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STATE OF FLORIDA
DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEAL COMMISSION HEARING
ARTS ACADEMY OF JACKSONVILLE PREPARATORY SCHOOL
VS.
SCHOOL BOARD OF DUVAL COUNTY, FLORIDA

LOCATION: 325 W. GAINES STREET
CONFERENCE ROOM 1706
TALLAHASSEE, FLORIDA

DATE: MONDAY, APRIL 27, 2015

COMMENCED: 10:30 A.M.

TRANSCRIBED BY:

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PREMIER REPORTING
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MEMBERS PRESENT :

LOIS TEPPER, CHAIR

CATHY BRUBAKER

SONIA ESPOSITO

JENNA HODGENS

RICHARD MORENO

OTHER PARTICIPANTS :

JACQUELINE HITCHCOCK

DAVID L. JORDAN

* * *

1 P R O C E E D I N G S

2 CHAIR TEPPER: We're going to go ahead and
3 get started. This is the Charter School Appeal
4 Commission. My name is Lois Tepper, I'm the
5 Commissioner's designee to Chair the Commission.

6 This morning we have four Commission Members,
7 two from Charter Schools and two from School
8 Districts. Today is April 27th, 2015. For the
9 Department, Dave Jordan is counsel for the
10 Commission. Adam Emerson who is a Charter School
11 Director is also in the room. Our General Counsel
12 Matt Mears may or may not drop in later. If he
13 does, I'll introduce him to you.

14 To start, I would like -- Jackie, will you
15 call the roll.

16 MS. HITCHCOCK: Cathy Brubaker.

17 MS. BRUBAKER: Here.

18 MS. HITCHCOCK: Sonia Esposito.

19 MS. ESPOSITO: Here.

20 MS. HITCHCOCK: Jenna Hodgens.

21 MS. HODGENS: Here.

22 MS. HITCHCOCK: Richard Moreno.

23 MR. MORENO: Here.

24 MS. HITCHCOCK: Can you note for the record
25 that Chris Bernier, Rebecca Dinda, Osvaldo Garcia

1 and Tiffinie Pauline are absent.

2 CHAIR TEPPER: I'll entertain a motion to
3 approve the minutes from March 16th.

4 MS. HODGENS: I'll make the motion.

5 MS. ESPOSITO: I'll second.

6 CHAIR TEPPER: All in favor.

7 (Chorus of ayes.)

8 CHAIR TEPPER: Thank you.

9 Okay. Let me go over the procedure quickly
10 before we start. I've spoken to both parties, but
11 for everybody's information, this is how it will
12 go this morning. Each side will have ten minutes
13 to tell us the story about their case. We always
14 start with the Charter School, and then I'll give
15 the District ten minutes. After that, I'll read
16 the first issue from the issue sheet and then each
17 side will have three minutes on that issue only.
18 After that, Commission Members will ask questions,
19 if they have any. And if they ask a question of
20 the Charter School, then I'll give the District a
21 chance to respond and vice versa.

22 The Commission Members have had the materials
23 almost two weeks. They have gone through the
24 materials. They have tabbed it. They know what
25 their questions are. Or if they don't have any

1 questions, if everything's been answered with the
2 materials, there may not be any questions on a
3 particular issue. You shouldn't take that to mean
4 that they haven't read the materials, it's just
5 that they've answered all of their questions. Any
6 questions remaining, they'll ask as we go through
7 each issue.

8 At the end, we'll take one final vote of what
9 recommendation to make to the State Board. This
10 Commission makes a recommendation, the State Board
11 has to consider it but they don't have to follow
12 it.

13 The Charter School must prevail on every
14 issue in order for the Commission to recommend
15 that the appeal be granted. The District only has
16 to prevail on one issue. If they prevail on one
17 issue, then they have shown by competent
18 substantial evidence that they had good cause to
19 deny. They don't have to have three good reasons,
20 they just have to have one. You have to prevail
21 on every issue to show that your application
22 should have been approved and then that will go to
23 the State Board.

24 This appeal will be heard by the State Board
25 on May 20th in Bunnell. Jackie will give you

1 information about that as it gets closer. And
2 you'll have five minutes to address the State
3 Board. They may or may not ask you questions.

4 For this morning, please say your name the
5 first time you go to the microphone. Only one
6 person can speak at a time. For the District, if
7 you have team members come up, they should say
8 their name the first time, and the team members
9 should not be speaking unless you're at the
10 microphone because the court reporter can only
11 hear one person at a time. If you talk over each
12 other, I'll ask you to stop and then we'll start
13 again because we have to have a record to give to
14 the State Board and it has to be clear so that
15 they know what we talked about here today.

16 Any questions before we start?

17 (No response.)

18 CHAIR TEPPER: Then, Ms. Hughs, you have ten
19 minutes.

20 MS. HUGHS: Good morning. My name is
21 Devondalin Hughs.

22 One man who started his empire out fashioning
23 shoes to his runners' feet wrote a mission
24 statement that is perfectly carried out in every
25 purchase and purpose to bring inspiration and

1 innovation to every athlete in the world, Bill
2 Bowerman. Without a doubt, Nike brand shoes have
3 tread a myriad of turfs around the world no matter
4 whether it is for sport or play. The Nike brand
5 achieves its mission for every individual no
6 matter the classification of his or her
7 athleticism.

8 Steve Jobs was another outstanding
9 trailblazer that set the tone of his company,
10 Apple, Inc., to make a contribution to the world
11 making tools for the mind that advance humankind.
12 Undoubtedly, the legacy of Mr. Jobs lives on. The
13 simplicity of both missions bear profound
14 statements and again is fulfilled daily throughout
15 the world as they intended.

16 Refining gold is a process by which one
17 arduously travails in its extraction. This
18 mineral is the most sought after due to its myriad
19 methods of use. The Arts Academy of Jacksonville
20 Preparatory School students are likened to
21 untapped gold. Therefore, the mission of The Arts
22 Academy of Jacksonville Preparatory School is to
23 mold students into young responsible adults
24 prepared for the real world by simply focusing on
25 their intrinsic motivation and raising student

1 potential. To this end, each student is expected
2 to accept challenge, obliterate defeat, and rise
3 to the occasion. Parallel to the process of
4 refining gold, The AAJP School is built on the
5 premise that if sought out and molded, each
6 student will morph into precious elements than
7 ever imagined.

8 Of all the metals, gold is soft and the most
9 malleable and ductile, so when heated, it is
10 possible to shape into any desired form. As the
11 mission of The AAJP School states, the intent is
12 to mold students into young responsible adults
13 prepared for the real world. Therefore, students
14 who have decided to attend The Arts Academy of
15 Jacksonville Preparatory School have accepted the
16 first step, agreeing to be formed.

17 Initiating with a 9th grade academy begins
18 the phase of shaping students' minds into those
19 who have a desire to invest in themselves and
20 their futures. Thus, the school's singular
21 purpose of its existence is activating the
22 cleansing process to illustrate that all students,
23 no matter the demographic background, economical
24 status, ethnicity, et cetera, have the ability of
25 achieving more. Those classifications do not

1 determine their level of success. Instead, the
2 doors are open to the students who exhibit a
3 glimmer of gold hidden beneath the debris, so that
4 we can finish the work.

5 The Arts Academy of Jacksonville Preparatory
6 School will stand as a beacon within its community
7 to house students who desire an alternative to
8 education in a way that piques their academic
9 interests. It is an institution that is built on
10 the age-old proverb, "It takes a village to raise
11 a child."

12 The school's foundation is fostered on the
13 basis of unity. Joining with the parents and the
14 community, we are all in favor of exalting them in
15 their future endeavors. Akin to the process of
16 molding gold, students attending The Arts Academy
17 of Jacksonville Preparatory School are students
18 who, by graduation, will have been fashioned into
19 productive young adults prepared for society.

20 During the process of mining gold, it is
21 extracted from the earth and always contains other
22 unwanted elements. However, during this course,
23 the beauty in locating the gold is removing it of
24 its immediate surroundings in order to appreciate
25 it for its worth. Furthering the notion of The

1 AAJP School's mission statement, it continues with
2 simply focusing on their intrinsic motivation and
3 raising student potential.

4 Imagine walking down the hallway hearing a
5 teacher exclaim to their students as they head
6 out, "Ichiban." Or a throng of students reciting
7 the infamous poem Invictus by William Henley or
8 even walking the halls and a quote by Frederick
9 Douglass hovers above a doorway reminding that one
10 unsure student that if there's no struggle there's
11 no progress.

12 The Arts Academy of Jacksonville Preparatory
13 School is an institution of higher learning that
14 serves as a haven where students are empowered and
15 forced to believe that beneath the rubble a golden
16 nugget resides. The school serves as a place of
17 creativity for those students who may not have had
18 an opportunity at becoming more than who they even
19 believe they truly are.

20 It is the duty of everyone from administrator
21 to educator to speak life into each student that
22 darts the doors of The AAJP School because, like
23 the process of refining gold, it is our obligation
24 to discard unwanted materials that may reside in
25 the corners of the minds until they realize their

1 truest potential.

2 Once the gold has been extracted and
3 cleansed, it undergoes a purification process to
4 remove the unwanted elements and obtain pure gold.
5 Two refining options exist when completing the
6 filtering phase, the age old F.B. Mills refining
7 and the innovative electrolysis technique known as
8 Wohwill. The initial F.B. Mills purification
9 process perfects gold up to 95 percent, where the
10 Wohwill refines 99.9 percent pure gold.

11 Of everything mentioned in the mission
12 statement of The Arts Academy of Jacksonville
13 Preparatory School, the final statement bears the
14 most weight. Students ought to accept challenge,
15 obliterate defeat, and rise to the occasion.

16 To obliterate is to destroy traces of debris.
17 While purifying gold, the fire removes all bits of
18 substance that may compromise its quality. By the
19 time the students graduate from The Arts Academy
20 of Jacksonville Preparatory School, all touches of
21 their defeatist mentality wans and the building
22 up of fight against mediocrity enters, causing
23 them to destroy all doubt. Therefore, students'
24 dreams will no longer be a fantastic image of the
25 night. Yet, our daily goal is to solely focus on

1 how they will join the statistical margin of young
2 high school students that forged through the fire
3 and made their dreams possible.

4 The school intends to ensure that all
5 students fulfill this statement by providing
6 rigorous curriculum that challenges their
7 intellect while working on their character
8 development and artistic craft. We understand
9 that in order to completely reach students, it is
10 pertinent to first reach them where they are
11 followed by raising their own expectations beyond
12 mediocrity and even their own capabilities.

13 Although the Mills method of refinery
14 purifies quality gold, it is the Wohwill process
15 that increases the quality closest to 100 percent.
16 And although many schools in the surrounding areas
17 of Duval County provide excellent academic
18 services to a copious amount of students, The Arts
19 Academy of Jacksonville Preparatory School will
20 see to it that it assists in adding to the pool of
21 outstanding intellects by providing a distinctive
22 experience that will make them have a desire to
23 become even better than when they previously
24 entered.

25 Britannica.com states "jewelry represents the

1 single largest use of gold. Because of the
2 metal's softness, it is alloyed with other metals
3 to provide requisite hardness and strength." Once
4 students have successfully matriculated and have
5 completed their high school careers at The AAJP
6 School, they would have been molded into the
7 individuals who can amalgamate to any environment
8 to which they find themselves. They are equipped
9 young adults, prepared for the next phase of their
10 lives, strengthened and emboldened.

11 The inaugural graduating class of The Arts
12 Academy of Jacksonville Preparatory School will be
13 able to reflect on their 9th grade year and see
14 how they had grown from students filled with doubt
15 and insecurity but morphed into the strongest and
16 most useful mineral in the world; pure gold.

17 As aforementioned, The Arts Academy of
18 Jacksonville Preparatory School intentionally has
19 a mission statement that unites all students into
20 raising their potential and increasing their
21 intrinsic motivation. The school is made for
22 students who desire a unique opportunity for
23 themselves, a place where the mission is not just
24 mentioned and hung on the walls, but realized in
25 every aspect of the word. So, like Mr. Bowerman

1 and Mr. Jobs, the mission statement of The Arts
2 Academy of Jacksonville Preparatory School will be
3 made up of the walking fruition of words. Thank
4 you.

5 CHAIR TEPPER: Thank you.

6 And for the District, you have ten minutes.

7 MR. McDUFFIE: Madam Chairman, Members of the
8 Commission. Brian McDuffie on behalf of the
9 School Board of Duval County. With me also are
10 Carolyn Parker, Minika Jenkins and Anita
11 Henry-Smith. At various times they will also be
12 providing some testimony with respect to the
13 District.

14 Out of respect for the Commission's time, I'm
15 not going to go into great detail today with
16 respect to -- in my opening with respect to the
17 Appellant's application. I did want to point out
18 that out of the 18 sections in the application,
19 ten of those sections failed to meet the
20 standards, four sections partially met the
21 standard and four sections did meet the standard.

22 While I do think Ms. Hughs -- and certainly
23 understand that her application is well
24 intentioned -- the application simply fails in too
25 many respects in order to open a Charter School in

1 Duval County. We take our role as a sponsor of
2 Charter Schools in the county very seriously. And
3 taking that very seriously, we certainly have
4 looked at the history, the application, the fact
5 that in 2009 a school that Ms. Hughs was connected
6 to was closed within 90 days of opening. Having
7 taken those factors into consideration, along with
8 the application, the application that's presented
9 presently is simply not quality. It simply does
10 not meet the standard to open a Charter School in
11 Duval County, Florida.

12 With that said, we can move on to the issues.

13 CHAIR TEPPER: Thank you.

14 And so Issue 1 is whether the Applicant's
15 educational plan failed to meet any of the
16 following standards: Mission, guiding principles
17 and purpose, target population and student body,
18 educational program design, curriculum plan
19 student performance, assessment and evaluation and
20 exceptional students.

21 Ms. Hughs, you have three minutes on Issue 1,
22 which is your educational plan.

23 MS. HUGHS: From the onset, the mission
24 statement of The Arts Academy of Jacksonville
25 Preparatory School, or The AAJP School,

1 establishes the tone for high standards of
2 achievement, requiring students to take their
3 academics seriously. All students deserve an
4 equal opportunity at receiving quality education;
5 therefore, the mission statement discusses in
6 general a student body serving as a unit and not
7 tailored to a classified body of learners. From
8 pages 4 to 79, the Founding Board of The AAJP
9 School has compiled a well-informed and detailed
10 plan of how the mission envision will be
11 fulfilled.

12 Guiding principles. Parents are the
13 cornerstone when building a solid foundation in a
14 young person's life; therefore, The AAJP School
15 aims to provide parents with an innovative and
16 diverse option for which to choose for their son
17 or daughter's academy success.

18 In addition to providing an alternative to
19 education option, parents will be informed on how
20 much has been gained through their child's
21 individual success plan, along with previous and
22 current years' assessment and any changes made
23 throughout.

24 The target population. Per Florida State
25 Statute 1002.33(10)(e) Subsection 5 provides a

1 Charter School with the option to accept students
2 that may meet academic, artistic or other
3 eligibility standards for enrollment purposes.
4 The founder of The AAJP School will closely follow
5 the Florida State Statutes with the target student
6 body intended on attracting.

7 Education program design. The school will
8 implement a blended instructional method that
9 includes direct instruction, online instruction
10 and (inaudible) seminar. Through the educational
11 plan, extensive research was included in an effort
12 to prove that through blended instruction the
13 level of student achievement increases greatly.
14 Incorporating the blended model with remixing
15 education encourages motivation in the core
16 subject areas and incentivizes students through
17 the arts. The design of an educational program
18 directly juxtaposes the school's mission because
19 it is tailormade for students at multiple levels
20 of learning.

21 The curriculum plan. Pages 26 through 33
22 thoroughly elucidate the findings and benefits of
23 artistic inclusion with the core subjects. The
24 school aims to utilizes the services of APEX
25 Learning Curriculum as a means of raising and

1 maintaining high student achievement. We plan on
2 seeing to it that students are assessed and making
3 yearly progress through the use of state-mandated
4 assessment accompanied by state assessing through
5 biweekly assessments and teacher formative and
6 summative assessments.

7 Advanced Path is a dropout prevention
8 component that the Founding Board of The Arts
9 Academy of Jacksonville Preparatory School decided
10 to include. This is a self-run program that
11 allows students who may be credit deficient to
12 also participate in the elective remixing
13 education program. As shown in the application,
14 Advanced Path is a model program that can operate
15 independently within an established school.

16 Per the section criterion, The AAJP School
17 has two separate reading programs for students
18 reading on and below level. Great Books is a
19 highly renowned reading program that serves
20 students at varying levels. The company provides
21 services for struggling readers as well as high
22 achievers.

23 In addition to Great Books, APEX Learning
24 Curriculum also has a reading curriculum and
25 comprehensive courses that teachers may assign to

1 those students who are in need of remediation in a
2 particular course.

3 CHAIR TEPPER: Thank you.

4 And for the District.

5 MR. McDUFFIE: With respect to Issue 1, I'll
6 be presenting partially and then Minika Jenkins
7 and Anita Henry-Smith will also present.

8 I would just like to point out initially that
9 with respect to Sections 1B3, 1C1, 1C3, and 1C4
10 that the Appellant did not contest any of the
11 District's findings of either not meeting those
12 standards or partially meeting those standards in
13 its appellate brief.

14 Next, with respect to Section 1B1, the
15 Appellant states -- the Appellant essentially
16 fails to respond to the question presented. The
17 Appellant states the expectations for students to
18 maintain an overall B average but does not
19 identify how these high standards of student
20 achievement will be attained, does not identify
21 the research reference by Appellant to support the
22 statement and does not set forth the steps to be
23 taken to manage or measure this expectation.

24 Next, with respect to Section 1B2, Appellant
25 did not meet the standard for this section.

1 Appellant argues that its response was sufficient;
2 however, the Appellant's application did not
3 respond to the question posed. The Appellant
4 discusses a general plan for financial efficiency
5 but did not describe how this general plan relates
6 to and aligns with enhanced academic success.

7 Next with respect to Section 1C2, the
8 Appellant set forth a list of activities but
9 failed to provide the connection to the Florida
10 Standards and failed to target low performing
11 students in reading. In actuality in its appeal,
12 the Appellant responds to this detail but then
13 attempts to dismiss it by indicating that it's in
14 another part of the application.

15 Target population. Again, Appellant did not
16 respond or contest the District's findings with
17 respect to the Section 2C. With respect to Section
18 2A, the Appellant did not meet this standard in
19 its description of the student population to be
20 served. Simply stated, the Appellant indicated
21 that admission will be offered to low performing,
22 average and above average students attending urban
23 middle and high schools within the School District
24 who have a GPA of 2.0. As a student with a 2.0
25 GPA is typically not considered a low performing

1 student, this statement is contradictory and
2 indicates a student's lack of focus with respect
3 to its intended target population.

4 In addition, with respect to Section 2B, the
5 Appellant did not meet this standard. The
6 Appellant essentially dismisses the District's
7 concern that its application failed to set forth a
8 targeted geographic region; however, the
9 Appellant's response failed to set forth
10 meaningful information regarding how its
11 projections were to be developed.

12 Minika Jenkins will continue.

13 CHAIR TEPPER: Your time is actually up.

14 So that will take us to questions from
15 Commission Members on Issue 1. Are there
16 questions?

17 (No response.)

18 CHAIR TEPPER: If not --

19 MS. HODGENS: I don't have any questions.

20 CHAIR TEPPER: Okay. Cathy?

21 MS. BRUBAKER: No questions.

22 CHAIR TEPPER: Would someone like to make the
23 motion on Issue 1 and choose did or did not?

24 MS. BRUBAKER: I'll make the motion.

25 CHAIR TEPPER: Cathy.

1 MS. BRUBAKER: I move that the Commission
2 find that the School Board did have competent and
3 substantial evidence to support its denial of the
4 application based on the Appellant's failure to
5 meet the standards of the educational plan.

6 CHAIR TEPPER: You've heard --

7 MS. HODGENS: I'll second.

8 CHAIR TEPPER: Thank you.

9 So the motion is that the Commission find
10 that the School Board did have competent
11 substantial evidence to support its denial on this
12 issue. If you vote yes, you are voting for the
13 District. If you vote no, you are voting for the
14 Charter School.

15 Jackie.

16 MS. HITCHCOCK: Cathy Brubaker.

17 MS. BRUBAKER: Yes.

18 MS. HITCHCOCK: Jenna Hodgens.

19 MS. HODGENS: Yes.

20 MS. HITCHCOCK: Sonia Esposito.

21 MS. ESPOSITO: Yes.

22 MS. HITCHCOCK: Richard Moreno.

23 MR. MORENO: Yes.

24 CHAIR TEPPER: So you have found that the
25 School Board did have competent substantial

1 evidence to support its finding. You must now
2 determine whether that was or was not good cause
3 for denial.

4 Cathy, would you make the motion.

5 MS. BRUBAKER: I move that the Appellant's
6 failure to meet the standards for the educational
7 plan was statutory good cause for denial.

8 CHAIR TEPPER: You've heard the motion. Is
9 there a second?

10 MR. MORENO: I'll second.

11 CHAIR TEPPER: Richard.

12 MS. HITCHCOCK: Cathy Brubaker.

13 MS. BRUBAKER: Yes.

14 MS. HITCHCOCK: Richard Moreno.

15 MR. MORENO: Yes.

16 MS. HITCHCOCK: Sonia Esposito.

17 MS. ESPOSITO: Yes.

18 MS. HITCHCOCK: Jenna Hodgens.

19 MS. HODGENS: Yes.

20 CHAIR TEPPER: So the District prevails on
21 Issue 1. That will take us to Issue 2, which is
22 whether the organizational plan failed to meet any
23 of the following standards: Governance,
24 management, employment, student recruitment and
25 enrollment.

1 For the school, you have three minutes on
2 your organizational plan.

3 MS. HUGHS: The AAJP School has been formed
4 by a Founding Board comprised of individuals with
5 a wealth of knowledge and expertise in education,
6 specifically Charter Schools. Therefore,
7 (inaudible) to maintain quality organization shall
8 be upheld even through its (inaudible) section.

9 Governance. Pages 88 to 101 iterate in
10 details how that AAJP School will operate. This
11 section initiates with a description of the
12 function of the school running as a 501(c)(3). As
13 stated, the Governing Board is responsible for the
14 overall functions of the school. The principal
15 will serve as the Chief Administrative Officer of
16 Arts Academy of Jacksonville Preparatory School
17 and will be -- excuse me, I'm sorry -- and will be
18 responsible for all aspects of student instruction
19 and staff oversight. The Executive Director plays
20 an active roll in The Arts Academy of Jacksonville
21 Preparatory School by working with closely with
22 and supervising the nonacademic and support staff
23 and serving as a conduit between the board, the
24 principle and indirectly serving to the best
25 interest of the students at all times. Page 90

1 bullets the roles and responsibilities of the
2 Governing Board.

3 At the approval of the Charter School
4 Application, the Founding Board will dissolve and
5 elect a Governing Board. Once the selection of
6 the Governing Board for The AAJP School have been
7 designated in accordance with FS 1002.33(9)(k),
8 the Charter Applicant and Board Members will
9 participate in instruction focusing on government
10 in the Sunshine State, conflicts of interest,
11 ethics and financial responsibility. Should any
12 issues arise between a parent and the school
13 during the operation of The Arts Academy of
14 Jacksonville Preparatory School, the Founding
15 Board has outlined proper steps to be taken in the
16 event that such situation arises.

17 Management. The AAJP School will be equipped
18 with a principal who will see to it that the
19 mission of the school is carried out by its staff
20 and employees daily. The application is detailed
21 with the qualification of candidates that will
22 hold an administrative role as well as the
23 instructional capacity. We will see to it that
24 all employees have a desire to accomplish the
25 goals of raising student achievement, building

1 their self-esteem, and upholding high standards at
2 all times.

3 Human resources and employment. On pages 104
4 to 106, the Founding Board of The AAJP School
5 intends to equip the school with qualified
6 administrators and teachers that will adhere to
7 the policy and procedures created by the Governing
8 Board of the school. The Governing Board will see
9 to it that employees are compensated at a pay
10 scale that is comparable to the District's teacher
11 salary schedule.

12 The AAJP School places emphasis on the
13 professional development of all administrators,
14 teachers, staff and Board Members. The school
15 will leverage existing Duval County professional
16 development programs, state conferences,
17 et cetera.

18 Student recruitment and enrollment. Student
19 recruitment will occur in a myriad of ways. In
20 order to reach various areas within Duval County,
21 the recruitment plan entails all forms of reaching
22 multiple demographics in areas in an effort to
23 encourage multiple ethnicities. The AAJP School
24 will seek a racially and ethnically balanced
25 student body. In accordance with the law,

1 enrollment will be contingent upon completed and
2 reviewed application and students will be admitted
3 on a first come and first serve basis, provided
4 the capacity for the year has not been exceeded
5 before enrollment deadline.

6 CHAIR TEPPER: Thank you.

7 And for the District, you have three minutes
8 on the organizational plan.

9 MR. McDUFFIE: I just wanted to bring out
10 with respect to the governing section, the
11 Appellant did respond or contest the District's
12 findings of not meeting standards and/or partially
13 meeting the standards for 9A, 9B, 9C, 9D, 9E, 9F
14 and 9H.

15 I will concede the rest of my time to Anita
16 Henry-Smith to talk to that section.

17 MS. HENRY-SMITH: Good morning. Anita
18 Henry-Smith with Duval County. And I'm going to
19 address on the organizational plan their student
20 recruitment and enrollment section.

21 The Appellant failed to address or failed to
22 meet the standard in the student recruitment
23 enrollment basically on a number of factors. But
24 the main factor that I'm going to address ties
25 directly into budget.

1 In reviewing the student recruitment plan and
2 enrollment, it is indicated in the Appellant's
3 application that the notice for the students that
4 are accepted to the school will not be provided to
5 those students until mid July, which is going to
6 be only a few weeks prior to the school opening,
7 which will directly impact the revenue that the
8 school will generate for operation. And it will
9 also be alluded to when we get to the budget
10 section how this lack of planning with the student
11 recruitment and enrollment will negatively affect
12 the revenue for the school.

13 CHAIR TEPPER: Okay. So that will take us to
14 questions.

15 Commission Members, any questions on the
16 organizational plan?

17 MS. HODGENS: I'll ask a question. This is
18 for the school. Can you talk to me about the
19 Founding Board and the transition to the Governing
20 Board?

21 MS. HUGHS: Do I stand up?

22 CHAIR TEPPER: Yes.

23 MS. HUGHS: Once the founding -- once the
24 Charter School is accepted or approved, the
25 application is approved, the Founding Board will

1 dissolve and then seek a Governing Board. And on
2 page 91 of the application, we stated that we
3 would seek to have a total of nine members of that
4 board, those being the Chair, the Vice Chair,
5 Secretary and Treasurer, and then we would select
6 parent representation on the board and seek out
7 members of the community who were willing to
8 volunteer on the board.

9 MS. HODGENS: Okay. So on page 96 of your
10 application, it speaks to the Founding Board being
11 composed of a Chair Person, a Vice Chair, a
12 Treasurer and Secretary.

13 MS. HUGHS: Uh-huh.

14 MS. HODGENS: So who would those four people
15 be now, because I only saw three Founding Board
16 members in the application?

17 MS. HUGHS: In the application we put three.
18 The Secretary at a time, we didn't have a
19 Secretary for our Founding Board. It's myself,
20 Dr. English Bradshaw and Ms. Janel Mills.

21 MS. HODGENS: All right. Thank you.

22 CHAIR TEPPER: For the District, you can have
23 a moment, or not.

24 MR. McDUFFIE: No.

25 CHAIR TEPPER: Okay. Any other questions

1 from Commission Members?

2 (No response.)

3 CHAIR TEPPER: Then would someone like to
4 make the motion on Issue 2 and choose did or did
5 not?

6 MS. HODGENS: I'll make the motion.

7 CHAIR TEPPER: Jenna.

8 MS. HODGENS: I move that the Commission find
9 that the School Board did have competent
10 substantial evidence to support its denial of the
11 application based on the Appellant's failure to
12 meet the standards for the organizational plan.

13 MS. ESPOSITO: I'll second.

14 CHAIR TEPPER: Sonia second.

15 So the motion is the Commission find the
16 School Board did have competent substantial
17 evidence to support its denial on this issue. If
18 you vote yes, you're voting for the District. If
19 you vote no, you're voting for the Charter School.

20 Jackie.

21 MS. HITCHCOCK: Jenna Hodgins.

22 MS. HODGENS: Yes.

23 MS. HITCHCOCK: Sonia Esposito.

24 MS. ESPOSITO: Yes.

25 MS. HITCHCOCK: Cathy Brubaker.

1 MS. BRUBAKER: Yes.

2 MS. HITCHCOCK: Richard Moreno.

3 MR. MORENO: Yes.

4 CHAIR TEPPER: So now we must determine
5 whether that was or was not good cause for the
6 denial.

7 Jenna.

8 MS. HODGENS: I move that the Applicant's
9 failure to meet the standard for the organization
10 plan was statutory good cause for the denial.

11 CHAIR TEPPER: You've heard the motion. Is
12 there a second?

13 MS. ESPOSITO: Second.

14 CHAIR TEPPER: Sonia.

15 If you vote yes, you are voting for the
16 District. If you vote no, you are voting for the
17 Charter School.

18 Jackie.

19 MS. HITCHCOCK: Jenna Hodgens.

20 MS. HODGENS: Yes.

21 MS. HITCHCOCK: Sonia Esposito.

22 MS. ESPOSITO: Yes.

23 MS. HITCHCOCK: Cathy Brubaker.

24 MS. BRUBAKER: Yes.

25 MS. HITCHCOCK: Richard Moreno.

1 MR. MORENO: Yes.

2 CHAIR TEPPER: So the District prevails on
3 Issue 2. That will take us to Issue 3, which is
4 whether the Applicant's business plan failed to
5 meet any of the following standards: Facilities,
6 food service, budget and the action plan.

7 Ms. Hughs, you have three minutes.

8 MS. HUGHS: The Arts Academy of Jacksonville
9 Preparatory School has conducted significant
10 research in the retrieval of seeking a sufficient
11 facility that fits the projected budget based on
12 the provided enrollment capacity listed in the
13 narrative.

14 MS. HITCHCOCK: Slow down. Can you slow
15 down.

16 CHAIR TEPPER: Please slow down.

17 MS. HUGHS: I apologize.

18 In addition to securing space, sufficient
19 planning went into the budget, food service,
20 financial management and oversight and the action
21 plan.

22 Facilities. Acquiring sufficient space for
23 an institution is a critical component of opening
24 a school. During the time of the narrative
25 portion of the application, the Founding Board of

1 The Arts Academy of Jacksonville Preparatory
2 School surveyed various surrounding areas in Duval
3 County that had vacant commercial properties.
4 During this time, many foreclosures and buildings
5 were available for lease at a reasonably low cost
6 per square footage.

7 The school intends to secure a location that
8 will allot for ample space for growth as the
9 school increases its student body population
10 annually. Accessing the minimum space requirement
11 allows the school to run comfortably based on
12 student enrollment during the first year. The
13 Founding Board will ensure that the building meets
14 state-mandated Florida Building Code, along with
15 the Florida Fire Prevention Code, that all
16 employed -- I apologize.

17 Food service. As mentioned on page 113 of
18 the charter application, The Arts Academy of
19 Jacksonville Preparatory School intends to offer
20 food services for lunch to students and faculty.
21 In addition to the service of lunch, the school
22 intends to participate in the National School
23 Lunch Program, being mindful of the extensive time
24 that the application process may take. The AAJP
25 School will ensure to abide by the Healthy Hunger

1 Free Kids Act of 2010.

2 The school will encourage all parents to fill
3 out a lunch eligibility survey in order to make
4 certain that all students have been fed a healthy
5 and nutritious meal at least once at day.

6 The budget. The Founding Board of The Arts
7 Academy of Jacksonville Preparatory School
8 utilized the services of a certified public
9 accountant in completion of the budget portion of
10 the application. From pages 114 to 140 provide a
11 detailed description from the start of budget to
12 policies and procedures on properly handling the
13 finances and management of finances while The AAJP
14 School is in operation.

15 On page 31 of the 2014 Charter Application
16 Valuation Instrument, the sponsor's response read:
17 The operating budget submitted by the Applicant is
18 complete and sufficiently detailed in all
19 necessary respects regarding the projected --
20 projection of detailed incoming expenses -- excuse
21 me -- expense estimates. Projected revenues and
22 expenditures show a reasonable fluctuation related
23 to student enrollment and variable operating
24 costs.

25 Per the evaluation criteria, the Founding

1 Board met the standards provided in the Charter
2 Application. The Application also provides a
3 detailed narrative description of the revenue and
4 expenditure assumptions as that required by the
5 Application Guidelines. Considerations of
6 reasonable projections were made up of -- when
7 preparing the financial viability of The Arts
8 Academy of Jacksonville Preparatory School.

9 The action plan. The action plan for the
10 initial phasing of The AAJP School was projected
11 based on the approval of the sponsor or the Duval
12 County Public School Board. Upon approval of the
13 Application in October, the Founding Board intends
14 on accruing a Board of Directors followed by
15 preparing for recruitment and hiring of the
16 principal and teachers.

17 Page 141 details the time frame of each
18 occurrence but it takes note that some days are
19 subject to change based on unforeseen
20 circumstances.

21 CHAIR TEPPER: Thank you.

22 And for the District.

23 MR. McDUFFIE: With respect to some of the
24 areas, we stand on our appellate brief.

25 Ms. Carolyn Parker will present on the budget.

1 CHAIR TEPPER: Okay. You have three minutes.

2 MS. PARKER: Good morning. It is the
3 District's responsibility to review an application
4 from a financial standpoint to determine if the
5 Appellate would be consistent -- considered a
6 viable entity and a (inaudible.) With these areas
7 in mind, I would like to state that the Applicant
8 did not meet those criteria. They did not -- on
9 the startup budget, they did not present an
10 expenditure breakdown, they did not present any
11 breakdown of revenue. They just stated they would
12 have \$36,000 of revenue. They did not provide any
13 sources of that revenue.

14 Within their documentation they said that the
15 items that they would be spending this money on
16 was their facilities, their lease, staffing and
17 employment, furniture, marketing, training,
18 insurances, staffing, instructional materials,
19 educational equipment, classroom supplies,
20 deposits for utilities and a partial computer
21 installation. On the installation, they said a
22 community member was going to do half of that, but
23 they did not provide any cost savings and they did
24 not provide any documentation to substantiate
25 that.

1 They also provided a diagram of some of the
2 expenditures for their startup. And within that
3 diagram, they had that the principal was going to
4 make \$50,000 a year. But when they did the math
5 over to the side, it was only \$33,000 a month. If
6 you do the math, if you divide 12 by 50, you're
7 going to come up with 4,000-plus dollars. That's
8 just indicative of some of their issues that they
9 had within their budget.

10 For their rent, they stated that there was
11 \$19,998 per month. They have it for three months.
12 But over to the side for the three months, they
13 only have the same \$19,998. As you can imagine,
14 if you do three times that, they have already gone
15 over their \$36,000.

16 This is very indicative of all of the work
17 that has gone through with their budget planning.
18 They have not followed through on anything. They
19 put down only \$300 for their advertising and
20 marketing. \$300 won't even cover the postage.
21 And usually if you don't have your marketing plan
22 and you don't have it out there, you're not going
23 to get the students. If you don't get the
24 students, you don't get any revenue.

25 And we have -- that's been the reason for two

1 or three of our Charter Schools to close is
2 because they don't put enough money into marketing
3 to start with and they're not starting with enough
4 students.

5 CHAIR TEPPER: Thank you. Your time is up.

6 MS. PARKER: Oh, I'm sorry.

7 CHAIR TEPPER: So questions from Commission
8 Members on Issue 3, which is the business plan?

9 (No response.)

10 CHAIR TEPPER: Okay. Then would someone like
11 to make the motion and choose did or did not?

12 MR. MORENO: I'll make it.

13 CHAIR TEPPER: Richard.

14 MR. MORENO: I move that the Commission find
15 that the School Board did have competent
16 substantial evidence to support its denial of the
17 application based on the Applicant's failure to
18 meet the standards of the business plan.

19 CHAIR TEPPER: Is there a second?

20 MS. ESPOSITO: Second.

21 CHAIR TEPPER: Sonia.

22 So the motion is the Commission find the
23 School Board did have competent substantial
24 evidence to support its denial on this issue. If
25 you vote yes, you are voting for the District. If

1 you vote no, you are voting for the Charter
2 School.

3 Jackie.

4 MS. HITCHCOCK: Richard Moreno.

5 MR. MORENO: Yes.

6 MS. HITCHCOCK: Sonia Esposito.

7 MS. ESPOSITO: Yes.

8 MS. HITCHCOCK: Cathy Brubaker.

9 MS. BRUBAKER: Yes.

10 MS. HITCHCOCK: Jenna Hodgens.

11 MS. HODGENS: Yes.

12 CHAIR TEPPER: So you must now determine
13 whether that was or was not statutory good cause
14 for denial.

15 Richard.

16 MR. MORENO: I move that the Applicant's
17 failure to meet the standards for the business
18 plan was statutory good cause for denial.

19 CHAIR TEPPER: Is there a second?

20 MS. ESPOSITO: Second.

21 CHAIR TEPPER: Sonia.

22 MS. HITCHCOCK: Richard Moreno.

23 MR. MORENO: Yes.

24 MS. HITCHCOCK: Sonia Esposito.

25 MS. ESPOSITO: Yes.

1 MS. HITCHCOCK: Cathy Brubaker.

2 MS. BRUBAKER: Yes.

3 MS. HITCHCOCK: Jenna Hodgens.

4 MS. HODGENS: Yes.

5 CHAIR TEPPER: So the District has prevailed
6 on all three issues. We must now take a final
7 vote to recommend that the State Board deny the
8 appeal.

9 Would someone like to make that?

10 MS. ESPOSITO: I'll do it.

11 CHAIR TEPPER: Sonia.

12 MS. ESPOSITO: I move the Commission
13 recommend that the State Board of Education deny
14 the appeal.

15 CHAIR TEPPER: Second?

16 MS. BRUBAKER: I'll second.

17 CHAIR TEPPER: Cathy.

18 Jackie.

19 MS. HITCHCOCK: Sonia Esposito.

20 MS. ESPOSITO: Yes.

21 MS. HITCHCOCK: Cathy Brubaker.

22 MS. BRUBAKER: Yes.

23 MS. HITCHCOCK: Jenna Hodgens.

24 MS. HODGENS: Yes.

25 MS. HITCHCOCK: Richard Moreno.

1 MR. MORENO: Yes.

2 CHAIR TEPPER: So by your vote, the appeal of
3 the Charter School has been denied. This will be
4 heard at the State Board meeting on May 20th. And
5 the agenda for that meeting comes out seven days
6 in advance, and you'll be able to look at it and
7 see where on the agenda you fall for planning
8 purposes. Thank you. We're adjourned.

9 (Whereupon, proceedings were concluded at
10 11:10 a.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, MICHELLE SUBIA, Registered Professional Reporter, certify that the foregoing proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages, numbered 3 through 41, are a true and correct record of the aforesaid proceedings.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 5th day of May, 2015.

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



ARTS ACADEMY OF JACKSONVILLE PREPARATORY SCHOOL

v.

SCHOOL BOARD OF DUVAL COUNTY, FLORIDA

Issue One

Whether the Applicant's Educational Plan failed to meet any of the following standards:

- Mission, Guiding Principles and Purpose:
 - 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.

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., Florida Statutes.

- Target Population and Student Body:
 - 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.

Statutory Reference(s): s. 1002.33(10)(e); s. 1002.33(6)(b)2.; s. 1002.33(7)(a)1.; s. 1003.03, Florida Statutes

- Educational Program Design:
 - 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.

Statutory Reference(s): s. 1002.33(7)(a)2., Florida Statutes

- Curriculum Plan:
 - 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-Common Core Standards and receive a year's worth of learning for each year enrolled; and
 - Will be appropriate for all students at all levels.

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., Florida Statutes

- Student Performance, Assessment and Evaluation:
 - 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.

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., Florida Statutes

- **Exceptional Students:**
 - 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.

Statutory Reference(s): s. 1002.33(16)(a)3., Florida Statutes

I move that the Commission find that the School Board **did** or **did not** [pick one] have competent substantial evidence to support its denial of the application based on the Applicant's failure to meet the standards for the Educational Plan.

Motion:

Seconded:

Vote

Yes _____

No _____

If the Commission finds that the School Board did have competent substantial evidence to support its finding, a vote must be taken on whether that finding constitutes good cause for denial.

I move that the Applicant's failure to meet the standards for the Educational Plan, **was** or **was not** [pick one] statutory good cause for denial.

Motion:

Seconded:

Vote

Yes _____

No _____

Issue Two

Whether the Organizational Plan failed to meet any of the following standards:

- **Governance:**
 - 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.
 - Evidence that the proposed governing board will contribute to the wide range of knowledge and skill needed to oversee a charter school.
 - 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.

Statutory Reference(s): s. 1002.33(7)(a)15.; s. 1002.33(9), Florida Statutes

• **Management:**

- 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.

Statutory Reference(s): s. 1002.33(7)(a)9.; s. 1002.33(7)(a)14., Florida Statutes

• **Employment:**

- 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.

Statutory Reference(s): s. 1002.33(7)(a)14; s. 1002.33(12), Florida Statutes

• **Student Recruitment and Enrollment:**

- 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.

Statutory Reference(s): s. 1002.33(7)(a)7; s. 1002.33.(7)(a)8.; s. 1002.33(10), Florida Statutes

I move that the Commission find that the School Board **did** or **did not** [pick one] have competent substantial evidence to support its denial of the application based on the Applicant's failure to meet the standards for the Organizational Plan.

Motion:

Seconded:

Vote

Yes _____

No _____

If the Commission finds that the School Board did have competent substantial evidence to support its finding, a vote must be taken on whether that finding constitutes good cause for denial.

I move that the Applicant's failure to meet the standards for the Organizational Plan, **was** or **was not** [pick one] statutory good cause for denial.

Motion:

Seconded:

Vote

Yes _____

No _____

Issue Three

Whether the Applicant's Business Plan failed to meet any of the following standards:

• **Facilities:**

- 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.

Statutory Reference(s): s. 1002.33(7)(a)13; s. 1002.33(18), Florida Statutes

- Food Service:
 - A food service plan that will serve all students.

Statutory Reference(s): s. 1002.33(20)(a)1., Florida Statutes

- Budget:
 - 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.
 - A sound plan to monitor the budget and make adjustments as necessary.

Statutory Reference(s): s. 1002.33(6)(a)5.; s. 1002.33(6)(b)2., Florida Statutes

- Action Plan:
 - Provides a thoughtful and realistic implementation plan that covers major operational items and provides flexibility for addressing unanticipated events.

Statutory Reference(s): s. 1002.33(7)(a)16., Florida Statutes

I move that the Commission find that the School Board **did** or **did not** [pick one] have competent substantial evidence to support its denial of the application based on the Applicant's failure to meet the standards for the Business Plan.

Motion:

Seconded:

Vote Yes _____

No _____

If the Commission finds that the School Board did have competent substantial evidence to support its finding, a vote must be taken on whether that finding constitutes good cause for denial.

I move that the Applicant's failure to meet the standards for the Business Plan, **was** or **was not** [pick one] statutory good cause for denial.

Motion:

Seconded:

Vote Yes _____

No _____

FINAL MOTION:

I move the Commission recommend that the State Board of Education **grant** or **deny** [pick one] the appeal.

Motion:

Seconded:

Vote Yes _____

No _____