any discussion about how the school interpreted this report or how it compares to other research on other products. This attachment did not provide any research basis for any of the school's other selections or practices.

The mandates of the Charter School law, specifically § 1002.33. and the requirements under the Florida Charter School Application Evaluation Instrument have not been met and cannot be overlooked by the Sponsor.

**b. RHA's educational program design described a clear and coherent framework for teaching and learning.**

#### LCSB RESPONSE

RHA failed to provide a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards as required by the Section 1002.33(6)(a)2 and the Florida Charter School Application Evaluation Instrument criteria. According to Florida Administrative Code 6A-6.053(11)(a) "Elementary schools must teach reading in a dedicated, uninterrupted block of time of at least ninety (90) minutes duration daily to all students." In Section 4.C, pg.21 of the Application RHA asserts that their "primary focus for all enrolled students is Reading." They go on to state that "students will receive a daily 90-minute ELA block with an additional daily 30-minute Reading block to be used for interventions and enrichment." However, the table in Attachment B of the Application indicates that the additional 30 minutes of reading is for Tier 2 students only; the attachment does not include specified reading instruction for Tiers 1 or 3. Moreover, the daily schedule provided in Attachment B, only provides for 20 minutes a day of additional time for reading. The schedule provided was not clear, nor a coherent framework for teaching and learning, therefore, the Application failed to show a specific understanding of the curriculum needs in the area of reading.

The mandates of the Charter School law, specifically § 1002.33(6)(a)2. and the requirements under the Florida Charter School Application Evaluation Instrument have not been met and cannot be overlooked by the Sponsor.

**c. RHA presented a plan for student performance, assessment and evaluation that provided measurable goals, effective use of data, and strategies for utilizing and sharing data with students and parents to inform them about academic growth.**

#### LCSB RESPONSE

RHA failed to provide measurable goals for student academic growth and improvement as required by Section 1002.33(6)(a)3. and the Florida Charter School Application Evaluation Instrument criteria. The performance goals presented by RHA in Section 5.A on pp. 25-26 merely take an average District result and adds arbitrary increases to them stating “our calculation is based on a 5% increase from the district averages.” The resulting patterns are inconsistent — for example, the goals presented show that the 64% of the cohort of students in third grade in FY23 will meet the state standard in reading, then drop to 60% in FY24, then increase to 62% in FY25. The opposite pattern is projected for mathematics with 66% of the third grade achieving grade level in FY23, then increasing to 69% in FY24, then falling again to 67% in FY25.

Even more troubling, there are no goals related to closing achievement gaps. There are no goals for at-risk and special populations, such as for English Language Learners, students with disabilities, economically-disadvantaged students, and students experiencing homelessness. RHA’s affirmation to “revisit and customize its goals based upon its student population,” is inconclusive and fails to meet the evaluation criteria.

In addition, RHA failed to present evidence of a comprehensive and effective plan to use student achievement data to inform decisions about and adjustments to the educational program in accordance with the Florida Charter School Application Evaluation Instrument criteria. In Section 5.A on pp. 25-26, the Application provides no rationale for why the selected curricula and instructional strategies will yield the projected results at each grade and in each subject. The Application provides no explanation or how goals and strategies will be adjusted based on achievement data. The Application provides no proposed method of arriving at goal-setting in collaborating with the Sponsor.

The Charter School Application Evaluation Instrument requires that an applicant present a plan for sharing student performance information that will keep students and parents well informed of

academic progress. In Section 5.F on pp. 27-28, RHA asserts that it “encourages constant open communication with students and families,” but fails to describe any means of communication that will be in use. Although the Application states that parent conferences will be used for students in Tier 2 and Tier 3, it provides no other indication that any other kind of communication will be provided for these students, or for all students in general. The Application provides no discussion of measuring the outcome of the parent conferences, or for follow-up measures. The Application does not explain what methods will be used for circumstances when parents are unable to attend conferences.

The mandates of the Charter School law, specifically § 1002.33(6)(a)3 and the requirements under the Florida Charter School Application Evaluation Instrument have not been met and cannot be overlooked by the Sponsor.

**d. RHA’s Application demonstrated a commitment to serve all students and provided a concrete plan for meeting the broad spectrum of educational needs and providing all students with a quality education.**

#### LCSB RESPONSE

RHA failed to present a clear description of how the school will ensure that students with disabilities will have an equal opportunity of being selected for enrollment in accordance with the Florida Charter School Application Evaluation Instrument criteria. RHA asserts that “Once a student has accepted the seat offered to them the Principal, Assistant Principal, and ESE Teacher will review the incoming students’ IEP, EP, and/or 504 plans.” The Application fails to state that the school will not reject the Application, or withdraw a student identified as disabled based on a finding that the student needs a service delivery model not presently in existence at the school.

While affirming that the school will review and implement all manner of individualized plans, this assurance is flatly contradicted in the second paragraph, which states “Red Hills Academy adopts a policy of Least Restrictive Environment for its students with disabilities and follows an 80/20 model for the provision of services,” and further states that [s]hould we encounter a student whose needs cannot adequately be met at Red Hills Academy, the team will determine an appropriate placement...in



collaboration with Leon County Schools, we will be able to ensure the appropriate placement of students with disabilities within the full continuum of services that are offered by the district. (sic)” As written, these concepts seem incompatible and put the onus of responsibility on LCSB. Additionally, it is not clear, for example, how the school would respond when a student requires that half the instructional day take place outside of the regular classroom.

The school’s “80/20” model is discussed elsewhere in the Application, including Section 6.F on p. 37. This section could be read to mean that the school does not intend to serve students who may need more than 20% of instructional time away from non-disabled peers. The school must have the capacity and the intent to serve all students, but this section fails to assure that.

RHA failed to present a realistic enrollment projection for students with disabilities and a staffing plan that aligns with the projection in accordance with Florida Charter School Application Evaluation Instrument criteria. Section 6.A on p. 32, the Application provides a projection of 15% of the student body being students with disabilities. Based on the first year forecast of 162 students at the school, there would be approximately 25 students with disabilities. However, when estimating the school revenues in the revenue estimate worksheet in Attachment W, the applicant lists 37.8 FTE with disabilities. The Application further states, on p. 38, that there will be a ratio of one ESE teacher for every 20 students with disabilities. However, the staffing plan only provides for one ESE teacher instead of the 1.25 FTE needed for the forecast of 25 students in Section 6 or the 1.89 FTE needed for the estimate of 37.8 students in the worksheet, consistent with this statement. There is no explanation of how this number of ESE teachers is sufficient. Given the ESE student population forecast, the staffing appears to be insufficient to meet program and student needs, especially if the school will provide a range of service delivery models.

RHA failed to present a realistic enrollment projection and a staffing plan that aligns with the projections in accordance with Florida Charter School Application Evaluation Instrument criteria. In Section 2.C. on p. 6, the Application projects enrollment of 162 students in FY23 and 348 students in FY24, FY25, FY26, and FY27. However, in Attachment W, the worksheet for FY23 estimates 216

students and the worksheets for FY24, FY25, FY26, FY27 estimates 348 students. RHA provides no explanation or details how the staff plan aligns with these projections.

The total figure for FY23 should have read “216,” not “162” as stated in the Application, is not a technical correction as asserted by RHA and is a requirement under the Florida Charter School Application Evaluation Instrument criteria which cannot be overlooked by the Sponsor. It is substantive.

The mandates of the Charter School law, specifically § 1002.33(16)(a)3. and the requirements under the Florida Charter School Application Evaluation Instrument have not been met and cannot be overlooked by the Sponsor.

**e. RHA’s demonstrated an understanding of legal obligations regarding the education of English Language Learners.**

#### LCSB RESPONSE

RHA failed to demonstrate an understanding of the legal obligations regarding the education of English Language Learners in accordance with the Florida Charter School Application Evaluation Instrument criteria.

RHA failed to demonstrate capacity to meet the school’s obligations under state and federal law regarding the education of English Language Learners in accordance with the Florida Charter School Application Evaluation Instrument criteria.

The Consent Decree is the state of Florida’s framework for compliance with federal and state laws and jurisprudence regarding the education of English Language Learner (ELL) students. The Consent Decree addresses the civil rights of all ELL students, foremost among those their right to equal access to all education programs. Under that Consent Decree, schools are required to survey students to determine whether a student could benefit from ESOL services.

The Application failed to provide a student registration form with the required Florida Consent Decree of 1990 home language survey questions, nor a separate survey in accordance with Rule 6A-1.0955, FAC. The student registration form failed to include the home language survey questions

therefore, it is unclear that RHA has a complete understanding of the requirements of the FLDOE Consent Decree and the legal obligations regarding the education of English Language Learners.

The mandates of the Charter School law, specifically § 1002.33(10)(f) and the requirements under the Florida Charter School Application Evaluation Instrument have not been met and cannot be overlooked by the Sponsor.

**f. RHA’s Application adequately described the learning environment of the school and provided clear evidence that the school will ensure a safe environment conducive to learning.**

LCSB RESPONSE

RHA failed to present appropriate and clear roles of school administrators, teachers, staff, and the governing board regarding discipline policy implementation in accordance with the Florida Charter School Application Evaluation Instrument criteria. While RHA asserts that it “will adopt the Leon County Schools Code of Student Conduct and Discipline,” Section 8.B on pp. 46-47 fails to delineate which RHA staff members will participate in the discipline process, failed to present the clear roles and responsibilities for each respective participating employee and the governing board regarding the discipline process. Additionally, RHA fails to present how their adaptation of LCSB code of student conduct and discipline policies and procedures will be executed in their framework.

The mandates of the Charter School law, specifically § 1002.33(7)(a) and the requirements under the Florida Charter School Application Evaluation Instrument have not been met and cannot be overlooked by the Sponsor.

**g. RHA’s Application presented a legally valid governance structure that conforms to both Florida law and the unique rules that govern.**

LCSB RESPONSE

RHA failed to present a governing board that is legally structured, or has a plan to organize in conformity with the laws of Florida, as required by the Florida Charter School Application Evaluation Instrument criteria. In Attachment H, p. 4, the articles of incorporation do not include a dissolution provision consistent with §1002.33(8)(d), Fla. Stat., which require automatic reversion of public property

and funds upon dissolution. In Attachment J, p. 11, Article XV of the school's bylaws appear to include the detailed provisions of property and assets due back to the Department of Education, but this language is inconsistent with the language in the articles of incorporation. Additionally, in Attachment H, the articles of incorporation do not include a provision ensuring that debts of the charter school will not be assumed by the School District consistent with §1002.33 (8)(e), Fla. Stat.

The mandates of the Charter School law, specifically § 1002.33(8)(d) and (e), and the requirements under the Florida Charter School Application Evaluation Instrument have not been met and cannot be overlooked by the Sponsor.

**h. RHA's Application adequately describes how the day-to-day administration of the school's operations will be structured and fulfilled.**

#### LCSB RESPONSE

RHA failed to present a viable and adequate staffing plan as required by with the Florida Charter School Application Evaluation Instrument criteria. Section 11.D., p. 60 of the Application describes multiple positions which may or may not be classified as teaching positions, including "classroom teacher," "ESE/Gifted Teacher," "MTSS," "Guidance," and "Specials Teachers." Attachment Q only provides a single job description "for teacher" and fails to provide the required job descriptions for the remaining positions.

RHA failed to present a sound plan for recruiting and retaining highly-qualified and appropriately-certified instructional staff in accordance with the Florida Charter School Application Evaluation Instrument criteria. Section 11.D on p. 61, of the Application describes a process by which teacher applicants will serve as guest teachers to provide the, "principal, assistant principal, and teachers the opportunity to observe the candidate's teaching style and lessons." The stated intent is to see if the school is a good fit for the applicant. However, the Application fails to explain if this guest teaching is compensated, the length of the guest teaching period, how the guest teaching will be evaluated, and whether parents must first provide consent for instruction by non-employees of the schools. Moreover, it appears that the guest teaching will take place prior to background checks and fingerprinting of the

teacher applicant and does not explain how the guest teaching process will be conducted to ensure compliance with the Level I background clearance provisions as applicable to volunteers.

The mandates of the Charter School law, specifically § 1002.33(7)(a)9., and the requirements under the Florida Charter School Application Evaluation Instrument have not been met and cannot be overlooked by the Sponsor.

**i. RHA's Application adequately define (sic) the policies and procedures that frame the school's relationship with its staff.**

#### LCSB RESPONSE

RHA failed to present a description of the school leader and teacher evaluation plans, or outline how such plans, will align with the Student Success Act as defined by state law as required by the Florida Charter School Application Evaluation Instrument criteria. Although RHA asserts that they "will adopt and use the sponsor's, Leon County Schools, teacher and staff evaluations," and subsequently once they have "developed our own, we will then submit to the sponsor for approval," they fail to provide the specific provision of the Sponsor's evaluation tools that will be used or explain how the results of using the Sponsor's evaluation system will be used to guide performance and professional development for their specific needs, and failed to provide a timeline for when their evaluation system will be in place or the processes and standards that will be used to create the evaluation system.

RHA failed to present procedures that are likely to result in the hiring of highly-effective personnel in accordance with the Florida Charter School Application Evaluation Instrument criteria. RHA asserts if an "applicant is identified as the best fit for the school, 3 references will be required as well as previous employer." The process identified in the Application does not adequately demonstrate that it will result in the hiring of highly effective personnel. For this reason, the Application is nonresponsive.

RHA failed to present policies and procedures that hold staff to high professional standards or a plan to develop such policies and procedures. RHA only asserts a timeline, but does not provide a clear plan for the development and approval by their governing board. For this reason, the Application is non-responsive.

RHA failed to present an effective plan to address any leadership or staff turnover in accordance with the Florida Charter School Application Evaluation Instrument criteria. Although RHA asserts it “will develop and disburse surveys at different times during the year to its staff members to gauge satisfaction.” This assertion does not adequately demonstrate that it will yield information beneficial to address turnover. For this reason, the Application is nonresponsive.

The mandates of Charter School law, specifically § 1002.33(7)(a)14. and § 1002.33(12) and the requirement under the Florida Charter School Application Evaluation Instrument have not been met and cannot be overlooked by the Sponsor.

**j. RHA’s Application clearly described the proposed expectations and opportunities for administrators, teachers and other relevant personnel.**

LCSB RESPONSE

RHA failed to present professional development activities for administrators and instructional staff that align with the educational program and support continual professional growth as well as growth in responsibilities related to specific job descriptions in accordance with the Florida Charter School Application Evaluation Instrument criteria. RHA asserts that [p]rofessional development opportunities can be found through many different avenues such as the district and the trainings they provide, FLDRS (Florida Diagnostic and Learning Resources System), Project Learning Tree, PEAK, and college courses,” however the applicant intends to use curriculum that is different from that used by the Sponsor.

As the sponsor will not be able to provide the applicants professional development needs in a number of areas and the Application fails to otherwise articulate specific professional development activities, the Application is nonresponsive.

The requirement of the Florida Charter School Application Evaluation Instrument has not been met and cannot be overlooked by the Sponsor.

**k. RHA purports its Application clearly shows how the school will attract and enroll its student body.**

LCSB RESPONSE

RHA failed to present a recruitment plan that will enable the school to attract its targeted population in accordance with the Florida Charter School Application Evaluation Instrument criteria. RHA asserts that their “recruitment efforts” will be through “promoting our neighborhood school in the immediate area of our facility...start with low tech media such as flyers and signs... will add in direct mail brochures, on-site open houses and information sessions, display on the electronic billboard at the entrance of the facility’s development.” However, they did not present how they will ensure that its marketing will reach student populations that might otherwise not have immediate access to their neighborhood school within the immediate area of their facility to view flyers, signs, or the electronic billboard at the entrance of the site, and is open to any student residing in the school district in which the charter school is located as set forth in § 1002.33(10), Fla. Stat.

RHA failed to present an “enrollment and admissions process that is open, fair, and in accordance with applicable law” as required by the Florida Charter School Application Evaluation Instrument criteria. RHA asserts it “will target our direct mail and other marketing efforts to multiple zip codes throughout the county...[the] school will reflect that students of all races and ethnicities, including those in Exceptional Student Education (ESE) and English Language Learner (ELL) programs are welcomed and encouraged.” In failing to indicate which ZIP codes would receive direct mail, give a description of which ZIP codes may be targeted, or how such ZIP codes will be selected for their direct mail brochure marketing, RHA did not adequately present [t]he ways by which the school will 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,” per § 1002.33 (7)(a)(8). No description of which languages other than English will be used in the direct mail materials, stating only that they “will offer bilingual staff to answer questions and will provide enrollment Applications in multiple languages.” RHA failed to present information on available educational options including but not limited to families in poverty, academically low-achieving students, students with disabilities, and English Language Learners. In addition, RHA describes the enrollment process for most students but fails to describe how the school will

ensure that these processes do not exclude homeless children (as defined in §1003.01 (12), Fla. Stat.), or prevent same-day enrollment of homeless students who cannot provide the itemized documents.

RHA failed to present a plan that will likely result in the school meeting its enrollment projections in accordance with the Florida Charter School Application Evaluation Instrument criteria. They did not present a timeline for when the direct mail program will begin and did not provide any sense of its scale or reach, or present if households within its designated transportation zone or beyond it would be included. RHA's assertion that they "are confident" that their "efforts we will achieve enrollment numbers reflected in our projections," is insufficient to satisfy the requirement of the evaluation criteria.

The mandates of the Charter School law, specifically, § 1002.33(7)(a)7.; § 1002.33(7)(a)8.; and § 1002.33(10) and the requirement under the Florida Charter School Application Evaluation Instrument have not been met and cannot be overlooked by the Sponsor.

**l. RHA purports its Application demonstrates an understanding of the school's anticipated facilities needs and how the school plans to meet those needs.**

LCSB RESPONSE

RHA failed to provide a reasonable back-up plan should the proposed facility plan fall through as required by the Florida Charter School Application Evaluation Instrument criteria. Section 16.E, pp. 75-76 of the Application merely asserts its confidence that the plan will not fall through, stating [w]e feel our proposed site is well located within our community and the building will meet our goal for a premier educational facility." Such an assertion is not sufficient to meet the evaluation criteria."

The requirement of the Florida Charter School Application Evaluation Instrument has not been met and cannot be overlooked by the Sponsor.

In the applicants appeal they raised an instance where an error, deficiency or omission is technical or non-substantive in nature and therefore, they should have been afforded notice and an opportunity to cure. However, each error, deficiency or omission raised in the appeal was substantive in nature.

**m. RHA purports its Application demonstrates a reasonable transportation plan that serves all eligible students and is not a barrier to access for students residing within a reasonable distance of the school.**



## LCSB RESPONSE

RHA failed to present an outline of a reasonable transportation plan that serves all eligible students and will not be a barrier to access for students residing within a reasonable distance of the school as required by the Florida Charter School Application Evaluation Instrument criteria. Section 17, p. 77, of RHA's transportation plan states that they will "encourage our parents to drop their children off in the morning and pick them up in the afternoon; help to organize carpool opportunities among families to help any students who may have trouble getting to school; and recognize outside Before and After Care programs and help to accommodate their drop off and pick up needs of students." RHA's assertion "if and when the need arises Red Hills Academy will look to provide transportation if and when needed for students that live two to four miles from the school," does not meet the requirement of the evaluation criteria.

The mandates of the Charter School law, specifically § 1002.33 states that the governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The Transportation plan did not provide proof that there is an agreement in place with the school board, private provider or parents to provide transportation for all students residing within a reasonable distance of the charter school. Additionally, there is no revenue budgeted to reflect transportation services regular or ESE students. If and when the need arises, RHA would have to not only secure bus drivers during a period when there is a shortage and school bus drivers are on the Regional Demand Occupations List, but also purchase school buses without previously identifying funding. The average onboarding period for a bus driver is roughly six weeks, and that is dependent upon the candidate. The turnaround time to receive school buses after purchasing is anywhere between 6 – 7 months in a perfect scenario. RHA is basing their transportation services around the ability to organize carpooling and parent resources, not taking into account the work schedules that may conflict with the school schedule of their student.

The mandates of the Charter School law, specifically § 1002.33(20), requiring that “transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter,” as well as the evaluation criteria for a reasonable transportation plan that does not pose a barrier to attendance for many if not most students per the Florida Charter School Application Evaluation Instrument have not been met and cannot be overlooked by the Sponsor.

**n. RHA purports its Application demonstrates a food service plan that will service all students and makes particular provisions for those students who may qualify for free or reduced-price lunch.**

#### LCSB RESPONSE

RHA failed to present a food service plan that will serve *all* students and makes particular provisions for those students who may qualify for free or reduced-price lunch in accordance with the Florida Charter School Application Evaluation Instrument criteria. Attachment X.1 of RHA’s Application provides that 70% of enrolled students will participate in a free and reduced lunch program and charge prices of \$1.75 for breakfast and \$3.50 for lunch; it was unclear if this was the reduced price as no other pricing was given. LCSB currently has 15 out of 22 (68%) of its elementary schools (excluding two K-8 schools) who receive both free breakfast and lunch for all students, with free and reduced meals at \$0.30 and \$0.40 respectively, and full price meals at \$1.00 and \$2.00 respectively (Exhibit 1—LCSB School Lunch Paid Meal Prices, Exhibit 2— LCSB Schools participating in CEP Program for the 2018-2019 School Year, Exhibit 3— LCSB Schools participating in CEP Program for the 2019-2020 School Year).

RHA’s assertion “as part of our enrollment process, families will complete our lunch form... to determine a student's eligibility for Free and Reduced-price lunch” the information detailed in exhibit X.1 regarding meal pricing and projections as well as the lack of demographic information as noted above in section (a.) and, the lack of a reasonable transportation plan as noted above in section (m.), does not meet the requirement of the evaluation criteria. A food service plan that is unsustainable and inaccessible to all students cannot be overlooked by the Sponsor.

**o. RHA purports its Application demonstrates a plan that reasonably ensures the safety of students and staff and the protection of the school facility and property.**

## LCSB RESPONSE

RHA failed to present a description of how the school plans to comply with the requirement that at least one safe-school officer is present while school is in session as required by the Florida Charter School Application Evaluation Instrument criteria. RHA merely asserted they “will work closely with the Leon County Schools and other appropriate law enforcement agencies pursuant to S. 1006.12, F.S.,” to establish their school safety officer. However, they failed to demonstrate an understanding of the role obligations and functions of school safety officers, nor did they attest that they would use a school resource officer, a school safety officer, or a school guardian as required by the evaluation criteria.

RHA failed to present procedures that clearly demonstrate a plan to respond to active assailant incidents and failed to present how the school plans to train school staff to respond to active assailant incidents as required by the Florida Charter School Application Evaluation Instrument criteria. RHA’s assertion that it “will be proactive in the prevention of any violent activity in compliance with Section 1006.07(6), F.S.” or that they will use the Fortify FL app does not meet the requirement of a clearly demonstrated procedure as per the evaluation criteria.

RHA failed to present a description of how the school will establish a team to assess and intervene where a student’s behavior may pose a threat to the safety of staff or students (i.e., provisions on how incidents will be reported in SESIR) as required by the Florida Charter School Application Evaluation Instrument criteria.

The mandates of the Charter School law, specifically § 1002.33(7)(a)11; § 1002.33(16)(b)8 and § 1002.33(12) and the requirement under the Florida Charter School Application Evaluation Instrument have not been met and cannot be overlooked by the Sponsor.

**p. RHA purports its Application provides budgetary projections that are consistent with and support all key aspects of the Application, including the school’s mission, educational program, staffing plan, and facility.**

## LCSB RESPONSE

RHA failed to present budgetary projections that are *consistent with and support all key aspects of the Application*, including the school’s mission, educational program, staffing plan, and facility in

accordance with Florida Charter School Application Evaluation Instrument criteria. In Section 4.A on p. 12 of Application and continuing throughout, RHA lists instructional software programs or services that is neither listed in Section 20.D, p. 83 or in Attachment X.1, page 8, or is itemized under different titles; some of the itemized titles only include products that are not explicitly described elsewhere in the Application. The itemization additionally fails to include licenses or costs for all listed software programs or services; the links provided on p. 20 indicate that the vendor of some of these products requires a significant annual license fee. Further, the textbook costs are not itemized so it is not clear how these costs were calculated, and it is not clear if any of these software titles are somehow included in the textbook estimates.

RHA failed to present a *realistic assessment of projected sources of revenue and expenses* [emphasis added] that ensure the financial viability of the school sound adequate funding sources in accordance with Florida Charter School Application Evaluation Instrument criteria. RHA is relying on 75% projected enrollment, Food Service revenue from 70% student participation, private donors (which includes the start-up loan), fundraising, and competitive grants. Some existing charter schools in Leon County are currently experiencing hardships achieving their enrollment projections with two (2) of the five (5) schools at 51.2% capacity and 47.2% capacity (Exhibit 4—LCSB Enrollment VS Capacity Report), with one of the aforementioned charters being within a close geographical proximity to RHA’s proposed school site. The lack or omission of realistic expense projections for RHA’s educational program and the unrealistic assessment of projected sources of revenue do not present a consistent or realistic assessment of a budget that will support all key aspects of the Application in accordance with the Florida Charter School Application Evaluation Instrument criteria.

The mandates of the Charter School law, specifically § 1002.33(6)(a)5.; § 1002.33(6)(b)2 and the requirement under the Florida Charter School Application Evaluation Instrument have not been met and cannot be overlooked by the Sponsor.

In the applicants appeal they raised an instance where an error, deficiency or omission is technical or non-substantive in nature and therefore, they should have been afforded notice and an opportunity to cure. However, each error, deficiency or omission raised in the appeal was substantive in nature.

**q. RHA purports its Application provides a thoughtful and realistic implementation plan that covers major operational items and provides flexibility for addressing unanticipated events.**

#### LCSB RESPONSE

RHA failed to present a thoughtful and realistic implementation plan that covers major operational items and provides flexibility for addressing unanticipated events as required by the Florida Charter School Application Evaluation Instrument criteria. Although, RHA asserts that their “start-up activities will align with our start-up budget” and assert that their “Source funding includes contingent funding to allow for minor discrepancies,” the assertions do not meet the evaluation criteria.

The mandates of the Charter School law, specifically § 1002.33(7)(a)16 and the requirement under the Florida Charter School Application Evaluation Instrument have not been met and cannot be overlooked by the Sponsor.

#### **CONCLUSION**

Upon review of the Application, the evaluation sheets, the transcripts and after affording the public an opportunity to be heard at the LCSB meeting, the Leon County School Board voted 3-2 to deny the Application. The mandates of the Charter School law and the requirements under the Florida Charter School Application Evaluation Instrument have not been met and cannot be overlooked, therefore, based on these findings, there is good cause to sustain the School Board’s decision to deny the Red Hills Academy Charter Application.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this 2<sup>nd</sup>  
day of July, 2021, by electronic mail to:

Red Hills Academy, Inc.  
Mrs. Laura Joanos, Board Chair  
2427 Owls Head Road  
Tallahassee, FL 32310  
[joanosl@me.com](mailto:joanosl@me.com)

George T. Levesque, FBN 555541  
GrayRobinson, P.A.  
301 South Bronough Street, Suite 600  
Tallahassee, Florida 32301  
[george.levesque@gray-robinson.com](mailto:george.levesque@gray-robinson.com)



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Rocky Hanna

Paid Meal Prices for 2018-2019 to 2020-2021

	<b>Elementary</b>	<b>M, HS</b>	<b>Adult</b>	<b>Reduced Student</b>
<b>Breakfast</b>	\$1.00	\$1.00	\$2.00	\$ 0.30
<b>Lunch</b>	\$2.00	\$2.25	\$3.50	\$ 0.40

LCSB Schools participating in CEP Program for the 2018-2019 School Year

2018-2019

Serving  
Days: 180

Site Name	Total Lunches	Lunch Participation	Total Breakfasts	Breakfast Participation	CEP Note	Total Enrollment
Apalachee Elementary School - 0441	98,103	84.63%	65,624	56.61%	CEP	644
Astoria Park Elementary School - 0401	93,653	83.92%	45,458	40.73%	CEP	620
Bond Elementary School - 1181	111,965	84.29%	81,852	61.62%	CEP	738
Buck Lake Elementary School - 0521	49,210	37.71%	8,289	6.35%		725
Canopy Oaks Elementary School - 1161	80,141	61.92%	39,168	30.26%	CEP	719
Chaires Elementary School - 0491	62,693	66.09%	24,833	26.18%	CEP	527
Cobb Middle School - 0032	65,783	46.67%	26,222	18.61%	CEP	783
Conley Elementary - 1202	71,484	49.77%	37,201	25.90%		798
Deerlake Middle School - 0531	31,081	17.06%	4,517	2.48%		1,012
Desoto Trail Elementary School - 0511	41,196	32.93%	7,766	6.21%		695
Everhart - 0411	23,229	69.01%	22,223	66.02%	CEP	187
Fairview Middle School - 0451	104,677	70.66%	27,169	18.34%	CEP	823
Fort Braden Elementary School - 0561	110,237	81.33%	60,264	44.46%	CEP	753
Gilchrist Elementary School - 0381	70,870	40.26%	14,983	8.51%		978
Godby High School - 0161	90,045	38.30%	51,759	22.02%	CEP	1,306
Griffin Middle School - 0222	86,810	77.41%	37,795	33.70%	CEP	623
Hartsfield Elementary School - 0041	69,844	84.54%	46,732	56.56%	CEP	459
Hawks Rise Elementary School - 1131	58,510	37.58%	9,095	5.84%		865
Killearn Lakes Elementary Scho - 0481	46,059	28.91%	4,962	3.11%		885
Lawton Chiles High School - 1141	15,041	4.09%	5,097	1.39%		2,041
Leon High School - 0021	26,814	7.50%	12,215	3.42%		1,986
Lincoln High School - 1091	24,835	7.01%	11,643	3.29%		1,968
Montford Middle - 1201	47,286	24.74%	8,166	4.27%		1,062
Moore Wt Elementary - 0421	87,616	73.31%	51,085	42.74%	CEP	664
Nims Middle School - 0291	74,403	77.26%	40,009	41.55%	CEP	535
Oak Ridge Elementary School - 0171	79,058	83.66%	63,468	67.16%	CEP	525
Pace - 0452	7,558	67.72%	5,642	50.56%	CEP	62
Pineview Elementary School - 0311	55,609	85.82%	41,776	64.47%	CEP	360
Pre-K Wesson/Lively - 9006	17,036	89.29%	14,494	75.96%	CEP	106
Raa Middle School - 0092	104,365	66.34%	23,299	14.81%	CEP	874
Rickards High School - 0051	61,774	23.52%	51,130	19.47%	CEP	1,459
Riley Elementary School - 0231	95,205	83.29%	56,618	49.53%	CEP	635
Roberts Elementary School - 1171	63,455	40.24%	15,885	10.07%		876
Ruediger Elementary School - 0091	80,870	85.09%	59,510	62.62%	CEP	528
Sabal Palm Elementary School - 0071	86,696	86.32%	58,221	57.97%	CEP	558
Sail High School - 0204	32,097	48.59%	19,534	29.57%	CEP	367
Sealey Elementary School - 0431	67,262	75.64%	39,856	44.82%	CEP	494
Second Chance - 0191	9,683	66.41%	5,727	39.28%	CEP	81
Springwood Elementary School - 0501	86,935	80.50%	54,262	50.24%	CEP	600
Success Academy 100 - 1211	10,355	25.01%	8,075	19.50%	CEP	230
Sullivan Elementary School - 0031	76,786	59.41%	29,665	22.95%	CEP	718
Swift Creek Middle School - 1151	50,035	33.65%	12,072	8.12%		826
Woodville Elementary School - 0131	70,820	76.40%	50,140	54.09%	CEP	515
<b>TOTALS</b>	<b>2,697,184</b>	<b>46.52%</b>	<b>1,353,501</b>	<b>23.35%</b>		<b>32,210</b>



2019-2020	Serving Days:	Stopped serving NSLP after Spring Break--went to SFSP for remainder of school year; all students ate for free				
Site Name	Total Lunches	Lunch Participation	Total Breakfasts	Breakfast Participation	CEP Note	Total Enrollment
Apalachee Elementary School - 0441	74,404	87.18%	45,905	53.79%	CEP	614
Astoria Park Elementary School - 0401	67,375	80.79%	40,256	48.27%	CEP	600
Bond Elementary School - 1181	71,596	86.42%	55,994	67.59%	CEP	596
Buck Lake Elementary School - 0521	38,204	35.56%	6,521	6.07%		773
Canopy Oaks Elementary School - 1161	54,691	58.29%	28,524	30.40%	CEP	675
Chaires Elementary School - 0491	50,401	67.90%	20,147	27.14%	CEP	534
Cobb Middle School - 0032	46,188	41.74%	18,116	16.37%	CEP	796
Conley Elementary - 1202	54,494	47.99%	23,029	20.28%		817
Deerlake Middle School - 0531	26,381	18.30%	6,198	4.30%		1,037
Desoto Trail Elementary School - 0511	33,149	33.45%	7,228	7.29%		713
Fairview Middle School - 0451	76,276	67.58%	21,694	19.22%	CEP	812
Fort Braden Elementary School - 0561	86,252	78.75%	46,999	42.91%	CEP	788
Gilchrist Elementary School - 0381	51,364	39.56%	10,525	8.11%		934
Godby High School - 0161	69,769	36.56%	35,351	18.52%	CEP	1,373
Gretchen Everhart - 0411	15,555	65.44%	14,798	62.26%	CEP	171
Griffin Middle School - 0222	65,546	71.66%	25,925	28.35%	CEP	658
Hartsfield Elementary School - 0041	49,668	79.23%	35,501	56.63%	CEP	451
Hawks Rise Elementary School - 1131	45,907	38.67%	7,977	6.72%		854
Heritage Trails Community School - 0452	5,653	48.42%	4,749	40.67%	CEP	84
Kate Sullivan Elementary School - 0031	60,101	58.04%	22,991	22.20%	CEP	745
Killearn Lakes Elementary Scho - 0481	33,605	28.51%	3,834	3.25%		848
Lawton Chiles High School - 1141	11,922	4.23%	3,773	1.34%		2,029
Leon High School - 0021	23,515	8.47%	10,315	3.71%		1,998
Lincoln High School - 1091	24,468	9.19%	11,051	4.15%		1,916
Montford Middle - 1201	39,158	27.73%	6,518	4.62%		1,016
Nims Middle School - 0291	56,032	78.43%	30,952	43.32%	CEP	514
Oak Ridge Elementary School - 0171	55,268	88.16%	43,881	70.00%	CEP	451
Pineview Elementary School - 0311	45,349	83.87%	34,142	63.14%	CEP	389
Pre-K Wesson/Lively - 9006	10,421	82.39%	8,569	67.74%	CEP	91
Raa Middle School - 0092	83,073	64.61%	22,677	17.64%	CEP	925
Rickards High School - 0051	48,547	22.42%	35,406	16.35%	CEP	1,558
Riley Elementary School - 0231	69,988	79.80%	41,902	47.77%	CEP	631
Roberts Elementary School - 1171	45,217	36.43%	10,708	8.63%		893
Ruediger Elementary School - 0091	62,897	82.72%	48,410	63.67%	CEP	547
Sabal Palm Elementary School - 0071	66,677	87.69%	48,386	63.64%	CEP	547
Sail High School - 0204	23,611	44.94%	13,147	25.02%	CEP	378
Sealey Elementary School - 0431	49,476	73.39%	31,478	46.69%	CEP	485
Second Chance @ Ami - 0191	3,090	67.36%	2,951	64.33%	CEP	33
Springwood Elementary School - 0501	63,368	79.15%	39,907	49.84%	CEP	576
Success 100 Academy - 1211	13,485	44.50%	5,556	18.34%	CEP	218
Swift Creek Middle School - 1151	38,687	33.61%	7,688	6.68%		828
Woodville Elementary School - 0131	52,585	73.46%	36,585	51.11%	CEP	515
Wt Moore Elementary - 0421	62,619	70.61%	37,206	41.95%	CEP	638
<b>Totals</b>	<b>2,026,032</b>	<b>45.48%</b>	<b>1,013,470</b>	<b>22.75%</b>	<b>CEP</b>	<b>32,049</b>

LCSB Enrollment VS Capacity Report for the 2021-2022

School Year

SCHOOL NUMBER	SCHOOL NAME	CAPACITY	95% CAPACITY	% CAP	2021-2022	2020-2021	2019-2020	2018-2019
1441	Governors Charter-1441	750	713	51%	384	427	406	445
1444	SASC - Sch of Arts & Sci Centre-1444	400	380	97%	386	343	345	294
1402	SAST - Sch of Arts & Sci Thomasville Rd-1402	428	407	100%	426	440	455	450
1425	School of Math & Science-1425	696	661	83%	581	541	441	412
1451	Tallahassee Classical School-1451	778	739	47%	367	350	0	0