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CHARTER SCHOOL APPEAL COMMISSION

FLORIDA DEPARTMENT OF EDUCATION

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AMERICAN ACADEMY OF PALM BEACH K-8 CHARTER SCHOOL

VS.

THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA



DATE: Thursday, March 13th, 2025

TIME: Commenced at 10:00 a.m.  
Concluded at 2:44 p.m.

LOCATION: 325 West Gaines Street  
Room 1721/25  
Tallahassee, Florida

REPORTED BY: MICHELLE SUBIA, RPR, CCR  
Court Reporter and Notary  
Public in and for the  
State of Florida at Large

\* \* \*

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COMMISSION MEMBERS APPEARING:

AMANDA GAY, CHAIR

KIA SWEENEY-SCOTT

RAPHAEL ARZA

TIFFANIE PAULINE

RICHARD MORENO

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

2 CHAIR GAY: Good morning, everyone, and  
3 welcome. Thank you.

4 This is a meeting of the Charter School  
5 Appeal Commission. Today is March 13th, 2025.  
6 And today's appeal is the American Academy of Palm  
7 Beach K-8 Charter School vs. the School Board of  
8 Palm Beach County.

9 My name is Amanda Gay, and I am the  
10 Commissioner's designee to Chair the Commission.  
11 Also here for the department are Jamie Braun, our  
12 counsel for the Commission, Vicki Pineda, our  
13 Charter School Director, Karen Hines, our  
14 Executive Assistant.

15 Is Adam here? You might see Adam Emerson pop  
16 in a little bit, our Executive Director for the  
17 Office of Independent Education and Parental  
18 Choice.

19 Karen, would you call the roll, please, for  
20 the Commission Members.

21 MS. HINES-HENRY: Raphael Arza.

22 MR. ARZA: Present.

23 MS. HINES-HENRY: Richard Moreno.

24 MR. MORENO: Present.

25 MS. HINES-HENRY: Tiffanie Pauline.

1 MS. PAULINE: Present.

2 MS. HINES-HENRY: Kia Sweeney-Scott.

3 MS. SWEENEY-SCOTT: Present.

4 CHAIR GAY: Wonderful. Thank you. And,  
5 again, we appreciate everyone being here today.

6 Adam just stepped in. Good morning, Adam.  
7 Call you out.

8 Thank you for the parties for your  
9 submissions and to the Commission Members for all  
10 of your hard work leading up to and during this  
11 meeting. I want to express my appreciation to the  
12 Commission Members and parties for being patient  
13 as we navigated fairly significant scheduling  
14 difficulties for this meeting.

15 We first had difficulties in finding  
16 availability of the parties, and then we had a  
17 probably once in a lifetime snow and ice storm in  
18 Tallahassee. So we all would have been stuck here  
19 together if we had gone as planned. But we are  
20 now ready to proceed today.

21 As required by statute, our panel is made up  
22 of two members representing School Districts and  
23 two members representing Charter Schools, so you  
24 have a balanced panel. I will only vote if there  
25 is a tie.

1           And some housekeeping matters to get into  
2 before we start. As you know, we have a court  
3 reporter here, and she is recording our meeting  
4 today. She can only hear and record one person at  
5 a time. So if you talk over one another or speak  
6 too quickly, which I have the tendency to do, I  
7 may ask that you stop and repeat.

8           One of the best ways to ensure that you are  
9 heard is that you come to the microphone and wait  
10 until you've been recognized. The court reporter  
11 has asked that you introduce yourself -- this is  
12 for the parties -- introduce yourself each time  
13 you talk just because there's a lot of you, so we  
14 make sure we get an accurate record.

15           I also want to acknowledge up front that  
16 depending on how the first few issues go, we have  
17 a pretty packed agenda, so I may at times continue  
18 to push the process along so we have adequate time  
19 to address all of the issues.

20           It may also implicate our lunch break. So as  
21 I mentioned before in an email, we ask that you  
22 kind of have lunch plans in place so we can do a  
23 short 30-minute lunch. And Vicki can also help if  
24 you have questions about logistics and that kind  
25 of thing.

1           As of the right now, I would like to schedule  
2 lunch at 12:00 or 12:30, but it might be a little  
3 flexible on how we are with the issues, if  
4 everyone is all right with that.

5           I will have my cell phone out during this  
6 appeal. I want to tell you up front it's not me  
7 being rude. It's just to keep time.

8           So with those issues out of the way, we have  
9 a preliminary issue to address. We initially  
10 received a motion to strike from the applicant and  
11 the School Board's response. But I understand  
12 that the parties have agreed to withdraw that, if  
13 you could just clarify.

14           MR. DEL TORO: Yes. Thank you.

15           CHAIR GAY: Perfect.

16           All right. So then I can move into the  
17 procedure of how the appeal will go. When we  
18 start, we will permit each party ten minutes to  
19 present the overall story of their case. Once  
20 those opening arguments have been made, we will  
21 then go through each issue that was raised in the  
22 appeal.

23           Under each issue, they will have the same  
24 procedure. I will permit the parties three  
25 minutes, each side, to address that particular

1 issue. You do not have to fill the three minutes,  
2 but you are allotted three minutes on the issue.

3 And you should know the members have read the  
4 materials, already have questions prepared. So  
5 after your presentation on the specific issue, you  
6 will have questions from the Commission Members,  
7 and there will be discussion as well.

8 I will, for the questions, try to give each  
9 party an opportunity to respond to the question.  
10 But please know due to time, we won't have a lot  
11 of back and forth rebuttal. It will be specific  
12 to the member's question.

13 So we are charged with providing a fact-based  
14 justification to the State Board for its  
15 consideration. So after there are questions and  
16 discussions, then we will have a motion and  
17 proceed in that fashion.

18 Based on the proceedings today, staff will  
19 then prepare a written recommendation for the  
20 State Board. We will schedule a phone conference  
21 where everyone will be able to attend in order for  
22 the Commission to approve the final written  
23 recommendation based on the proceedings today.

24 So it looks like we can really jump in. We  
25 have several issues to address. First, I would

1           like to take the up the 90-day issue and then the  
2           due process issue. And after that, we can see  
3           where we are with time and talk about lunch plans  
4           or plans for a break, which reminds me, if anyone  
5           needs a break, please let me know. I have a  
6           tendency to just keep going. So members stop me  
7           at any point that we need to take a little break  
8           for convenience.

9           All right. Well, then we will go ahead and  
10          proceed with opening statements. So for the  
11          applicant, you will have ten minutes to explain  
12          the appeal and your position.

13          MR. DEL TORO: Good morning. My name is  
14          Attorney Peter Del Toro, and I represent American  
15          Academy of Palm Beach K-8 Charter School. I just  
16          want to first off thank you guys for being here.  
17          I know it was kind of a logistical nightmare  
18          getting everybody all together at the same time  
19          period, so I appreciate that.

20          I would like to start with -- I have ten  
21          minutes, and I'm going to touch on all of the  
22          topics that we're going to go through when we  
23          break out into the session for the three minutes,  
24          but I would just like to start introducing what  
25          American Academy is.

1           It's a sports, arts, and classical language  
2 academy. And part of the Charter School Statute  
3 is for innovation and competition with the school  
4 system. And this is definitely an innovative  
5 concept. It's a one of a kind in Palm Beach.  
6 There's nothing else like it in Palm Beach,  
7 everything on a high level.

8           The two founders, Stacy Harris and Mark  
9 Roseme, they have a 15-year track record in an  
10 after-school program in Boynton Beach at Pompey  
11 Park, very, very successful. A lot of high name  
12 people support, a lot of community support behind  
13 this school from Shaquille O'Neal to Rashad Evans.  
14 Mark has a lot of support.

15           He does a lot of work with the law  
16 enforcement, the sheriff's office down in Palm  
17 Beach and Riviera Beach, the command staff of  
18 Riviera Beach. That's how we kind of got to know  
19 each other.

20           Mark was also named in Palm Beach one of the  
21 12 Black Leaders of South Florida for Today and  
22 Tomorrow. So he's got a very strong track record  
23 in the community, a very strong record of success.

24           This wasn't a school that was just put  
25 together willy-nilly. This was taking it to the

1 next level. His after-school programs were  
2 tutoring, math, science and then integrating the  
3 sports into it. And the next level will be to do  
4 that on a larger scale and introduce the classical  
5 language.

6 So going to the application that we'll be  
7 talking about in-depth today, they didn't just do  
8 this themselves. They brought in Carvelli and  
9 Associates, Dr. John Carvelli. They put a team of  
10 eight people together with over 240 years'  
11 experience in Charter Schools to put this  
12 application together.

13 John Carvelli, Jim Pegg, Lisa Helfrich, Jim  
14 Hartley, who is a CPA, who did the budget which  
15 balanced out perfectly, and Leslie Bolte. These  
16 people are experts in their field, experts in each  
17 of their fields and the categories that we're  
18 going to be talking about today in the application  
19 itself.

20 So we're going to get into the timeline. So  
21 the application was submitted on April 4th, 2024,  
22 but it wasn't ruled on until September 6th, 2024,  
23 which brings us into our main issue, which is our  
24 seminal issue in this case, and everything flows  
25 after that, is that the law requires 90 days to

1 approve or deny an application.

2 Why is that important? It's important  
3 because the legislature in Florida means what it  
4 says and says what it means. There's a 90-day  
5 limit on that to prevent things from dragging on  
6 or never occurring.

7 And how does that work and how is the School  
8 Board held responsible for that because in the  
9 statute itself, it says there is a 90-day limit?  
10 It doesn't give a consequence to that action. But  
11 there is a consequence to that action because the  
12 School Board is subject under the Florida  
13 Administrative Procedures Act. And that act has a  
14 statute.

15 I'm going to go through that with you  
16 in-depth in a second. That act has a statute that  
17 says something must be done in 90 days and if it's  
18 not ruled on in 90 days, it's deemed approved as a  
19 matter of law.

20 Now, I know in the School Board's response.  
21 They said, well, education is serious issues.  
22 This is a serious issue. It might take longer  
23 than 90 days.

24 I would submit to you that under the  
25 Administrative Procedures Act, it also does the

1 Department of Medicine, right, the Florida  
2 Department of Health and Medicine. A surgeon is  
3 very important. If they don't rule on a surgeon's  
4 application in 90 days, that surgeon can go  
5 perform heart surgery the next day. He's  
6 automatically approved. So the legislature said  
7 that for a reason.

8 Jacob, can you take this off. I just wanted  
9 to go over it real quick.

10 How this works and why this is binding on  
11 Florida. In Florida, the legislature makes laws  
12 and rules that we have to follow, right. So the  
13 Florida Charter School Application is specific to  
14 Charter Schools. The sponsor shall have a  
15 majority vote -- "shall," very important -- no  
16 later than 90 calendar days after application,  
17 right.

18 Now, the Florida Supreme Court, which is --  
19 we make a law, and if you have any dispute as to  
20 that law, the Florida Supreme Court says what the  
21 law is. And that's binding on every court in the  
22 land. It's binding on this panel. It's binding  
23 on everybody in Florida.

24 The Florida Supreme Court says no one  
25 disputes that a School Board is an agency as the

1 term is defined in the Administrative Procedures  
2 Act. And the School Board is a state agency  
3 within the purview of Florida Statute 120.09.

4 So we look at the statute, which says you  
5 have to do it in 90 days. What's the consequence?  
6 You have to go to this Statute 120.60.

7 Application for a license must be -- must be  
8 approved or denied within 90 days after receipt of  
9 application. Any application for a license that  
10 is not approved in 90 days or a shorter period is  
11 considered approved.

12 It's a function of law. You need to rubber  
13 stamp what the law says. You need to back up what  
14 the Florida Supreme Court says and what our  
15 legislature says.

16 Now, part of their response in their brief  
17 was that, well, a charter is different. Well, in  
18 Florida Administrative Procedures Act 120.52 is  
19 the definition section. It says a license is a  
20 charter.

21 There's not many charters out there besides  
22 schools and -- I can't think of many other  
23 industries that have a charter, you know. This is  
24 clear cut that their failure to act -- and they  
25 concede that they failed to act, we have it in

1 multiple written documents they didn't act --  
2 within 90 days deems the application approved.  
3 And we filed a timely notice.

4 I need to go back to my notes. I apologize.  
5 I usually have everything memorized, but there's  
6 so many issues today, there's a lot to go through.

7 So when we go back, the 90 days would have  
8 been July 7th. And up to and including July 7th,  
9 Stacy Harris, Mr. Carvelli, Mr. Pegg, they all  
10 kept checking on the progress. There's a Eunice  
11 Vivar who worked for the School Board they were  
12 constantly in contact with. And they said, we  
13 have it, we're under review.

14 Actually, on June 10th before this all --  
15 before the timeline expired, Mr. Carvelli,  
16 Dr. Carvelli actually went and met with Annmarie  
17 Dilbert and said, hey, we got a time limit coming  
18 up. And then when we go back to contact her again  
19 on July 7th, she's no longer -- she's not in the  
20 country. She's on vacation in Italy.

21 So on July 10th after the expiration,  
22 Mr. Carvelli filed a 90-day appeal to this  
23 Commission. On July 18th, he had a meeting with  
24 the Palm Beach County School Board and again on  
25 July 31st. And he told them this is really a

1           cursory meeting to see if we're going to get this  
2           done because you guys -- we're deemed approved.  
3           We're past the 90 days. That was July 18th.

4           Then we had a meeting on July 31st again. So  
5           during that meeting -- Jacob, could you pass those  
6           out. There were two things discussed at that  
7           meeting on July 18th.

8           I'm going to pass out for the Panel to be  
9           able to see this, and one for the -- there's two  
10          things that were discussed that day on the 31st.  
11          And keep in mind on the 31st they asked for this  
12          meeting to be recorded per the Palm Beach County  
13          School Board's own Rule 2.57, which says any  
14          discussions of this nature may be recorded. They  
15          were denied to have it recorded. They went ahead  
16          with the meeting anyway.

17          During the meeting, they talked about -- this  
18          was the evaluation that was done, if you turn to  
19          the first page under ESE. It's rambling. It's  
20          not even in complete sentences. This is the  
21          review that was done. This is what they gave  
22          them.

23          And then if you flip -- I would submit this  
24          is not something that's a good work product, work  
25          quality on anything. This is what they told them,

1 this is what your problem is. It's not even  
2 written in complete sentences. This is someone  
3 that's an educator.

4 Then if you go to the second part, which was  
5 the budget -- and we'll talk about this a little  
6 more in-depth in a few minutes -- it says, the  
7 budget doesn't represent a realistic assessment of  
8 projected revenues. Then it says, we adjusted  
9 your -- we changed your numbers. We took your  
10 application and we changed your numbers. We'll go  
11 into that in a little more in-depth in a few  
12 minutes.

13 So at this point, with the appeal on  
14 July 31st -- the next document, we get a sanitized  
15 document that was given on August 8th saying this  
16 is what actually was done at the meeting.  
17 Beautiful. Everything is spelled out. The only  
18 problem is this didn't occur at the meeting.  
19 These weren't discussed at the meeting.

20 What was discussed was this two-page document  
21 with the ESE, which is barely legible, and telling  
22 them that we changed your budget numbers without  
23 your permission. And they sanitized it on  
24 August 8th saying, hey, here's a summary of our  
25 July 31st meeting.

1           Now, it's going to be a he said, she said  
2 today, but only because we were denied the right  
3 to record the meeting, which Palm Beach violated  
4 their own rule by not having it recorded. It's  
5 clear as crystal in their rule.

6           So we move forward. On July 29th,  
7 Mr. Carvelli again filed in the 30 day -- second  
8 time within 30 days saying he wanted a hearing on  
9 this 90-day issue. He was directed by Adam  
10 Emerson to work with the School Board while they  
11 were getting everything ready to go for the  
12 appeal, which doesn't hurt or doesn't waive my  
13 client's right on the 90 days.

14           So as they tried to reach out and work with  
15 the School Board, they were told over and over  
16 again, you need to withdraw, you need to withdraw,  
17 you need to withdraw. Why? It's a strong-arm  
18 tactic. If you withdraw, your --

19           CHAIR GAY: Mr. Del Toro, your ten minutes  
20 is up.

21           MR. DEL TORO: What's that?

22           CHAIR GAY: Your ten minutes is up.

23           MR. DEL TORO: Could I have just two more to  
24 finish up here?

25           CHAIR GAY: You'll have time in the

1 subsequent issues.

2 MR. DEL TORO: Okay. Thank you.

3 MR. ARZA: Can we do a motion to give him  
4 two more minutes?

5 MR. DEL TORO: I would like two more  
6 minutes. If you give me two more minutes, I'll  
7 give her two minutes, if we could agree on that.

8 CHAIR GAY: Jamie, I might need your  
9 opinion. Our rule says the maximum is ten  
10 minutes.

11 MR. DEL TORO: Well, I would submit one  
12 thing, if I could be heard on that, that we put  
13 an appeal in to have the 90 day heard, and then  
14 we had to put a second appeal in when the denial  
15 came in. So I would have the ten minutes and  
16 rocked the 90-day thing and then done with it.  
17 Right now I'm trying to squeeze all of this into  
18 ten minutes.

19 We didn't get our first hearing. This is all  
20 put into one hearing. I would just like a few  
21 more minutes to address the last few things, and I  
22 can make it in two minutes.

23 CHAIR GAY: Do you want to make a motion,  
24 Tony?

25 MR. ARZA: I'll make a motion to give him

1 two more minutes just to finish his opening  
2 statement.

3 MR. DEL TORO: I appreciate that.

4 CHAIR GAY: Second?

5 MS. SWEENEY-SCOTT: Second.

6 MS. PAULINE: Just for clarification, is the  
7 motion to give both sides two minutes or just --

8 MR. ARZA: If they need two minutes, we'll  
9 give them two minutes.

10 MR. DEL TORO: I have no objection to her  
11 having extra time also. I would rather get  
12 everything out for you guys.

13 MR. ARZA: Let's do them one at a time. I  
14 prefer they be separate motions, not  
15 simultaneous.

16 CHAIR GAY: All right. So the current  
17 motion and second is to have two additional  
18 minutes to Mr. Del Toro.

19 All in favor say aye.

20 (Chorus of ayes.)

21 CHAIR GAY: Opposed.

22 MS. PAULINE: Nay.

23 CHAIR GAY: All right. The motion passes.

24 Let me reset for two more minutes.

25 MR. DEL TORO: So to sum up quickly, there

1 was no capacity interview. There was no  
2 recording of the interview. They didn't even  
3 review the entire application. There was a  
4 110-page application and 550 pages broken into 26  
5 sections of supplements.

6 If you go through it -- the rule requires  
7 that they review every section. You'll see five  
8 sections, then it says was not reviewed, was not  
9 reviewed. They didn't even use the correct  
10 document.

11 The correct report review instrument is the  
12 IEPC-M2. They used in-house Charter Tools and  
13 took the IEPC cover sheet and put it over that,  
14 like it was the same thing. It's not. They  
15 didn't use the correct tool. And we'll get into  
16 that.

17 And as far as the budget goes, they changed  
18 the budget numbers. A survey was performed on  
19 Qualtrics, which for 180,000 students in the Palm  
20 Beach School District, you will have -- you needed  
21 392 responses to have a 95 percent accuracy. And  
22 they had 404 responses, overwhelming support for  
23 the school.

24 And they said that our budget projections at  
25 288 were unrealistic. Yet in the past, the School

1 Board has -- at Bridgeprep 424 was approved,  
2 Somerset 486, SLAM 400 approved, Rise 800  
3 approved. And all the sudden, it's unrealistic.  
4 The definition of realistic is something that's  
5 tangible, something that's real. The School Board  
6 can't say 800, 446 is realistic for these schools  
7 and 288 is not realistic for this school.

8 And then the School Board meeting -- to wrap  
9 it up -- we're put on the consent agenda, not on  
10 the new business agenda, so they couldn't have the  
11 back and forth between the panel. And then  
12 typically on a School Board agenda -- we'll give  
13 you one from SLAM -- it shows you five items that  
14 the School Board gets to review, and only two on  
15 this agenda. They didn't get to review -- the  
16 School Board didn't get to review the supplement  
17 550 pages, and they didn't get the matrix which  
18 shows that other schools have been approved at a  
19 higher rate.

20 So from start to finish, this was just a  
21 debacle. You're educators. We live in a nation  
22 of rules and laws. We teach our kids -- we're  
23 teaching these kids your homework is due on  
24 Friday, if it's not due on Friday, two weeks later  
25 you can't hand it in and get full -- there's a

1 consequence to your actions.

2 CHAIR GAY: All right. Your time is up.

3 MR. DEL TORO: Thank you.

4 CHAIR GAY: Thank you. All right.

5 Let me reset my timer. I'm going to go ahead  
6 and set it for the ten minutes for the School  
7 Board, and we can handle any adjustments after  
8 that.

9 MS. MORALES: Thank you.

10 Good morning, Members of the Charter Appeal  
11 Commission, Mr. Emerson, and Ms. Gay. My name is  
12 Patricia Morales, and together with Laura Pincus  
13 we represent the School Board of Palm Beach  
14 County. With us today are representatives of the  
15 School District of Palm Beach County. They're  
16 from our Charter ESE and budget offices.

17 And Dr. Annmarie Dilbert is our Director of  
18 Charters. Kevin McCormick is our Executive  
19 Director of ESE. And Simone Oladejo is our  
20 District Senior Financial Analyst from our budget  
21 office who is responsible for Charter School  
22 fiscal oversight. As subject matter experts, they  
23 will be happy to answer any questions that you may  
24 have.

25 On behalf of the School Board of Palm Beach

1 County, we want to thank you for your time and  
2 consideration in hearing this matter.

3 On September 4th, 2024, the School Board of  
4 Palm Beach County voted to deny the application of  
5 American Academy at the recommendation of the  
6 Superintendent, whose subject matter experts  
7 reviewed each of the sections of American  
8 Academy's application, including the attachments  
9 to the application.

10 Those attachments were not uploaded to the  
11 public-facing board docs, but they were considered  
12 by the subject matter experts, who went on to  
13 provide comments based upon those attachments.  
14 The evaluation instrument used in Charter Tools,  
15 which is part of Exhibit D to the appellate  
16 record, shows those comments.

17 And although I would like to address the  
18 merits of the appeal, as that is why we are here,  
19 before I dive into the substance of why American  
20 Academy's application was deficient justifying the  
21 denial, I want to address the timeliness argument,  
22 which is a distraction, but not supported by the  
23 law.

24 American Academy contends that the School  
25 Board's failure to act within 90 days of

1 submission of their application entitles them to  
2 an automatic approval via operation of law. In  
3 support of this argument, American Academy  
4 abandons the Charter School Statute and looks to  
5 the Licensing Statute under the Administrative  
6 Procedures Act. The APA does not apply here. The  
7 Charter School Statute applies.

8 Nowhere in the Charter School Statute does it  
9 say that the results of a sponsor's failure to  
10 timely vote is that the application is deemed  
11 approved. Instead, the legislature subjected the  
12 failure to vote to the same appellate process as a  
13 denial.

14 What the law supports is that if there's a  
15 failure to act, the applicant can appeal to the  
16 State Board of Education. The Commissioner of  
17 Education then convenes the Charter Schools Appeal  
18 Commission to study and make a recommendation to  
19 the State Board of Education.

20 In fact, the Charter Statute expressly  
21 rejects that the Administrative Procedures Act  
22 applies to these proceedings. Under Florida  
23 Statute 1002.33, Section (6)(c)3.a, it provides  
24 that, quote, the decision of the State Board of  
25 Education is not subject to the provisions of the

1 Administrative Procedures Act, Chapter 120, end  
2 quote.

3 The cases cited by Appellant have no bearing  
4 on this matter, as they all deal with licenses.  
5 American Academy's contention that they are  
6 automatically entitled to approval of their  
7 charter application because the School Board was  
8 untimely in voting on their application, although  
9 beyond the scope of this appeal since we are here  
10 on the merits of the denial, is also not supported  
11 by the law.

12 Additionally, before I get into the merits of  
13 the application, let me also address another red  
14 herring. American Academy argues that it was  
15 deprived of due process in the form of notice and  
16 an opportunity to be heard. It ignores two  
17 letters that Dr. Dilbert provided, providing  
18 written notice to American Academy of the  
19 deficiencies and of the district staff's  
20 evaluation of the application.

21 It ignores that Dr. Dilbert gave the school  
22 an opportunity to withdraw, revise and resubmit  
23 its application. It ignores that Dr. Dilbert  
24 informed American Academy that if they did not  
25 revise their application, that the recommendation

1 would be for denial.

2 It ignores that Dr. Dilbert also advised  
3 American Academy that it had the opportunity to  
4 apply directly to the State. And it ignores that  
5 Dr. Dilbert, Simone Oladejo, and others from the  
6 Charter School team met with American Academy  
7 during this process and prior to the denial.

8 American Academy's due process argument is  
9 not supported by the record. Please take a look  
10 at the appellate record, Exhibit D.

11 The School Board's denial of the application  
12 of American Academy is supported by competent  
13 substantial evidence that meets the good cause  
14 legal standard. As set forth in Exhibit D, the  
15 School Board's denial letter, subject matter  
16 experts evaluated the subject matter of the  
17 sections they reviewed, and two sections received  
18 does not meet, and two sections received partially  
19 meets the standard.

20 Does not meet, I know you're all familiar  
21 with what it means. The response lacks meaningful  
22 detail, demonstrates lack of preparation, or  
23 otherwise raises substantial concerns about the  
24 applicant's understanding of the issue in concept  
25 or ability to meet the requirements in practice.

1           And partially meets means the response  
2 addresses most of the criteria but the response  
3 lacks meaningful detail and requires important  
4 additional information.

5           The sections that did not meet were Section  
6 6, exceptional students, and Section 20, budget.  
7 The sections that were evaluated as partially  
8 meets were Sections 2, target student population,  
9 and Section 5, student performance.

10           I'm going to address the budget issues first  
11 because this by itself is material, disqualifying,  
12 and without further investment would prevent the  
13 charter from being able to open its door. Should  
14 American Academy be permitted to obtain a charter  
15 with no money invested, depending entirely on FTE,  
16 which it calculated based upon unrealistic  
17 assessment of the number of students that are  
18 likely to enroll? The School Board's position to  
19 this is no.

20           When the average Charter School opens in Palm  
21 Beach County, it's 105 students. It is  
22 unrealistic to project an opening enrollment of  
23 288 students. This alone is good cause for denial  
24 of the application for the charter.

25           How does the Charter School undertake to plan

1 to build a school, sign a lease, pay first, last  
2 month's rent, security deposit, pay an  
3 administrator, teachers, pay for security,  
4 materials, supplies without a single dollar as a  
5 safety net?

6 Now, American Academy's application states  
7 that someone is planning to donate \$25,000 to  
8 start the school. But when asked for proof of the  
9 donation, nothing was provided other than a  
10 letter. A letter is not \$25,000 in a bank account  
11 in American Academy's name.

12 The more realistic projections were shared  
13 with American Academy, and they showed a deficit  
14 in the first few years and nothing to show how  
15 that deficit could be covered, even giving them  
16 the benefit of the doubt that they could achieve  
17 enrollment numbers that were 30 percent more than  
18 the average, so 132 students.

19 The projection for losses is over \$100,000 in  
20 the first year of operation. American Academy  
21 addresses these as an alteration to their  
22 application when simply it was an attempt to show  
23 realistic budgetary projections based upon more  
24 realistic enrollment figures.

25 Section 6 on ESE also had a number of issues.

1 Perhaps each issue in and of itself would have put  
2 them in the partially meets category. But the  
3 number of deficiencies and the demonstration of  
4 the lack of an understanding of how ESE works  
5 resulted in a does not meet.

6 The deficiencies included that there was no  
7 mention of how the school would potentially  
8 provide services for students with deaf, hard of  
9 hearing, or visually impaired eligibility. It  
10 included procedural errors for revisions to IEPs.  
11 It showed a lack of understanding of the  
12 continuation of interventions after a referral of  
13 an evaluation is made. And it evidenced a failure  
14 to demonstrate a clear understanding of the  
15 evaluation process.

16 The reviewer also noted that there was no  
17 mention of extracurricular and culture-building  
18 activities for disabled students. And that rather  
19 than focus on one or two methods of providing  
20 services, American Academy listed every possible  
21 way service could be provided, including  
22 unrealistic and not commonly used models at the  
23 grade levels they had, especially with the  
24 staffing levels proposed.

25 Finally, American Academy ignores two other

1 sections of its application that were also rated  
2 as partially meets. And we'll dive into those  
3 when we have -- when we get to deal with those  
4 sections individually. But the deficiencies noted  
5 in Section 2, which is target population and  
6 student body --

7 CHAIR GAY: Ms. Morales, your time is up.  
8 Did you want to seek two additional minutes?

9 MS. MORALES: Yeah. If I could finish, I  
10 just need another minute.

11 CHAIR GAY: Can I have a motion to give --

12 MS. PAULINE: I'll make the motion.

13 MR. ARZA: I'll second.

14 CHAIR GAY: A motion and a second. All in  
15 favor say aye.

16 (Chorus of ayes.)

17 CHAIR GAY: All opposed.

18 (No response.)

19 CHAIR GAY: All right. Motion passes.

20 You have two additional minutes. Let me  
21 reset my clock. Give me just a second.

22 All right. Thank you. You can go ahead.

23 MS. MORALES: Okay. Thank you.

24 So the deficiencies noted in Section 2, which  
25 are target population and student body, and

1 Section 5, student performance, those are small  
2 issues and in and of itself would not have been  
3 the denial of the application. But in general  
4 with the entirety of the application packet, the  
5 School Board's grounds for denial were legally  
6 sufficient, as they were tied directly to  
7 requirements in the evaluation instrument that the  
8 reviewers were required to utilize by law.

9 The American Academy has not come close to  
10 showing that the noted deficiencies were not  
11 supported by competent substantial evidence. For  
12 these reasons, the School Board respectfully  
13 requests that the Charter School Appeal Commission  
14 recommend that the State Board of Education uphold  
15 the decision of the School Board to deny the  
16 application and deny the appeal, and that the  
17 State Board of Education accept that  
18 recommendation. Thank you.

19 CHAIR GAY: Okay. Thank you both and for  
20 working through that with us. We will go ahead  
21 and jump into the first issue, which is whether  
22 the School Board's failure to approve or deny the  
23 Charter School Application submitted by American  
24 Academy within 90 days deems the application  
25 approved as a matter of law.

1           So you each will get three minutes, and then  
2 we will turn to the members for questions and  
3 discussion.

4           MR. DEL TORO: I'm never going to come up  
5 here and mislead you, but I want to show you the  
6 sleight of hand that just happened, okay. That  
7 is the controlling and binding law in Florida.  
8 And it's true, 1002.33 Section (6)(c) says, the  
9 Board of Education is not subject to the  
10 Administrative Procedures Act.

11           This council is not subject to it. The  
12 Department of Education is not subject to it.  
13 However, the School Board is not the Department of  
14 Education. They are separate and apart. See what  
15 just happened there.

16           Oh, the statute says they're immune. You're  
17 not immune. The statute says that you guys are  
18 immune. The Department of Education is immune.  
19 The School Board, per the Florida Supreme Court,  
20 is subject to the Administrative Procedures Act.  
21 And as such, these aren't mutually exclusive.

22           Statutes and laws, they augment. If you've  
23 been to law school, if you're subject to an act  
24 and one is not clear, you go into the other. And  
25 I'm submitting to you that it was clear.

1           They put 90 days in here under the Charter  
2 School Application knowing full well that they're  
3 subject to this statute. And this statute gives  
4 you the penalty for 90 days. If you look at the  
5 ones for high-performing Charter Schools when they  
6 did the next Statute .334 or .335, it's an  
7 automatic approval when they updated the statute.

8           But there's no way around it. To say that --  
9 it's disingenuous to say that, you know, 1002.33,  
10 Section (6) (c) the State Board of Education is not  
11 subject to it. You're not. They are. There's no  
12 way around it. It's the law of the land.

13           Whether this panel does it or the Fourth  
14 District Court of Appeal does it six months from  
15 now, they're not going to go against the law of  
16 the land, the Florida Supreme Court and the  
17 statutes that are crystal clear. It's more than I  
18 can get into with statutory construction. That  
19 was a whole -- how long was that in law school?  
20 We struggled with it, right. But it's crystal  
21 clear. These are the laws that apply. They apply  
22 to the School Board. They didn't act within 90  
23 days.

24           Again, we have kids in school that we teach  
25 them -- as much as math and science, we're

1 teaching them to follow a set of rules and laws,  
2 right. You're following rules in the school. If  
3 you don't do what you're supposed to do, there's a  
4 penalty for it. If you act out in class, you get  
5 detention. If you don't hand in your homework,  
6 you might get a lower grade.

7 So are you just going to ignore the 90 days?  
8 The 90 days is put in there as a penalty and as an  
9 impetus to make things happen because they could  
10 sit on it forever.

11 And the legislature several times in several  
12 statutes puts a term called "reasonable time."  
13 I've had appeals sit in the Fourth District Court  
14 of Appeals and the First District Court of Appeals  
15 for a year and a half because it says the judges  
16 have a reasonable amount of time to rule on it.  
17 And their caseload is so much that's reasonable.

18 This was a hard and fast deadline that they  
19 missed, they conceded that they missed, and  
20 there's no way around it. The application is  
21 deemed approved on that basis. Thank you.

22 CHAIR GAY: Thank you.

23 All right. And for the School Board.

24 MS. MORALES: Thank you. American Academy  
25 offers no case that supports the application of

1 120.60 to a School Board. Section 120.60 has  
2 never been applied to a School Board's review of  
3 a Charter School Application.

4 If the legislature intended for applications  
5 to be granted by default absent an expressed --  
6 they would have put that expressly in the statute.  
7 They did not do so. They provided that the --  
8 they provided an appellate procedure for if and  
9 when there was a delay.

10 The express incorporation of Section 120.60  
11 to any of the procedures or remedies into the  
12 Charter School Statute, there's no reason to  
13 conclude it applies here. A different way of  
14 considering the 90-day issue, you know, frankly  
15 it's moot under this situation because we've  
16 actually had a determination based on the merits  
17 of this case. Thank you.

18 CHAIR GAY: Thank you.

19 All right. So I'll open it up to the members  
20 for questions or discussion before we move to a  
21 motion and vote.

22 MR. ARZA: I have a question for Palm Beach.

23 CHAIR GAY: Go ahead.

24 MR. ARZA: Are you going to stay there?

25 MS. MORALES: Yes.

1 MR. ARZA: I just remember the last time.

2 CHAIR GAY: It's much easier.

3 MR. ARZA: So do you dispute the claim that  
4 they make about what the Florida Supreme Court  
5 has said, that a School Board is an agency as  
6 defined in the APA?

7 MS. MORALES: I do dispute that the APA  
8 applies in this situation.

9 MR. ARZA: No. Do you dispute the claim  
10 that they said that? Was that said by the  
11 Florida Supreme Court?

12 MS. MORALES: I am not aware of whether it  
13 says that. I am aware that there is not a case  
14 that deals with the application of this  
15 particular Statute 120.60 to School Boards.

16 MR. ARZA: Thank you.

17 CHAIR GAY: I'll give the school a chance to  
18 respond.

19 MR. DEL TORO: Sure. We got into it, she  
20 was talking about, you know, the remedy is the  
21 appeals process. That's what we're doing here  
22 today, the appeal. It's right here. You have to  
23 decide on this.

24 The Supreme Court is clear. I can print out  
25 a copy of the case for you on break because I'm

1 not going to falsify and lose my Bar card over  
2 coming up with some type of, you know, ChatGPT.  
3 You know what I mean? You've seen those cases.  
4 But it's clear, they're subject to it.

5 It is a case of first impression because no  
6 one's ever brought it before. I don't know if any  
7 other School District has not done it within the  
8 90 days before. But it doesn't make a difference  
9 whether it's the first time or umpteenth time, the  
10 law on it is crystal clear.

11 And like I said, the argument that the  
12 statute applies -- the statute accounts for that  
13 and gives you an appeal process. That's what we  
14 did, we appealed, and we're standing here today  
15 for your decision. Thank you.

16 CHAIR GAY: Thank you.

17 Tiffanie.

18 MS. PAULINE: To the district. The  
19 applicant referenced the high-performing statute,  
20 which I believe is 1002.33, and indicated that  
21 that does not apply in this case. So two  
22 questions. One, I just need clarification, was  
23 this a high-performing replication application?

24 MS. MORALES: No, it was not.

25 MS. PAULINE: Okay. And then can you

1 reiterate, because I think you started going down  
2 that route, how you felt about the application of  
3 his reference -- or the applicant's reference to  
4 the high-performing statute as appropriate.

5 MS. MORALES: The high-performing statute  
6 does not apply in this situation whatsoever.  
7 This is a first-time applicant for a Charter  
8 School. There is no other school that American  
9 Academy has opened, so this is a first time.

10 And the statute that applies to this is  
11 1002.33, and that is the application process. And  
12 that also includes the appellate process that  
13 we're here under.

14 MS. PAULINE: And just a followup question.  
15 I recall -- and I don't know if this is to you or  
16 to the applicant -- there used to be a provision  
17 in the statute that made applications date  
18 specific. I think it was February 1st and in  
19 August. That was removed.

20 So at this point, I do believe the applicant  
21 could apply any time during the year. I just  
22 needed confirmation on that.

23 CHAIR GAY: That's right, but you can speak  
24 to it.

25 MS. MORALES: That is absolutely the case.

1 That is why we invited them to withdraw their  
2 application, fix the errors, obtain additional  
3 financial support and reapply. And that was from  
4 the get-go.

5 You know, this is the very first time in  
6 many, many years that Palm Beach County is here  
7 before the Charter School Appeal Commission. We  
8 usually invite our applicants -- if they have a  
9 deficiency, we tell them what that deficiency is.

10 And, in fact, in the evaluation instrument,  
11 if you look at that, it provides details of how it  
12 is they can certainly fix their application. They  
13 were invited to reapply if they would fix their  
14 application.

15 CHAIR GAY: And I was going to give you the  
16 opportunity -- I know that was multiple  
17 questions, but if you needed to respond to any of  
18 the questions, you can.

19 MR. DEL TORO: Sure. The invitation to  
20 reapply would have taken away the 90-day position  
21 here. They didn't act within 90 days.

22 And I apologize for bringing up other  
23 statutes, not to confuse you. I was using it as a  
24 compare and contrast. But it definitely does not  
25 apply in this situation. What applies in this

1 situation is, again, the 120, which links back to  
2 the augments, the 1002.33 and the Florida Supreme  
3 Court ruling that schools are bound and subject by  
4 it and this board is bound and subject by it, just  
5 like the courts are bound and subject by  
6 everything that is interpreted by our Florida  
7 Supreme Court.

8 So I would again submit that by not acting  
9 within 90 days, this application is deemed  
10 approved as a matter of law.

11 MS. PAULINE: May I ask a followup question  
12 to him?

13 CHAIR GAY: Yes. And I think Kia had one  
14 next.

15 MS. PAULINE: Mr. Del Toro.

16 MR. DEL TORO: Yes, ma'am.

17 MS. PAULINE: So I'm not a lawyer. That's  
18 why I'm asking these questions.

19 MR. DEL TORO: Sometimes I wish I wasn't.

20 (Multiple speakers.)

21 MS. PAULINE: So I am still not clear on  
22 your argument about this statute under APA where  
23 it specifically talks about a license, and it  
24 gives all kinds of other examples. You've  
25 given -- I think it was in the brief -- all kinds

1 of examples of licenses, which to me seem to be  
2 very different than a Charter School contract.

3 MR. DEL TORO: Yeah. So that's why you look  
4 for the def -- I'm sorry, I cut you off.

5 MS. PAULINE: No. I just need  
6 clarification.

7 MR. DEL TORO: I'll try to clear that up.

8 MS. PAULINE: Please.

9 MR. DEL TORO: So when the legislature gets  
10 together and they make a statute, they start  
11 going through what they want in it. Then they  
12 have to go back and they have to put the  
13 definitions in because even though the sky is  
14 blue, if that statute says the sky is green, then  
15 for purposes of the law, the sky is green.  
16 That's how it's followed. It seems crazy, but  
17 that's how it is in a lot of cases with the law.  
18 So there's always a definition section.

19 A lot of these statutes have multiple  
20 numbers. Like towards the front, this is 10.52,  
21 that's your definition section. And then you get  
22 into the meat of what the statute actually says.

23 So as part of the definitions, what is a  
24 license, because they're going to talk about a  
25 license, a license, a license. Is a license just

1       like a driver's license? Is it a license like a  
2       permit to build something on your house, you know?  
3       So they went and defined what an actual license  
4       is. And they said a license means a franchise,  
5       permit, certification or a charter.

6               So if there's an application here for a  
7       Charter School, they're out there applying for the  
8       charter. So that's why the charter equals  
9       license, right.

10              So then we go over to the statute, and it  
11       says an application for a license, you can put the  
12       word "charter" in there because they're one in the  
13       same. They're synonyms. Must be approved or  
14       denied within 90 days after the receipt of the  
15       completed application, right. And any application  
16       for a license or charter that is not approved or  
17       denied within those 90 days, or a shorter time  
18       period, is considered approved.

19              They didn't put longer time period. They  
20       didn't give them an extension on that. It's  
21       approved.

22              Now, the Administrative Procedures Act covers  
23       a lot of different departments. It covers the  
24       School Board. It covers the Department of Health.  
25       It doesn't cover the Department of Education.

1 That's carved out in the statute clearly. You  
2 guys are immune from that statute.

3 There's certain types of hearings, different  
4 types of rules based on the type -- we go to  
5 court. There's criminal court that has a set of  
6 rules. Civil court has a set of rules, right.

7 So think about this. This particular thing  
8 we're in, my applicant, my founders, and the  
9 School Board are all subject to this act. And  
10 this act corresponds with this act. They work  
11 together.

12 This has 90 days. The legislature knows that  
13 90 days was in this act with a penalty. They  
14 don't have to put it in, 90 days, or you can go to  
15 the Administrative Procedure route, you can go the  
16 route of a hearing, which we're doing here today,  
17 which she rightfully said. She goes, they gave us  
18 a remedy. Yeah, the remedy is to have a hearing  
19 and then to get a ruling from you guys.

20 So the ruling is apply this law to it and  
21 you'll see that when you apply the law, if they  
22 don't do it in this amount of time, there's a  
23 consequence for their action. Because if not,  
24 things wouldn't be acted on in a timely manner,  
25 you know.

1           This Charter School, the whole purpose --  
2           there's a letter of the law and there's a spirit  
3           of law. The whole spirit of this law is to foster  
4           Charter Schools, you know, to let them happen, to  
5           bring innovation, bring competition to the school  
6           system. Competition makes everybody better. So  
7           that's the purpose of this statute.

8           So they said, you know, if the people in  
9           charge don't want to have a Charter School come  
10          in, well, I'll just sit on the application  
11          forever.

12          So the legislature said, no, you have to do  
13          this within 90 days. If they say reasonable time,  
14          like I said, a reasonable time can span a year,  
15          year and a half, two years. And then, you know,  
16          people lose their impetus to go forward. But it's  
17          very clear that 90 days is the cutoff.

18          Now, like anything else in life, if you don't  
19          meet a deadline, there's a consequence. If you  
20          meet your deadline -- everything in life is a  
21          consequence. Some consequences are good -- I  
22          don't mean consequence in a bad way. Some  
23          consequences are negative. The consequence for  
24          the school is that they don't have a say anymore.  
25          It's automatically approved. And the consequence

1 for my client is it's automatically approved.

2 They still want to work with the school  
3 system. They still want to iron out any bugs.  
4 But the application is approved as an operation of  
5 law. And this happens in a lot of different areas  
6 of life.

7 Is that the timer or just a cell phone?

8 CHAIR GAY: It's not my timer.

9 Tiffanie, did he answer your question?

10 MS. PAULINE: I think so.

11 MR. DEL TORO: Did I answer your question  
12 okay?

13 MS. PAULINE: Yeah.

14 MR. DEL TORO: Okay. Thank you.

15 CHAIR GAY: And did the School Board need an  
16 opportunity to respond to the question?

17 MS. MORALES: I would like to respond.

18 120.60 does not apply in this situation  
19 because if it did, then 1002.33 would specifically  
20 refer to the 120.60. It does not.

21 120.60, licensing, this is a licensing  
22 application, and it provides for licensing for  
23 medical professionals, it provides for licensing  
24 for nurses. It does not apply to the Charter  
25 School aspect because there is a provision

1 specifically in the Charter School Statute 1002.33  
2 that applies to what we're dealing with right  
3 here. It has the appellate procedure specified in  
4 there.

5 And there is nothing in 1002.33 that  
6 specifically says that if the School Board does  
7 not act in a timely manner, that it would  
8 automatically be deemed an approval.

9 CHAIR GAY: Kia, did you still have your  
10 question?

11 MS. SWEENEY-SCOTT: Yes.

12 CHAIR GAY: Okay. Go ahead.

13 MS. SWEENEY-SCOTT: This is for the School  
14 District. At any time, did you ask for an  
15 extension prior to the 90 days?

16 MS. MORALES: Yes. There were requests for  
17 an extension period of time. There were  
18 communications beginning in June and July with  
19 the charter. However, they were not willing to.

20 Basically once they felt that the -- once  
21 July 10th hit, that that was a gotcha for the  
22 School District, which is why we're here today  
23 arguing this issue, because there was a  
24 determination on the merits. And there was  
25 opportunities for them to fix the errors that they

1 had.

2 MS. SWEENEY-SCOTT: I just ask because in  
3 our county in particular, and in our  
4 organization, with authorizers we talk about  
5 asking for an extension specifically because we  
6 don't have a timeline anymore and it's hard to  
7 get teams together. And that's normally done at  
8 the time of application.

9 So I was just wondering like at the beginning  
10 when you received it, did anybody ask for an  
11 extension then?

12 MS. MORALES: It wasn't done at the very  
13 beginning. It was done, frankly, probably a  
14 month or two -- or it was done about a month  
15 before the deadline actually.

16 We had a change in the leadership, and we had  
17 a period of time where we did not have a Charter  
18 Director. So the reason this application didn't  
19 get processed in the 90 days, frankly, is a result  
20 of, you know, not having leadership in place  
21 during the summer.

22 MS. SWEENEY-SCOTT: And I have another  
23 question, but I don't know if I can ask legal an  
24 opinion.

25 CHAIR GAY: Yes.

1 MS. SWEENEY-SCOTT: So, you know, as we talk  
2 of the high-performing statute, 90 days it's  
3 automatically approved. We talk about renewal,  
4 if it's not done within 90 days it's  
5 automatically approved.

6 What would the 90 day mean aside from coming  
7 here, because we're here, but what would we be  
8 discussing? You know, they didn't act in 90 days,  
9 right. I don't know what that means now.

10 MS. BRAUN: Well, to be honest, I don't know  
11 that we've had a case come to us in that fashion,  
12 but I believe, if you look at the statute, as  
13 many people have already read, but I'm going to  
14 quote it, it says -- in 1002.33(6)(b) Subsection  
15 2.a, it says, "A sponsor shall by a majority vote  
16 approve or deny an application no later than 90  
17 days after the application is received, unless  
18 the sponsor and the applicant mutually agree in  
19 writing to temporarily postpone the vote to a  
20 specific date, at which time the sponsor shall by  
21 a majority vote approve or deny the application."  
22 So you have to do it within 90 days unless  
23 there's been an agreement for an extension.

24 And then "If the sponsor fails to act on the  
25 application, an applicant may appeal to the State

1 Board of Education as provided in paragraph (c)."

2 Paragraph (c) of that statute outlines the appeal  
3 process to this Charter School Appeal Commission.

4 So I believe that what would happen in that  
5 case is the whole application would come, I think,  
6 to the Appeal Commission for review almost like  
7 the district does in most cases, and they would  
8 provide the recommendation to the State Board to  
9 approve or deny the application as a whole rather  
10 than just looking at what the district did.

11 I think it's important to look at the statute  
12 and what it says. There's been a lot of  
13 discussion about the high-performing statute,  
14 which is 1002.33(1), and it is -- it's much  
15 different. It states "If a sponsor fails to act  
16 on a high-performing application within 90 days  
17 after receipt, then the application is deemed  
18 approved," which is what is being argued here.

19 So I think if the legislature, you know,  
20 wanted to say that in the Charter School Statute  
21 for the normal 90-day deadline, they would have  
22 done that and they could have done that as shown  
23 in the high-performing statute where they did say.

24 So that's my best guess as to what would  
25 happen in the 90-day situation. We haven't

1 actually had one that I'm aware of come to us in  
2 that posture, so I'm not sure.

3 MS. SWEENEY-SCOTT: I just ask because it's  
4 like what's the point of having a time in here if  
5 it's not -- like what do we do? And like you  
6 said, even with schools of hope, it clearly  
7 delineates what happens if. Here it doesn't. So  
8 I just don't know, you know, even if that was the  
9 only basis for appeal, what would we do with it?

10 MS. BRAUN: I think it's less of an appeal  
11 and more of this is one big continuous process.  
12 I know it uses the word "appeal," and that tends  
13 to get the lawyers, you know, thinking like this  
14 is an appellate court, and it really isn't. I  
15 think it's more of a misnomer.

16 And this is more of a review of what the  
17 district did and a chance to take new information  
18 into account and see if there's a way, you know,  
19 to approve an application or take a second look at  
20 things versus, you know, an appeal. It is not  
21 really an appellate body the way that the lawyers  
22 tend to think of it.

23 So I think that if the 90 days passes, it  
24 gets the applicant just to the next step in the  
25 process, which is to come to the State Board and

1 to this Commission to provide the recommendation  
2 to the State Board to make a decision on the  
3 application.

4 MR. ARZA: Can I ask a followup question?

5 CHAIR GAY: Yes. And then I am going to  
6 give Mr. Del Toro the opportunity to respond to  
7 Kia's questions and then to Tony's questions.

8 MR. ARZA: The fact that there's a court  
9 reporter recording things, doesn't it make it  
10 seem this -- I mean, I believe that this is  
11 quasi -- like an appellate -- I mean, it's quasi  
12 something, you know, juridical that's happening  
13 here. And the courts have talked about it. I  
14 mean, we've discussed court cases.

15 I remember we talk about the evidence, that  
16 you can bring evidence still day of and things  
17 like that. So the courts have talked about the  
18 Appeal Commission, haven't they?

19 MS. BRAUN: They have. There's been several  
20 cases. And if a party wishes to appeal the  
21 decision ultimately made by the State Board based  
22 on the recommendation of this body, they can do  
23 that to the Districts Courts of Appeal. Those  
24 are the cases I think you're referring to.

25 MR. ARZA: Yes.

1 MS. BRAUN: And that's why there's a court  
2 reporter here, is to create a record for those  
3 appeals and to create the record transcript for  
4 the State Board, if they wish to review what  
5 happened here.

6 But it's still not an appeal in the sense of,  
7 you know, in the legal term. When you have an  
8 appellate case, there are briefs and there are  
9 arguments and there's a record on appeal that is  
10 somewhat static, you know. And you have to  
11 specially move to supplement that record on  
12 appeal.

13 And other than that, you know, if something  
14 is not in that record on appeal, the Appellate  
15 Court is generally not going to look at it.  
16 Although there is a record on appeal submitted to  
17 this Charter School Appeal Commission, it's not  
18 the same in that this Commission has the ability  
19 to take into account new information, ask  
20 clarifying questions and maybe based on questions  
21 or information presented. They might have the  
22 benefit of information that the district did not  
23 have when they made their initial decision. So it  
24 is just a little different.

25 It's one big continuous administrative

1 process that starts with the application and the  
2 review at the School Board level and then comes up  
3 here, and then can be actually appealed to, you  
4 know, the District Courts of Appeal. So it is an  
5 appeal, but it's more of a review.

6 CHAIR GAY: What I think the point is like a  
7 traditional appeal, they couldn't get the new  
8 information that we can get today.

9 I'm going to give -- we're having to  
10 backtrack a little bit because there were  
11 questions from Kia and then Tony, so I was going  
12 to give Mr. Del Toro the opportunity.

13 And then, yes, I will also give the School  
14 Board the opportunity to respond to your question.

15 MR. DEL TORO: There was no request for any  
16 extension within the 90-day time frame. And it  
17 has to be in writing. And they won't be able to  
18 produce that. It doesn't exist.

19 As far as this is a quasi-judicial panel,  
20 which means we're here today for an answer, and  
21 you're empowered to give an answer. And whether  
22 the board above you decides to go with that, the  
23 Department of Education decides to go with that,  
24 whether I'm unhappy with it or she's unhappy with  
25 it, we all have recourse down the line.

1           It runs parallel to -- and the rules here are  
2 different. Like if you go into civil court, I go  
3 into county court, if I don't like what I hear, I  
4 can go for an appeal to the Fourth. If I don't  
5 like that, I can write a writ of cert to the  
6 Florida Supreme Court. There's checks and  
7 balances if I don't like what the outcome is or  
8 she doesn't like what the outcome is. We're  
9 asking you to rule on basically the facts and  
10 circumstances and the law today and what's  
11 reasonable.

12           And your point was in the high-performing  
13 one, it says 90 days automatically approved. This  
14 statute, 90 days automatically approved. This  
15 statute says 90 days automatically approved. It  
16 doesn't say it there, but these statutes are  
17 linked together. They're subject to it. There's  
18 no way around this. They don't want to talk about  
19 it because there's no way around it.

20           They're under the terms and definitions and  
21 the standards in the Administrative Procedures  
22 Act. This is an Administrative Procedures Act.  
23 Charter is a license, a license in 90 days or it's  
24 automatically approved.

25           We're just asking for you to basically

1 enforce it, enforce the law. That's what your job  
2 description is today. That whole if you don't  
3 like it -- in the statute it says 90 days or else  
4 you can appeal it. This is the appeals. You are  
5 the guys where the buck stops with you.

6 Now, if I don't like where the buck stops or  
7 she doesn't like where the buck stops, we have  
8 remedies afterwards. That's how our system works  
9 until we get to a finality point. But you're  
10 along the way.

11 We said, hey, there's a wrong here. We're  
12 appealing for redress. We're appealing for you  
13 guys to help right this wrong based on the facts  
14 that we're presenting. So we would ask that you,  
15 you know, basically check off the box that they  
16 did not meet their 90-day requirement and there is  
17 a penalty for that that's laid out in the law.  
18 Thank you.

19 CHAIR GAY: Ms. Morales. And then I do have  
20 a comment.

21 MS. MORALES: Just really briefly. The  
22 standard of review is de novo for the Charter  
23 Appeal Commission. So basically you get to look  
24 at the evidence, look at the application on your  
25 own and determine whether or not it has a

1 sufficient basis to be approved.

2 And that's the result that the Florida  
3 Statute 1002.33 provides. If the district fails  
4 to act in a timely manner, that application comes  
5 to you and you get to determine from a review of  
6 that application whether there is a sufficient  
7 basis to grant that application.

8 So what we're here to argue because, you  
9 know, we think essentially you're going to need to  
10 get to the merits of this no matter what the  
11 decision is with regard to the 90 days, because  
12 the decision as to whether or not this application  
13 suffices ultimately will rest with the Commission  
14 that then makes the recommendation to the State  
15 Board of Education.

16 MR. DEL TORO: If I could respond to that.

17 CHAIR GAY: Yes. And then we're going to  
18 limit to questions.

19 MR. DEL TORO: She's conflating how the law  
20 works. We have a complaint and each complaint  
21 has a different count. There's several counts.  
22 By law, by rule, quasi-judicial, judicial,  
23 Supreme Court, county court, you have to rule on  
24 every issue at hand.

25 Now I submit that if you rule on the first

1 issue and say that it's deemed automatically  
2 approved as a matter of the law, we're done here  
3 today. But if you guys want to go through and do  
4 the rest of the issues, that's fine too. But you  
5 have to rule on every issue. You can't say that  
6 was just made up or, oh, if you don't like the 90  
7 days, then you guys get to review the application.  
8 That's not what we allege. We want a ruling on  
9 what we allege, which is they failed to do the 90  
10 days, right.

11 And then we have other due process  
12 violations, you know, because every law argument  
13 has your strong argument, which is this is lock,  
14 stock, barrel. I'm confident the Fourth District  
15 Court of Appeals will just -- it will come back in  
16 record time. But the fallback arguments or the  
17 due process arguments are everything was fast and  
18 loose and nobody was --

19 CHAIR GAY: We're going to go into due  
20 process next. We're still on the 90 days.

21 MR. DEL TORO: Due process is next?

22 CHAIR GAY: Yes.

23 MR. DEL TORO: But my point is that --

24 CHAIR GAY: There's not a pending question  
25 from the Commission, so I'm asking you to wrap it

1 up so we can keep it moving.

2 MR. DEL TORO: I'm wrapping it up.

3 Everything has to be ruled on today.

4 CHAIR GAY: All right. Thank you.

5 If I'm honest with the Commission, what I'm  
6 having trouble with is if we are essentially  
7 forced to approve the application, why come to us  
8 at all? I think that's why it comes to us, so  
9 that we can look at it.

10 I just wanted to say that. That's what I'm  
11 struggling through. Like why give us the ability  
12 to hear it if we are forced to approve it. That  
13 seems like an odd concept to me.

14 Are there any other questions from the  
15 Commission Members?

16 MS. PAULINE: I had a comment.

17 CHAIR GAY: Or comments. Yes. Thank you.

18 MS. PAULINE: That was exactly what I was  
19 struggling with because there are other  
20 provisions in the charter law that specifically  
21 speak to that next step of automatic approval.  
22 And this was left out of this specific provision  
23 of the law, which leads me -- again, not an  
24 attorney -- but leads me to feel that we are  
25 following the appropriate course of action. It

1           should come to us. We should be allowed to hear  
2           additional information. It is not a rubber stamp  
3           because the 90 days expired.

4           And then on top of that, I did hear that  
5           there were extenuating circumstances that should  
6           also be a consideration. And I'm assuming the law  
7           was written that way -- again, assuming because  
8           it's vague -- that for extenuating circumstances  
9           that there is an opportunity or an avenue for an  
10          applicant to still be heard. So I'm aligned with  
11          exactly what you said.

12          CHAIR GAY: Richard, did you have a comment  
13          or question?

14          MR. MORENO: Yeah. I'm just curious for the  
15          School Board, because in the materials we have,  
16          we didn't have the evaluation instrument, which  
17          is something we normally see, and if that was  
18          provided before the 90 days.

19          MS. MORALES: It's in Exhibit D as one of  
20          the -- with the denial letter. The evaluation  
21          instrument is one of the attachments to the  
22          denial letter.

23          CHAIR GAY: It is. It's Exhibit D. I just  
24          saw it again this morning.

25          MS. PAULINE: I believe it's on the form of

1 Charter Tools. It's not the actual form.

2 MS. SWEENEY-SCOTT: Yeah. It doesn't look  
3 like the traditional, the Charter Schools.

4 MR. MORENO: Okay.

5 MR. DEL TORO: So just for the record to be  
6 clear, it was not issued within the 90 days.

7 CHAIR GAY: Thank you.

8 Kia.

9 MS. SWEENEY-SCOTT: So now I'm really  
10 confused because when we come to an appeal, we  
11 know that there's certain issues that we need to  
12 discuss because they're outlined in the denial  
13 letter, and those are the areas we focus on.

14 So if our role is to approve the application,  
15 I didn't come here with that lens. So what  
16 happens?

17 CHAIR GAY: So I think that we -- I mean, I  
18 think it depends on how the vote is, of course,  
19 but we go through the issues as they're laid out  
20 there.

21 MS. SWEENEY-SCOTT: But these are just the  
22 issues that they found to not be sufficient,  
23 right?

24 CHAIR GAY: (Nodding head affirmatively.)

25 MS. SWEENEY-SCOTT: But if it comes to the

1 Appeal Commission to basically review the entire  
2 application and provide information and review to  
3 it, that's not like what I'm prepared for. And  
4 if we have to, that's fine.

5 CHAIR GAY: Right.

6 And, Jamie, jump in at any point that I say  
7 something wrong. I think today what our job is is  
8 to look at the issues that are outlined here, so  
9 we don't have to get to that question today.

10 MS. SWEENEY-SCOTT: Got you.

11 MS. PAULINE: Okay.

12 MR. ARZA: I mean, I see your point that it  
13 is a little bit unclear of like it seems like our  
14 role here is to review just what the district  
15 said. But it does also seem like there's an  
16 ambiguity of what the consequences of the 90 days  
17 would be, right?

18 So I think that's the problem that a lot of  
19 us are having. So there's no, I mean, at least  
20 apparent or obvious consequence.

21 In this case, I think that we should talk  
22 about what we think the consequence, the intent of  
23 the law is in this case. And looking at the other  
24 statutes that do have to do with Charter Schools,  
25 it seems to me that if the School Board decides to

1 just ignore an application -- and I'm not saying  
2 that they did it in this case, but it could set a  
3 precedent what does the 90 days mean, and then it  
4 all comes here.

5 So I think that us making a decision on the  
6 90 day would also require the law to be more  
7 clear. And I think that we have a responsibility  
8 to make sure that we don't set a precedent where  
9 School Districts just -- this becomes, you know,  
10 the State authorizing body, because that's what  
11 the appeal would become if there's not a  
12 consequence. So I think that we should -- you  
13 know, I think we should agree with the argument  
14 that they're making.

15 MR. MORENO: And I would second that, Tony,  
16 exactly on that point. The legislature put the  
17 90 days in there for a reason, right. So how do  
18 you -- what's the consequences of doing that?

19 To your point, you know, if it comes to us, I  
20 would actually pick up different issues than  
21 what's in the appeal from there because usually in  
22 all of the appeals we've done, we've focused just  
23 specifically on the scope of what they're  
24 articulating, right? So we have here from the  
25 district the things that they point out.

1           But if we're having to say the application,  
2           to Kia's point, now we're needing to review the  
3           whole application. And we have different skill  
4           sets between us. Like I don't know anything about  
5           ESE stuff, right? I'll defer to the people that  
6           know that stuff. But I can tell you on the budget  
7           stuff, you know, deep down where there could be  
8           some issues on some of the other things that they  
9           bring up.

10           Tony, I think you hit it on the head, if it  
11           comes to there, we're basically becoming the de  
12           facto --

13           MR. ARZA: State authorizer.

14           MR. MORENO: -- State authorizer at that  
15           point.

16           MR. ARZA: Yeah.

17           MS. PAULINE: May I?

18           CHAIR GAY: Yes. Go ahead.

19           MS. PAULINE: I'm hesitating in speaking  
20           because to me we're not legislatures. We're not  
21           here to interpret the law. To me, based on what  
22           Jamie just read, our role in this case would be  
23           to determine if or not there's automatic approval  
24           at that point, right? That seems to be the crux  
25           of the issue.

1           If this was a high-performing replication  
2 application, we would point directly to the  
3 statute. If this was a renewal, we would point  
4 directly to the statute.

5           In this specific provision, it says it is  
6 appealed if the 90 days is bypassed. It's being  
7 appealed. It is here. It doesn't say it's  
8 appealed and we automatically approve it. It is  
9 appealed. It's appealed. We're hearing their  
10 sides. We will make a determination. We'll go  
11 through the issues.

12           To take another stance to me is us rewriting  
13 the law in my mind. And maybe that needs to  
14 happen because it is vague. There's lots of  
15 provisions in the Charter Statute, I think we  
16 would all agree, that are vague. But I've  
17 always -- and I've been doing this for 20 years  
18 now -- I've always interpreted the statute that  
19 way.

20           MR. ARZA: And I think that -- I mean, to  
21 your point, there are a lot of great School  
22 Districts that I think review applications in a  
23 timely manner or notify in writing that they need  
24 an extension. And I think that in this case  
25 where this School District did not in writing

1 submit that and they haven't provided that, then  
2 I think we're setting a precedent for School  
3 Districts to just say, okay, well, I don't want  
4 to make a decision, I don't want to vote on it.  
5 So then it comes here and then we have to decide  
6 every time. We de facto become the State  
7 authorizer.

8 And I don't think that's the intent of the  
9 law for the Charter School Appeal Commission. So  
10 I think we're forced --

11 MS. PAULINE: I also feel that you're also  
12 not considering enough accommodations for  
13 extenuating circumstances. I'll give you a very,  
14 very specific one. Because of the way most of  
15 School District Board meetings are scheduled --  
16 for us, I can speak for us -- it's almost  
17 impossible to hit the 90 days exactly. We're  
18 usually 92 and 97. I mean, we're right around  
19 that, but we do ask for an extension.

20 But it's still a mutual agreement. It's  
21 still a mutual agreement nonetheless. So we could  
22 find ourselves, because our board meeting is five  
23 days, ten days after the time, we would have to  
24 face this kind of process every time when it  
25 definitely doesn't appear that there's malintent

1 or the intent to delay the process.

2 But you have to look at it from all angles,  
3 which is why I'm a little concerned because there  
4 could be unintended consequences. You could put  
5 forth a precedent that requires now School  
6 Districts, whenever those timelines don't align,  
7 for us to, you know, push our boards to call a  
8 special board meeting every time.

9 And, remember, there's no longer a  
10 February 1st deadline so that we can plan  
11 properly. We could get an application at any time  
12 of the year. And most districts have to then  
13 coordinate a whole review team and review process.

14 And some districts don't even have a charter  
15 office. They have a person that represents  
16 charters and have to pull together. So I just  
17 caution you to consider that as well. It's a  
18 sticky wicket.

19 MR. ARZA: Yeah. But don't you think that  
20 like if a School District just decided if we  
21 don't do anything, then we're de facto saying  
22 that there is no consequence for the 90-day  
23 window except that it comes here? And it doesn't  
24 even do that automatically.

25 MS. PAULINE: Do I think the law is vague?

1 Yes. I think the law is vague.

2 CHAIR GAY: I am going to -- this is just  
3 truly a unique issue for our Commission. And to  
4 me, it's really a conclusion, like a legal  
5 conclusion.

6 I don't do this often, but I do want to ask  
7 our counsel's staff recommendation on this issue.

8 MS. BRAUN: My recommendation on the issue  
9 would be to deny a request to deem an application  
10 approved as a matter of fact, even where the  
11 sponsor did not act in the 90 days.

12 The reason for that, again, is that the  
13 Charter School Statute does not provide that  
14 remedy. It says that if you do not meet the 90  
15 days, you can appeal to the Charter School Appeal  
16 Commission.

17 And I know there's been some discussion  
18 about, you know, I didn't prepare to review the  
19 whole application today, is that really what we're  
20 doing. So I was saying if there was no denial  
21 letter, what might happen if somebody went on the  
22 92nd day and said, well, they didn't act on my  
23 application, I'm appealing to the next step, to  
24 the Appeal Commission, what would happen. We  
25 haven't had one of those.

1           But I think that what would happen there is  
2 the Appeal Commission would review the whole  
3 application and provide a recommendation to the  
4 State Board, as if they were kind of like the  
5 district in that case.

6           But here, even out of the 90 days, we do have  
7 a denial letter. We did get a full review of the  
8 application by the local experts. They did the  
9 evaluation instrument. They found three or four  
10 things that were either partially or did not meet  
11 the standard outlined in the denial letter.

12           So my recommendation is even if beyond the 90  
13 days we should take advantage of their expertise  
14 and look at the issues that they found a basis to  
15 deny on, and that should be our review today.

16           CHAIR GAY: Do we have any members prepared  
17 for a motion?

18           MR. ARZA: Yes. I move that the Commission  
19 find that the School Board's failure to approve  
20 or deny the Charter School Application submitted  
21 by American Academy within 90 days does deem the  
22 application approved as a matter of law.

23           CHAIR GAY: Is there a second?

24           MR. MORENO: I'll second that.

25           CHAIR GAY: Okay. Second by Richard.

1           Tiffanie, would -- sorry -- Karen, will you  
2 please do a roll call vote.

3           MS. HINES-HENRY: Raphael Arza?

4           MR. ARZA: Yes.

5           MS. HINES-HENRY: Richard Moreno?

6           MR. MORENO: Yes.

7           MS. HINES-HENRY: Tiffanie Pauline?

8           MS. PAULINE: No.

9           MS. HINES-HENRY: Kia Scott?

10          MS. SWEENEY-SCOTT: No.

11          CHAIR GAY: No. So the motion fails.

12          Can I have another motion, Tiffanie?

13          MS. PAULINE: I haven't done this in a  
14 while, so tell me, guide me.

15          CHAIR GAY: Basically that motion failed so  
16 we need a motion --

17          MS. PAULINE: The opposite motion?

18          CHAIR GAY: Right.

19          MR. DEL TORO: I would like to put an  
20 objection on the record.

21          CHAIR GAY: Go ahead.

22          MR. DEL TORO: I object to the legal  
23 conclusions made by counsel that this is what  
24 would happen if it came to this level. I agree  
25 with --

1 MR. ARZA: Arza.

2 MR. DEL TORO: -- Mr. Arza that this  
3 committee is a quasi-judicial committee. It's  
4 here to make a decision. It's here to say yes or  
5 no based on the law.

6 To say that you're interpreting the law  
7 differently, that this would happen and the body  
8 would review it, it's not. It's crystal clear in  
9 the law that you're barred from further review if  
10 it's automatically approved.

11 Was that taken into account in your  
12 recommendation?

13 MS. BRAUN: I don't think I --

14 CHAIR GAY: I don't think you have to  
15 respond.

16 You can pose your objection for the record.  
17 The School Board can respond. I don't think that  
18 Jamie has to answer.

19 MR. ARZA: Yeah. I mean, I think it's a  
20 little bit strange to have counsel tell us kind  
21 of what -- it feels like she becomes another  
22 member of the Committee telling us what we should  
23 do and interpreting the law for us. I don't  
24 think that that is her role here.

25 CHAIR GAY: Commissions often have staff

1 recommendations.

2 MR. ARZA: I understand.

3 MR. DEL TORO: I would object that the law  
4 is clear that it says an Appeals Committee is  
5 convened, that they should look at the facts and  
6 circumstances which are presented to them and  
7 that binding and controlling case law, which is  
8 crystal clear in Florida. And to have any other  
9 input from anyone besides counsel would be  
10 inappropriate as far as interpreting the law.

11 CHAIR GAY: Okay. Thank you.

12 And for the School Board.

13 MS. MORALES: The School Board's position is  
14 that this is crystal clear. It's crystal clear  
15 in 1002.33 what the appeal process is and how  
16 this would be handled.

17 And, you know, I think it's quite appropriate  
18 for the general counsel to be providing a staff  
19 recommendation. That's what they do every day in  
20 these kind of situations. Thank you.

21 CHAIR GAY: Okay. So we'll go back to a  
22 motion.

23 MS. PAULINE: I move that the Commission  
24 find that the School Board's failure to approve  
25 or deny the Charter School Application submitted

1 by American Academy within 90 days does not deem  
2 the application approved as a matter of law.

3 CHAIR GAY: Is there a second?

4 MS. SWEENEY-SCOTT: Second.

5 CHAIR GAY: All right. Second by Kia.

6 Karen, please call a roll call vote.

7 MS. HINES-HENRY: Tiffanie Pauline?

8 MS. PAULINE: Yes.

9 MS. HINES-HENRY: Kia Scott?

10 MS. SWEENEY-SCOTT: Yes.

11 MS. HINES-HENRY: Raphael Arza?

12 MR. ARZA: No.

13 MS. HINES-HENRY: Richard Moreno?

14 MR. MORENO: No.

15 CHAIR GAY: And I will vote yes. So the  
16 motion carries.

17 And, of course, the applicant, you're able to  
18 make whatever objections you deem necessary  
19 throughout if there is an additional point where  
20 it comes up.

21 We've been going for like an hour and 20  
22 minutes. Can we do a quick five-minute break?  
23 We'll come back at -- oh, we're going to be really  
24 nitpicky here -- 11:26. Thank you.

25 (Whereupon, a recess was taken.)

1 CHAIR GAY: We're going to go ahead and go  
2 back on the record for this appeal. And we will  
3 go ahead and move into our next issue. Let me  
4 make sure I've got where we are.

5 Let me see. Let's calibrate real quick.  
6 It's about 11:30. We have multiple issues. I  
7 would like to try to get through the next two  
8 issues before lunch. We're going to endeavor for  
9 that.

10 So our next issue is --

11 MS. HINES-HENRY: Don't forget the security  
12 guard.

13 CHAIR GAY: I knew I was forgetting  
14 something. The security has asked us if you need  
15 to take a break and leave this floor, you have to  
16 be escorted by a DOE employee. So I volunteered  
17 Vicki Pineda to do that.

18 You can roam this floor if you need to take a  
19 call or the restrooms or water or anything like  
20 that. But if you need to go downstairs, just  
21 please ask Vicki to escort you.

22 MR. DEL TORO: Ms. Gay, before we move  
23 forward, I had one question.

24 CHAIR GAY: Okay.

25 MR. DEL TORO: We had a concern of Ms. Scott

1 saying she wasn't prepared for certain issues or  
2 the totality of things here today. I want to  
3 make sure everyone on the board has reviewed the  
4 application and the 550 pages of supplemental  
5 material because we won't be able to discuss  
6 things intelligently without knowing that they're  
7 done that.

8 Has everyone on the board been able to do  
9 that?

10 MS. SWEENEY-SCOTT: So I wanted to clarify.  
11 So when we come here, we read everything. But  
12 when I look at an application for me to approve,  
13 I look at it through a totally different lens.  
14 My focus here is on what the issues are in the  
15 denial. So I don't want you to think I didn't  
16 read it.

17 MR. DEL TORO: I understand. Sure. I just  
18 wanted to clarify that.

19 And everyone else was able to read over the  
20 supplement material and everything?

21 CHAIR GAY: Right.

22 MR. DEL TORO: Okay. Thank you.

23 CHAIR GAY: Thank you for that  
24 clarification.

25 So with that, we will jump into the second

1 issue, which is due process and whether the School  
2 Board violated procedural due process by not  
3 providing the applicant with formal notice or an  
4 opportunity to cure the application.

5 Mr. Del Toro, you will have three minutes to  
6 present on that issue when you're ready.

7 MR. DEL TORO: Thank you. Give me one  
8 second.

9 CHAIR GAY: Of course.

10 MR. DEL TORO: My apologies. I misplaced  
11 something.

12 CHAIR GAY: That's all right.

13 MR. DEL TORO: Thank you again.

14 So as we go through the process of going to  
15 the timeline before, while outside of the 90 days,  
16 the School Board didn't follow their own rules  
17 with the applicant, providing a formal notice or  
18 an opportunity to cure their application.

19 There's really no paperwork other than stuff  
20 that was fabricated after the fact. When they  
21 first met with them on July 18th and then again on  
22 July 31st, you saw the two things that they gave  
23 them, which was the ESE fail and the budget  
24 numbers that were changed.

25 The budget that was submitted was balanced

1 and passed and had reserves for two years based on  
2 the \$17.2 million bond that was secured by the  
3 applicants. And also a \$25,000 approval letter.  
4 Part of that \$25,000 -- they're saying, well, they  
5 only had a letter. You can't go pick up a check  
6 from someone without approval for a school. All  
7 you can take is a letter.

8 They just didn't follow any of their own  
9 rules under 2.57 and other statutes that they  
10 provide notice and opportunity. The only  
11 opportunity was withdraw your application,  
12 withdraw your application, withdraw your  
13 application, knowing that they had blown the  
14 90-day statute and that would reset the clock.

15 My client wanted to work with them, wanted to  
16 get everything done, but they were not able to get  
17 that done through lack of cooperation from the  
18 School Board. It doesn't take three minutes to  
19 get through that.

20 CHAIR GAY: Thank you.

21 MS. MORALES: Thank you. On the due process  
22 issue, they contend that they were deprived of  
23 due process because they weren't given notice and  
24 an opportunity to be heard. Essentially the gist  
25 of this is basically the same as on the

1 timeliness one.

2 You know, their first argument about acting  
3 within the 90 days is really where this comes down  
4 to because if you look at what they provided to  
5 you, which was an email -- and by the way, I want  
6 to point out this is an internal email. This was  
7 provided as a courtesy to them. I made notes  
8 here, July 18 of 2024. This is the first of the  
9 notification of, you know, what it was that was  
10 deficient about the application.

11 Then Exhibit D with the denial letter, you  
12 have letters on July 29th that also provide  
13 notification of what the deficiencies were. And  
14 then August 8th also providing notifications after  
15 they had an in-person meeting on July 1st.

16 Now, to the extent American Academy was not  
17 allowed to revise the application, the School  
18 Board policy is clear that the opportunity to cure  
19 is limited to technical and nonsubstantive  
20 corrections and clarifications, not those that  
21 would materially alter the application.

22 And this is in accordance with the Charter  
23 School Statute. This is 1002.33(6)(b). Even so,  
24 Dr. Dilbert's letters indicated that American  
25 Academy could revise its application. It declined

1 to do so. Thank you.

2 MR. DEL TORO: Can I have a second on that?

3 CHAIR GAY: We're going to move to questions  
4 from the members, questions, discussions from the  
5 members.

6 MS. PAULINE: I have a question, just  
7 clarification.

8 CHAIR GAY: Go ahead.

9 MS. PAULINE: I may have missed it because I  
10 was reading the statute. I think you did quote  
11 the statute.

12 So did I hear you say and did I also read in  
13 your response that the issues that were brought  
14 forth in the ratings and the evaluations were not  
15 technical errors, they were substantive errors,  
16 but you still gave the opportunity for them to  
17 cure? You gave them the feedback and you allowed  
18 them to cure?

19 MS. MORALES: Yes. There was a meeting on  
20 the 18th and there was another in-person meeting  
21 on July 31st. And following those meetings, it  
22 was understood by the Charter Department that  
23 they were welcoming the opportunity to revise the  
24 application.

25 However, ultimately, they decided against

1           doing so. And at that point, we had to move on  
2           the application. So that's why the recommendation  
3           by the Superintendent to the board for a denial.

4           CHAIR GAY: Mr. Del Toro.

5           MR. DEL TORO: Can Dr. Carvelli speak to  
6           this? He was actually at those meetings. He  
7           might be able to give a lot more insight into  
8           your questions, if that's okay.

9           MS. PAULINE: Yes.

10          MR. CARVELLI: Thank you, Commission, for  
11          being here. I'll give you a ten-second overview.  
12          John Carvelli.

13          I worked in the Charter School Department  
14          there for five years. We had systemic processes  
15          in place that were very effective. I was in the  
16          Palm Beach Charter School Department my last five  
17          years before I retired in 2021. An elected School  
18          Board Member, City Councilman, worked on the first  
19          Charter School with Jeb Bush in '96 in Fort  
20          Pierce, Florida, Orange Avenue Charter School.

21          Folks, I went to the 18th meeting after  
22          prodding them for months, where is our  
23          application, these guys' application, not mine,  
24          Mark and Stacy, Mark Roseme and Stacy. They  
25          checked in with them, where is it. It's right on

1 the application "Received." The due date is  
2 July 3rd.

3 They had an administrator in that department,  
4 Eunice Vivar. I don't see her here today. She  
5 can confirm everything we say. Stacy got a lot of  
6 correspondence with her.

7 This is all we got, folks, this ESE section.  
8 Right when we read it, I said, what is this? It  
9 doesn't even make sense. You misquoted things. I  
10 have the ESE section with me to answer questions  
11 later.

12 The budget section, it wasn't \$25,000. It  
13 was a \$17.2 million note that Mr. Roseme signed.  
14 If you had read the attachments, which were marked  
15 "This section not reviewed" right on the board  
16 agenda, attachments 550 pages, you'll see a note,  
17 a promissory note that Mr. Roseme here signed.

18 This ambiguity, these inaccuracies -- I did a  
19 hearing two weeks ago, I got sworn in. I wish we  
20 would all get sworn in here today, folks, under  
21 oath. I'm not a lawyer, but I'm telling you guys  
22 this is it. This is what Stacy told me this  
23 morning, that's all we received on the 31st.  
24 Those sanitized versions that you saw after the  
25 fact, we didn't discuss it.

1           This young lady requested to record the  
2 meeting and was denied. I heard it. We asked  
3 them to record the meeting in accordance with  
4 School Board policy and statute. And on your  
5 cover sheet for the Charter School Application,  
6 the evaluation instrument clearly says you can't  
7 use anything that's presented for denial that's  
8 not been recorded or transcribed. It's right  
9 there on the top, IEPC-M2.

10           When Jim Pegg and I ran this department, we  
11 had unbelievable processes in place. And if  
12 anyone's here to dispute it -- I don't want to be  
13 here all day, but we can definitely cover it. I  
14 can cover the inaccuracies, the inconsistencies on  
15 these two pages because this is all we got, folks.  
16 And it's right here. And we gave you a copy.

17           And to show you that this was, quote, an  
18 internal email, it says "Dr. John Carvelli" on it.  
19 That's what was handed to me on July 18th. This  
20 wasn't emailed to me. This was handed to me  
21 because I went by and said, hey, folks, where is  
22 our application for these two applicants? We're  
23 just helping them along.

24           Well, you failed, Mr. Carvelli, your school.  
25 I said, this isn't my school. Jim and I didn't do

1 this. This is Mark Roseme's school who worked 20  
2 years to set up a foundation. It wasn't me. He  
3 just hired us. He knew us.

4 They said, you can't open in Rivera Beach. I  
5 said, what are you talking about? I'm not opening  
6 at Rivera Beach. It says right in the facility  
7 section we exercise our option to choose a site at  
8 a later date.

9 So if you have any other questions, I'll be  
10 happy to come back. I have lots of material on  
11 ESE and budget to cover with you.

12 CHAIR GAY: Thank you.

13 Any other questions from the Commission  
14 Members?

15 MS. PAULINE: I actually have a followup  
16 question.

17 CHAIR GAY: Tiffanie, go ahead.

18 MS. PAULINE: To the district, can you share  
19 with the Commission what your process is from  
20 application review all the way to the School  
21 Board presentation.

22 MS. MORALES: Okay. I'm going to have our  
23 Director of Charter, Annmarie Dilbert, Dr.  
24 Annmarie Dilbert talk about the processes. She  
25 did not start in the Charter Department until

1 July of 2024. However, she can speak to the  
2 processes.

3 MS. PAULINE: Maybe you can lean on what  
4 your policy is, not necessarily what the person  
5 experiences.

6 MS. DILBERT: Good afternoon. I am  
7 Dr. Annmarie Dilbert. I am the Charter School  
8 Director in Palm Beach County.

9 So we utilize the same application that the  
10 State -- which is Florida Statute 1002.33(6).  
11 That is the application. We also require that we  
12 have a flash drive that is delivered to our office  
13 of their full application. We also ask them for a  
14 hard copy of the application.

15 Once that is received, they do sign a piece  
16 of paper so we know when that was delivered. Once  
17 they do that, we submit it to our budget  
18 department, and our budget then sends them a  
19 template. Once that template is received in our  
20 office, that is when our 90 days start. And  
21 that's written in the whole application that we  
22 do.

23 Once we get that, we utilize something called  
24 Charter Tools, which is now called Angular. All  
25 of the sections are then sent to each of those

1 departments for approval.

2 So the minute that it comes into my  
3 department, I email all of the people that are in  
4 charge of those departments to let them know there  
5 is a new application, to go ahead and go inside  
6 the application platform that we utilize so that  
7 they can see it.

8 I know there's a 90-day deadline, so I  
9 require at least 30 days to give me some feedback  
10 and then again in 60 days. Since American  
11 Academy -- Palm Beach County has had three  
12 approvals go through. And I've worked with  
13 schools where discrepancies like this happen, and  
14 I do offer them the same thing, give them the  
15 feedback, have them sign something, if you would  
16 like another 30 days, however long they think it  
17 might take in order for them to move through.

18 If there is -- I always have a meeting. I  
19 meet with the school, if they have somebody else  
20 that wants to represent their school, like they  
21 also have here. We sit at a table and we go  
22 through each section of that application. We go  
23 through whether it's partially met, if it's not  
24 met, and tell them the reasons why. If they feel  
25 that they want an extension, we do that at our

1 meeting, and then we set a date and move forward.

2 MS. PAULINE: So take me through -- you took  
3 me through the review process. Take me through  
4 the process from recommendation by I guess the  
5 department, to the board item, to how it gets to  
6 your board, what public hearing opportunities are  
7 available, what due process is afforded beyond  
8 your department. In this specific case, not in  
9 general, in this specific case.

10 MS. DILBERT: All right. So in this  
11 specific case, it went to all of the different  
12 departments. Like was mentioned before, I was  
13 not the director in April of 2024 when this  
14 application came in. It went through that  
15 Charter Tools process.

16 The date that the 90 days fall, I think it's  
17 July 8th, I was in the department, but I was out  
18 of the country on a vacation. So the manager that  
19 was currently in the department, she was working  
20 with all of them.

21 She has stated -- and I do have some emails  
22 from her noting those deficiencies. I have also  
23 emails from our budget person dating back to 2023  
24 that she was working with Mr. Carvelli and them  
25 about the budget, trying to show them the areas of

1 weakness.

2 When I returned, I had a sitdown meeting in  
3 my office with Mr. Pegg and Mr. Carvelli, citing  
4 both deficiencies in the ESE area as well as in the  
5 budget. My recommendation was to bring the  
6 applicants themselves, as well as everybody else  
7 that was part of the application into a meeting.

8 Mr. Carvelli joined via Zoom or Google Meet.  
9 Mr. Pegg was there, as well as the applicants, and  
10 the budget and also a representative from ESE  
11 going over the deficiencies. After the meeting,  
12 we concluded what would need to be done in order  
13 for it to be moved forward.

14 I did have phone conversations with the  
15 applicants again telling them that they would need  
16 to make these changes in order for it to come out  
17 to being met. And they did not want to make any  
18 of those changes. They felt that what was in  
19 their application was sufficient.

20 And then I let them know via telephone, as  
21 well as via the emails that were sent to you  
22 guys -- I believe you have a copy of them -- that  
23 it would be sent to the board and it would be  
24 denied. They were given the board date, and they  
25 were also given another letter. After the board

1 did not approve it, a letter was also sent out.

2 MS. PAULINE: So between the point -- I'm  
3 sorry.

4 CHAIR GAY: That's okay.

5 MS. PAULINE: Between the point that you  
6 made the recommendation, I'm assuming in a board  
7 item --

8 MS. DILBERT: Yes.

9 MS. PAULINE: -- it goes to the board, are  
10 the applicants given the notification that they  
11 have the right to speak before the board?

12 MS. DILBERT: Yes. They were there and  
13 they -- yes, most people here did speak at the  
14 board meeting.

15 MS. PAULINE: And then the board voted and  
16 then the denial letter went out?

17 MS. DILBERT: Correct.

18 MS. PAULINE: And, Mr. Del Toro, do you want  
19 the opportunity to respond to any of the  
20 practices of the board?

21 MR. DEL TORO: Yes, please.

22 MS. PAULINE: Thank you.

23 MS. DILBERT: You're welcome.

24 MR. DEL TORO: I'll let Mr. Carvelli address  
25 the board meeting at the denial.

1           MR. CARVELLI: I'm not going to harp on it.  
2           We went in on April 4th, my mom's birthday, I  
3           think it was. No, April 1st is her birthday.  
4           And it says due date July 3rd. Stacy called, I  
5           called, Jim Pegg went by the office. He's not  
6           here today.

7           MS. PAULINE: What is that you're holding  
8           up?

9           MR. CARVELLI: This is the receipt that we  
10          turned in. And Jim signed the receipt with the  
11          flash drive and the hard copy on July 8th, I  
12          think it was.

13          MS. PAULINE: Okay.

14          MR. CARVELLI: So it was turned in on time,  
15          is what I'm getting at. We were working to stay  
16          ahead of the curve with the new application that  
17          came out. We were under the old application.  
18          July is our due date. We don't have to do it on  
19          the new application.

20          We went to the board meeting. They put us on  
21          the consent agenda. When I used to do the  
22          applications through the Charter Department, we  
23          put them on new business. There's a reason for  
24          that, so the applicants can interact with the  
25          board questioning. There's a motion by the board.

1 Ten of us spoke.

2 I spoke first and said I'm very concerned  
3 because there's only two items on your board  
4 agenda item. It doesn't list the matrix, prior  
5 approved schools, board notification letter.

6 They just looked and stared at us. I said, I  
7 was an elected official and I'm here to tell you  
8 this is going to go to appeal and maybe in court.  
9 They just stared straight ahead.

10 I know other folks spoke. They were in  
11 support of this school. We had 404 surveys. We  
12 exceeded the sample size. Everything was done by  
13 the book.

14 The board said all in favor now, opposed, and  
15 approved the consent agenda. There was no  
16 interaction with the board, none. There was no  
17 questioning. There was no seven-day letter with  
18 an opportunity.

19 I specifically asked at the July 31st meeting  
20 if you give me a letter of permission, the statute  
21 allows for substantive changes if we mutually  
22 agree. They didn't give it to us.

23 They told us one day, on a Monday, if you get  
24 it in by Thursday, redo all this stuff, which we  
25 don't agree with, I want you to know, we can get

1           it on next week's agenda. I specifically asked  
2           the director, could you have done that? No, I  
3           couldn't have done it. Then why did you tell  
4           Stacy Harris here that you could do it? Okay.

5                     I worked in schools a long time, four  
6           different School Districts, folks. The process is  
7           broken down, and we're here today dealing with the  
8           fallout. These guys are set back a year on the  
9           opening of their school.

10                    But the board didn't give us any chance to  
11           interact, none. And anybody in this room that  
12           says they did -- not one person answered any of  
13           our questions. Not one person responded to us.  
14           We outlined what had occurred.

15                    The attachments, I'll show you a copy when my  
16           time comes that clearly say this section not  
17           reviewed or they would have seen the \$17 million  
18           bond. They keep harping on this \$25,000 is all we  
19           had. Frank Deno Development in Boca Raton secured  
20           the bond for us.

21                    I'm sitting here shaking my head what are  
22           they talking about. We didn't have \$25,000. That  
23           was for the startup year for Mr. Roseme to work in  
24           his job and part time dealing with the opening of  
25           the school. We'll talk about it when we get to

1 budget, I assume, and ESE.

2 CHAIR GAY: Any other questions or  
3 discussion?

4 MS. SWEENEY-SCOTT: Yes, and I just don't  
5 know how to frame it.

6 MS. PAULINE: Take your time.

7 MS. SWEENEY-SCOTT: I guess it's a little  
8 convoluted. And I understand there was a change  
9 in -- and this is for the district -- there was a  
10 change in leadership. At any time did you  
11 express, you know, to the applicant that, you  
12 know, we're going to be delayed because we don't  
13 have anyone in place, just out of transparency?  
14 I don't know what their stance would have been.

15 MS. MORALES: I can't answer what the  
16 answers were with Eunice Vivar with the  
17 applicants. We did not have a Charter Director  
18 in place until the June or July time frame.

19 MS. DILBERT: So what I can say is that  
20 Mr. Carvelli was frequently at the office. So,  
21 yes, he knew that there was no director at that  
22 time. And there are emails between budget and  
23 the manager in the office going back and forth  
24 with questions.

25 MS. SWEENEY-SCOTT: And then another

1 question. Your core policy speaks to not  
2 allowing -- well, the statute talks about  
3 nonsubstantive information being able to be  
4 submitted, but it was offered. Would that have  
5 been a real factor to be considered, because the  
6 board -- I don't see the board voting against  
7 their own policy. Would it have been a  
8 possibility?

9 MS. MORALES: The district was open to them,  
10 you know, allowing the revisions to the  
11 application. They were invited to revise the  
12 application on several occasions.

13 Please look at the Exhibit D letters. The  
14 denial letter has two letters that are attached to  
15 it where we invite them to withdraw the  
16 application, revise it, and resubmit it and, you  
17 know, fix those issues that we have concerns with.

18 They spent countless hours with Ms. Oladejo  
19 going through the budget issues. So those really  
20 were of significant concern. If they were able to  
21 fix those issues, we would -- and had resubmitted  
22 the application, we would not be here today.

23 MR. ARZA: Were they able to just amend the  
24 budget?

25 MS. MORALES: Seriously, if they had amended

1 the budget so that it was a viable budget, you  
2 know, based on, you know, real -- having funding  
3 there to support their activities, then this --  
4 you know, that was the main issue with this  
5 application was the budget issue.

6 MS. SWEENEY-SCOTT: And the reason I asked  
7 the question is because one letter said, you  
8 know, take it back, revise it, resubmit it. Then  
9 I saw another piece where it was like, well, if  
10 you fix it in a couple of days, we'll recommend  
11 it.

12 MS. MORALES: Yeah.

13 MS. SWEENEY-SCOTT: And it just contradicts  
14 the policy. And I know a letter came from the  
15 office to say that we'll do this, but was the  
16 office given approval to do so? That's my  
17 question.

18 MS. MORALES: Yes.

19 MS. SWEENEY-SCOTT: I can write a letter to  
20 someone, but if I don't have the authority,  
21 without approval, that's where I'm hung up.

22 MS. DILBERT: Yes. I meet weekly with the  
23 Deputy Superintendent. He was well aware. And  
24 we would talk about what those changes were.

25 And then in the ESE department and in the

1 budget department, we're in constant  
2 communication. And we told them if they make  
3 this -- you know, ESE was just very general. We  
4 needed them to be much more specific, especially  
5 what is written in those documents. That to me  
6 was an easy fix.

7 With the budget, same thing. So as long as  
8 they came in and they had financial backing, we  
9 would be able to move forward. So, yes, upper  
10 leadership was definitely aware and they were able  
11 to accommodate that if they would get it.

12 MS. SWEENEY-SCOTT: Also, last question, do  
13 you do an interview, a capacity interview?

14 MS. DILBERT: Yes. I do a capacity  
15 interview now.

16 MS. SWEENEY-SCOTT: I'm sorry. Was one done  
17 with this particular school?

18 MS. DILBERT: The only meeting that took  
19 place that I know of when I was in the position  
20 was the one that I had. And we went over all of  
21 the deficiencies.

22 MS. SWEENEY-SCOTT: Because there seems to  
23 be a breakdown because you're coming in as  
24 somebody went out, and the process is just kind  
25 of --

1 MS. DILBERT: Yeah.

2 MS. SWEENEY-SCOTT: Okay.

3 CHAIR GAY: You can respond and then I think  
4 Tony has a question next.

5 MR. DEL TORO: Yeah. I'll respond that  
6 their change in leadership shouldn't punish my  
7 client. They didn't follow the rules. You come  
8 into a new position, you're responsible for  
9 following the rules. This is the theme today.  
10 Mr. Carvelli can speak to this a little better.

11 But on the budget, the budget was changed,  
12 the budget as submitted, 288 students. Now, keep  
13 in mind, the district has approved 400, 482, 800  
14 students, 396 -- I could be wrong on the 390  
15 number -- approved in the past. Why all the  
16 sudden is 288 unrealistic with 400 surveys, with a  
17 95 percent accuracy based on statistical power for  
18 180,000 students in the district that we would  
19 have over 400 people wanting to go to that school?

20 Then they go in and say we didn't like your  
21 numbers so we changed them. They physically  
22 changed the numbers on the application, that the  
23 budget doesn't represent a realistic assessment,  
24 we adjusted the enrollment projections. They  
25 don't have any right to do that. That's an issue

1 to be fought outside this court.

2 That will be taken up with the court of Palm  
3 Beach County. Then we'll get down to the bottom  
4 of this of who is doing what when we get the  
5 depositions going. But this is egregious. He can  
6 speak more to that right now.

7 MR. CARVELLI: Here is why we didn't make  
8 any changes. Can you hear me okay?

9 MS. SWEENEY-SCOTT: Yes.

10 MR. CARVELLI: Number one, we had a 90-day  
11 appeal in place, and we were unsure. I was  
12 talking to the Commissioner's office wondering  
13 what's the next step there.

14 Number two, the statute says unless you  
15 mutually agree, you can't make substantive  
16 changes. I repeatedly asked at the July 31st  
17 meeting, provide me a letter of permission and  
18 we'll come and sit with you and debate these two  
19 issues, ESE and budget, and show you we have  
20 documentation that supports it. No. You don't  
21 see it here or it would be in the packet, folks.

22 Okay. Number two was I was a School Board  
23 member for 16 years. I know that staff doing one  
24 thing and showing up at the School Board meeting  
25 saying, staff, you let these guys make substantive

1 changes, their attorney, their general counsel is  
2 going to say, the law doesn't allow this, let's  
3 just knock them down right now.

4 We didn't want to lose the possibility -- we  
5 didn't want to go to the board with the  
6 possibility that we made substantive changes at  
7 the request of staff, who had no authority to do  
8 that.

9 And by the way, Eunice Vivar is not here  
10 today. Ed Tierney is the Deputy Superintendent,  
11 Assistant Superintendent. He actively supervised  
12 that department. So I kept asking her, are you  
13 talking to Ed about this.

14 There's structure in place, folks. There's  
15 24,000 employees down there. They had a due date.  
16 That's it, you know. Thank you very much.

17 CHAIR GAY: Tony, did you have a question?

18 MR. ARZA: No. I wanted to say that I think  
19 that based on the conversation we had before also  
20 about the 90 days and the process and that there  
21 was no review that was done where they were given  
22 an opportunity to verbally explain any  
23 deficiencies, I think that I would like to make a  
24 motion. I would like to move that the Commission  
25 find that the School Board did violate procedural

1 due process.

2 CHAIR GAY: Okay. Is there a second?

3 MR. MORENO: Second.

4 CHAIR GAY: Richard seconded.

5 MS. PAULINE: I have more questions.

6 CHAIR GAY: Okay. Now that we have a motion  
7 and a second, before we vote I'll permit  
8 additional questions, and then we'll come back,  
9 okay?

10 MR. ARZA: That's fine. It's on the table.  
11 It's on the floor.

12 CHAIR GAY: Thank you.

13 MS. PAULINE: To the school -- to the  
14 applicant. Sorry. So the two issues are formal  
15 notice and opportunity to cure.

16 Are you saying today you did not receive any  
17 formal notice?

18 MR. DEL TORO: We didn't get a seven-day  
19 letter, ma'am.

20 MS. PAULINE: That's not the question I  
21 asked.

22 MR. DEL TORO: Well, that's formal notice  
23 per the statute and per the rule. That's how  
24 they have to do it. Again, not following the  
25 rules.

1 (Multiple speakers.)

2 CHAIR GAY: I'm going to ask that we don't  
3 speak over each other. The court reporter can't  
4 capture it all.

5 MS. PAULINE: May I ask the attorney just --  
6 I was looking for that seven-day requirement  
7 notice. I can't find it.

8 MS. SWEENEY-SCOTT: It talks about the  
9 nonsubstantive.

10 MS. PAULINE: The nonsubstantive, right. I  
11 don't see just a general seven day. I don't know  
12 if that's a requirement.

13 MS. BRAUN: Sorry, I didn't mean to talk  
14 over you.

15 The only seven-day requirement I'm aware of  
16 in 1002.33 -- and, hold on, I got to get the  
17 actual subsection in here -- it says that "Before  
18 approving or denying any application, the sponsor  
19 shall allow the applicant, upon receipt of written  
20 notification, at least seven calendar days to make  
21 technical and nonsubstantive and clarifications,  
22 including, but not limited to, corrections of  
23 grammatical, typographical, and like errors or  
24 missing signatures, if such errors are identified  
25 by the sponsor as cause to deny the final

1 application."

2 MR. DEL TORO: And, actually, if I can  
3 clarify. Did I cut you off?

4 MS. BRAUN: I was just going to say to  
5 summarize, I read that to mean that if the  
6 sponsor, the district in this case, has  
7 identified a technical or nonsubstantive issue as  
8 a reason to deny, then they are required by law  
9 to give the applicant written notice and seven  
10 calendar days to fix those technical or  
11 nonsubstantive issues.

12 There's nothing preventing the parties from  
13 allowing substantive changes, you know, whether  
14 it's through withdrawal and submitting a new  
15 application or amend the budget section or  
16 whatever it is the parties agree on. But the only  
17 seven-day requirement I'm aware of is that one.

18 MR. DEL TORO: And just to augment back that  
19 it's the School Board's rule, Rule 2.57, Section  
20 3 that allows for a cure period where the  
21 applicant within seven days may submit in writing  
22 per the statute technical and nonsubstantive  
23 corrections and clarifications.

24 But the School Board had to notify them under  
25 their own policy, under (3)e, which says, "The

1 Superintendent's designee shall in writing, by  
2 email, with read return receipt requested, and  
3 mail the applicant the results of the Charter  
4 School evaluation, noting which sections have been  
5 rated partially meets or does not meet the  
6 standard."

7 Then there's a cure period under (3)f per  
8 their policy. But it's only for nonsubstantive  
9 corrections. We asked them to give us a letter  
10 that said we can do substantive. They wouldn't  
11 give that letter.

12 MR. CARVELLI: And we asked for it.

13 MR. DEL TORO: And they want to say, oh, we  
14 told you to go ahead and do it. But if you go to  
15 the board and make substantive changes, they can  
16 throw that out, and the School Board can just  
17 say, well, we never said that.

18 There's a lot of he said, she said today.  
19 But everything that we're trying to show you in  
20 writing that should have been done, they have  
21 nothing to back it up. They wouldn't put things  
22 in writing even though we asked for them.

23 MR. ARZA: I don't think we asked them a  
24 question.

25 MR. DEL TORO: Hopefully that clears it up.

1 MS. PAULINE: The second part of my  
2 question --

3 MR. ARZA: Oh, I guess she did.

4 MS. PAULINE: You answered the first part of  
5 my question which was about formal notice. The  
6 second part of my question was about opportunity  
7 to cure.

8 Did you have the opportunity to cure?

9 MR. CARVELLI: I keep going back to this.  
10 It's two pages we gave you a copy of. This is  
11 what we discussed. And if we had a recording,  
12 which was required, we would be here today  
13 listening to it, and you would hear all of us  
14 speaking, going we don't agree with you on ESE  
15 and budget.

16 This ESE is indecipherable. I mean, I do  
17 have a doctorate, but I couldn't even figure half  
18 of it out. And I'll be honest with you, when we  
19 get to ESE, we'll discuss it.

20 No, we weren't given an opportunity. We were  
21 given verbal have it done by Thursday and we'll  
22 get you on the agenda next week. And we're like,  
23 wait a minute, we got to come in and sit with you  
24 and debate these two points on budget and on ESE,  
25 which we don't agree with, and you haven't even

1 read the attachments which show the bond money.  
2 And they're telling us you have no money.

3 We said, wait a minute, let us come in and  
4 sit with you and use that as a cure period. They  
5 wouldn't. We asked for a letter to be issued that  
6 would allow for substantive changes so we didn't  
7 get dinged by the School Board, and we didn't get  
8 that.

9 MS. PAULINE: Just so I'm clear, you didn't  
10 get anything in writing that said you --

11 MR. CARVELLI: We got those letters after  
12 the fact.

13 MS. PAULINE: -- would get the opportunity  
14 to cure other than --

15 MR. CARVELLI: From unrecorded meetings,  
16 which we don't agree with in those letters. I  
17 want you to know that.

18 MR. DEL TORO: And I think it's the cart  
19 before the horse because with no capacity meeting  
20 ever held to begin with, which would get you down  
21 the path, they just jumped to the end.

22 MR. CARVELLI: There's no capacity  
23 interview.

24 CHAIR GAY: And I'm going to provide the  
25 School Board the opportunity to respond to the

1 questions, and then I'll see if there's any other  
2 questions from the members. We still have a  
3 motion on the table.

4 MS. MORALES: I would like to read the  
5 section from the July 29th letter. "As I  
6 mentioned in our conversation, the comments of  
7 the reviewers are available to you on Charter  
8 Tools and were discussed with your  
9 representatives. However, we are providing those  
10 comments here for ease of reference.

11 "Please see the feedback for each section and  
12 amend your application to respond within 30 days  
13 in order for us to conduct our review. If you  
14 require additional time, you may ask for an  
15 extension and the District will be happy to  
16 accommodate your request.

17 "Can we agree to plan for the board to vote  
18 on your application at the September 4th, 2024  
19 special meeting of the board? In order for us to  
20 be in a position to have this ready for the  
21 board's agenda, we would need to have the review  
22 of your application completed by August 28th;  
23 thus, it is imperative that you have your  
24 application updated as soon as possible.

25 Thereafter, the next special meeting of the board

1 is October 2nd."

2 MS. PAULINE: What was the date of that  
3 letter?

4 MS. MORALES: That was July 29th. And then  
5 there's a followup August 8th, which is after the  
6 meeting. And that one again invites them to --  
7 let me go through here.

8 "On July 31st, we met at the Charter School  
9 office to go over your application for American  
10 Academy. On behalf of my team, I would like to  
11 thank you for attending in person. While we are  
12 happy to work with you, we also -- you also have  
13 the option to apply directly to the State. Please  
14 let us know if you are preparing a revised  
15 application; otherwise, we will bring the current  
16 application to the board at the special meeting of  
17 the board scheduled for September 4th, 2024 and  
18 recommend a denial.

19 "Let us know immediately if you would like  
20 the application to be withdrawn or would like an  
21 extension to revise the sections that were noted  
22 to have deficiencies in our meeting."

23 The District has bent over backwards, as we  
24 have with every applicant, which is why you don't  
25 see us here on a regular basis. They felt they

1 had a gotcha with the 90 day. That's why we're  
2 here. They refused to revise their application.  
3 They had ample opportunity to do so. That's what  
4 every other applicant does.

5 MR. DEL TORO: That's another sleight of  
6 hand that just happened because while they give  
7 you these letters that are nice cover, the  
8 changes they wanted are substantive. We can't  
9 make them without their approval. And they  
10 wouldn't put that in writing.

11 Just please consider that when you go vote on  
12 this, you know. Here are the changes you need to  
13 make. You're not allowed to make them under the  
14 rule. If you make them, you're going to get  
15 knocked down at the board. This makes them look  
16 good.

17 But we said, please just give us a letter we  
18 agree to substantive changes. We'll get it done.  
19 Silence. That's something you need to consider.  
20 This is a railroad job.

21 CHAIR GAY: I'm going to come back to  
22 whether the Commission Members have any questions  
23 or any further discussion.

24 MR. MORENO: I just think I'm agreeing to  
25 the motion that's on the floor there. I think

1 this is a unique situation, you know, because  
2 Palm Beach County has historically had a very  
3 organized process. I just think because of  
4 personnel, the process went off the rails on  
5 that.

6 And the thing is, is, you know, looking at  
7 it, we got to look at just one specific case. I  
8 just wanted to add some comment here.

9 CHAIR GAY: Thank you. That's helpful.

10 MS. PAULINE: What was the motion?

11 CHAIR GAY: The motion is that the  
12 Commission find that the School Board did violate  
13 procedural due process. So if there's no further  
14 discussion, I will ask Karen to call the roll.

15 MS. HINES-HENRY: Raphael Arza?

16 MR. ARZA: Yes.

17 MS. HINES-HENRY: Richard Moreno?

18 MR. MORENO: Yes.

19 MS. HINES-HENRY: Tiffanie Pauline?

20 MS. PAULINE: Yes.

21 MS. HINES-HENRY: Kia Scott?

22 MS. SWEENEY-SCOTT: Yes.

23 CHAIR GAY: All right. So the motion  
24 carries.

25 All right. That will bring us -- let's see.

1 It's about 12:00. I'm going to ask for a head nod  
2 whether we can move to the next issue.

3 MR. ARZA: Before I asked the question to  
4 Palm Beach about the budget question, could I  
5 have them read back the question I asked and the  
6 response from Palm Beach because it would -- I  
7 think that Palm Beach said that they believed  
8 that the main issue was the budget issue. Could  
9 I have them read that back, because I think it  
10 would take care of Issues 3, 4 and 5.

11 CHAIR GAY: Let's give the court reporter a  
12 minute to find it.

13 THE COURT REPORTER: How far back is it?

14 MR. ARZA: It was probably ten minutes ago.

15 CHAIR GAY: It was before the motion was  
16 made.

17 MR. ARZA: I've only spoken twice, so  
18 whenever I spoke.

19 THE COURT REPORTER: Let's see. It's going  
20 to take some time.

21 MR. ARZA: I asked the budget is the main.  
22 They said, yes, we wouldn't be here today if it  
23 wasn't for the budget concerns, is what I  
24 remember.

25 So then that would, I think, save us all a

1 lot of time if there was a concession made by Palm  
2 Beach that the other issues were not the primary  
3 reason.

4 MR. DEL TORO: Could I ask if --

5 CHAIR GAY: One moment.

6 THE COURT REPORTER: If somebody talks, I  
7 have to stop looking for it here and type what  
8 you're saying.

9 CHAIR GAY: Yes. Let's go off the record.

10 (Whereupon, the record was paused.)

11 CHAIR GAY: I'm going to go back on the  
12 record.

13 So I think a way we can resolve this quickly  
14 rather than have the court reporter have to go  
15 back through everything is to ask whether the  
16 School Board concedes to the budget being the only  
17 issue remaining?

18 MR. ARZA: Primary issue.

19 MS. MORALES: The School Board concedes that  
20 the budget and ESE were the two areas where it  
21 did not meet. However, the budget area was  
22 something that was so insurmountable. The ESE  
23 area, it just showed a clear misunderstanding of  
24 how it works.

25 You know, they had put everything but the

1 kitchen sink into the ESE stuff. And, frankly,  
2 they needed to -- based on the budget they had,  
3 they're staffing issues with regard to the ESE  
4 issue didn't work, so budget really is the main  
5 issue here.

6 And the other two issues where it partially  
7 meets, that wouldn't have been in and of itself a  
8 basis for the denial. Yeah, the partially meets,  
9 you know, one was with regard to them putting in  
10 biology. Biology isn't going to be something  
11 that's taught in K-8.

12 And those were just little things that they  
13 certainly, you know, had the opportunity to fix in  
14 their application, but it's not the basis of their  
15 denial per se. The basis for the denial was the  
16 budget and the ESE.

17 MR. ARZA: So could I make a motion in light  
18 of that that we only look at the other ones and  
19 kind of make a blanket motion that the other two  
20 are not substantial evidence to conclude that  
21 the --

22 CHAIR GAY: You can make the motion, and  
23 I'll see if there's a -- so there's a motion on  
24 the floor. Is there a second?

25 MR. ARZA: The motion on the floor is

1 basically to say that what she just conceded,  
2 that that was not substantial evidence to deny  
3 the application, three and four, and that we  
4 would look only at the five and six since she  
5 just conceded that.

6 MS. PAULINE: I want discussion.

7 MR. MORENO: I'll second it.

8 CHAIR GAY: All right. So we have a motion  
9 and a second.

10 And I'll ask counsel, my concern with not  
11 going forward with the issues is that our job is  
12 to review the issues that were put forth in the  
13 denial and make a recommendation to the State  
14 Board. So without us addressing each issue, I'm  
15 concerned that we're not doing that.

16 Go ahead, Tiffanie.

17 MS. PAULINE: So my followup question would  
18 be, since it was the applicant that submitted the  
19 appeal, wouldn't the applicant have to agree to  
20 remove those portions of the denial or is it  
21 based on what the district denied in the  
22 application? My point is they're appealing  
23 everything.

24 MS. BRAUN: Right.

25 MS. PAULINE: So for us to decide or even

1 for the district to decide to reduce what they're  
2 appealing without their consent.

3 MS. BRAUN: I think that we should go  
4 through the issues that were identified by the  
5 district in the denial letter, but it may be that  
6 Issues 3 and 4 can be dealt with very quickly  
7 given, you know, the comment made.

8 MR. ARZA: I withdraw my motion.

9 MS. BRAUN: But I don't think that we should  
10 just not go through them.

11 CHAIR GAY: Okay. So Mr. Arza withdraws his  
12 motion.

13 MR. MORENO: That's fine.

14 MR. ARZA: And then I'll make a motion on  
15 Issue 3.

16 CHAIR GAY: I do have to give the parties  
17 the three-minute opportunity with that.

18 MR. ARZA: Okay.

19 MR. MORENO: He's hungry.

20 CHAIR GAY: With that, I do want to do one  
21 more issue before lunch, if I can get a head nod  
22 that everyone is okay with that, to proceed with  
23 one more issue before lunch. I know it's going  
24 to be a little later.

25 So we're going to then move to the next

1 issue, which is whether the applicant's target  
2 population and student body section of the  
3 application meets the requirements of Florida  
4 Statutes and the evaluation instrument as adopted  
5 in rule.

6 I will provide now the school -- excuse me --  
7 the applicant three minutes to present on this  
8 issue, if you wish to take three minutes.

9 MR. CARVELLI: Target student population, I  
10 have concise responses. The bullet point one, it  
11 says, "The reviewer states the applicant needs to  
12 show a need for the school that the School  
13 District" --

14 CHAIR GAY: Can you slow down a little bit  
15 for the court reporter.

16 MR. CARVELLI: I'm sorry.

17 "The reviewer states that the applicant needs  
18 to show a need for the school and that the School  
19 District data is from 2019."

20 I called the Department of Education. The  
21 most recent report was 2019, so I operated -- I  
22 wasn't going to use Wiki or Google, so I got the  
23 most accurate data on the percentages.

24 The applicants conducted -- this is our  
25 response. "The applicants conducted a county-wide

1 community input need survey with statistically  
2 significant related stakeholders." Lake Worth,  
3 Rivera Beach, Delray Beach, City of West Palm  
4 Beach. We did surveys, 404 I believe -- I've got  
5 them with me -- all around the county in seven or  
6 eight different blocks. And we had a great  
7 response.

8 Every response from parents, community  
9 members, students and businesses was above  
10 90 percent on the survey. And to me that's  
11 statistically significant at that point.

12 This Charter School is going to be unique in  
13 Palm Beach County. We have discussed this with  
14 the previous director, and he was excited. And he  
15 retired. And the only place the demographic data  
16 was available on the School District county  
17 website was the 2019 school year data. So I used  
18 their most current data, which was on their  
19 reports. They have a report section.

20 Part B: "The reviewer states that enrollment  
21 data impact should be provided and does not show  
22 what district schools will be impacted." Part B  
23 of Section 2 and Section 16 of the application has  
24 a question which clearly allows for the facility  
25 not to be identified until 30 days before they

1 open with their municipality.

2 And it says here until shortly before the  
3 opening date. And as such, all schools in the  
4 School District may be impacted. It was 180,000  
5 students and 21,000 charter students when I left  
6 there. We're talking 288 students.

7 We did scale the budget to 256 and did a  
8 90 percent estimate as well when we get to budget.  
9 So American Academy exercised their option to not  
10 identify a location until after the charter's  
11 approved. That was noted in the facility section  
12 and under target student population.

13 But if you look closely, they gigged us  
14 Section 2, but they didn't gig us on the facility  
15 section. That's why you have a meeting, as Kia  
16 said, with everybody in the room and go section by  
17 section by section with the applicants like we  
18 used to do so everything is cohesive. This was a  
19 very disjointed process. Thank you.

20 CHAIR GAY: Thank you.

21 All right. For the School Board, you'll have  
22 three minutes on the target population and student  
23 body issue.

24 MS. MORALES: I won't need the three  
25 minutes. The target population and student body

1 was rated as a partially meets. Basically the  
2 specific issue with this was the lack of an  
3 updated data showing the need for the school.

4 Their survey is Exhibit G, and that survey  
5 they send out to 400 students, or 400 potential  
6 members of the community. And in that survey,  
7 they don't identify who they target for asking  
8 these questions. It's just they -- and by the  
9 way, Palm Beach County is over 2,000 square miles.  
10 And they don't identify where it is that these  
11 surveys were taken. They just say that it was  
12 throughout Palm Beach County, you know. So  
13 basically based on this, it was a partially meets.

14 CHAIR GAY: Thank you.

15 Questions or discussion from members.

16 MS. PAULINE: I have questions.

17 MS. SWEENEY-SCOTT: I have questions too.

18 CHAIR GAY: Tiffanie and then Kia.

19 MS. PAULINE: For the school, I saw the  
20 one-sheeter with the survey results, right, and I  
21 heard you say the different communities that  
22 were, I guess, met with or surveyed.

23 Can you expand a little bit more on your  
24 delivery, your methodology? Is there a reason why  
25 you only provided the survey, and how did you

1 equate that survey to actual need if you didn't  
2 demonstrate -- if you didn't indicate in the  
3 application a specific geographic area? It looked  
4 like you went county-wide.

5 MR. CARVELLI: County-wide.

6 MS. PAULINE: But I think Palm Beach has  
7 like 40 cities, municipalities, and I'm sure  
8 they're all very different. So I'm trying to  
9 match what you received and the degree of detail  
10 that is missing and how it matches.

11 MS. MORALES: Can I get a copy of?

12 MR. CARVELLI: Yeah, I'll give you a copy.  
13 It was in the attachment.

14 Ma'am, we went to a station in Riviera Beach.  
15 We went to Chuck E. Cheese on Blue Heron. We went  
16 to Dunkin' Donuts. We went to Okeechobee Road  
17 Chuck E. Cheese. We went to Pompey Park in  
18 Delray, another one from Pompey. Back to School  
19 in Riviera Beach. And we went to National Night  
20 Out with the police. So since we didn't identify  
21 a location, we tried to get as much as we could  
22 around the county.

23 And all I can say in my many years of  
24 approving these and reviewing these, this is the  
25 first survey I ever saw. Nobody ever does these.

1 They don't send out surveys. We took it upon  
2 ourselves because somebody from academic years ago  
3 said a survey always helps a lot to justify the  
4 school.

5 So we went way above and beyond on surveying.  
6 And we handed these -- if we were sworn in -- I'm  
7 glad to be sworn in under oath -- me and  
8 Mr. Roseme, Stacy, my daughter, we all went out  
9 and went to these events. And you can see we  
10 asked community members would you like to see a  
11 quality K-8 sports and arts, classical education  
12 open in Palm Beach, yes, no? Business owners, do  
13 you believe a quality K-8 sports, arts and  
14 classical education would enhance your community,  
15 yes or no. Parent or family member, if you are  
16 the parent of a student, would you consider  
17 sending your child to a quality school and are you  
18 a Palm Beach resident?

19 We didn't have a lot of people nonresident,  
20 even though you can cross borders now as we know.  
21 So in Delray Beach, we had people come to  
22 Mr. Roseme's camps who crossed the border and were  
23 excited about it.

24 MS. PAULINE: So just for clarity, you went  
25 to these locations, these venues, and you just --

1 MS. HARRIS: May I?

2 CHAIR GAY: Please make sure to introduce  
3 yourself.

4 MS. HARRIS: Stacy Harris. I'm the director  
5 of operations for American Academy of Palm Beach.

6 Mark and I and John and his daughter Gina, we  
7 all went out personally. I work in a Charter  
8 School. I've been a teacher for several years.  
9 I'm a mom.

10 We specifically went to places where we knew  
11 parents would be with kids. We went to a backpack  
12 drive in Riviera. We went to Chuck E. Cheese. We  
13 went to basketball tournaments. So, yes, we  
14 specifically targeted places where we knew parents  
15 would be who had children so that we could get an  
16 accurate survey.

17 MS. PAULINE: Okay. So the second part of  
18 my question is around need and demand. I  
19 mentioned I think there are like 39 or 40  
20 municipalities in Palm Beach. And I'm only  
21 asking this because we know across the state,  
22 maybe not in Palm Beach, there's decline in  
23 enrollment. I don't think Palm Beach is in that  
24 situation. But it does make a difference where  
25 you put a Charter School, right?

1 MS. HARRIS: Of course.

2 MS. PAULINE: There is need and demand. So  
3 you have a very specific educational program.  
4 And before I go deeper, I just need  
5 clarification.

6 So what you surveyed was classical education,  
7 which is a formal term. But what's in your  
8 application is more around Spanish language, which  
9 is very different than classical education.

10 So when you were surveying, was this all they  
11 knew or did they just know Spanish, because  
12 classical education is very, very exciting these  
13 days? You know, nationally it's a program that  
14 everybody seems to be gravitating to.

15 So I'm trying to get a feel for what was that  
16 conversation like. And because you did not  
17 identify in your application a specific geographic  
18 location, how then could you analyze if I placed  
19 it in Lake Worth in this specific community --  
20 let's say, Lake Worth is not growing but the area  
21 next to Lake Worth is or there may be no  
22 school-aged children, you know. There's a whole  
23 bunch of things to consider when trying to  
24 determine need and demand.

25 I guess that's what I -- I didn't see that in

1 the application, so I can understand the partially  
2 because it's -- not to say that you're right or  
3 you're wrong. It's just you didn't demonstrate in  
4 my mind that that had been shown, so I would love  
5 to hear more.

6 MR. CARVELLI: I have good answer for that.  
7 I met with PJ D'Aoust, who was the former  
8 director, before we started this whole process.  
9 I told him our concept. And I looked at the map  
10 in the Charter School office and said where do  
11 you have holes so we don't draw from schools that  
12 are already existing, Charter Schools that are  
13 existing? And he had Northwood, North Palm  
14 Beach. He had Lake Worth by the overpass on the  
15 other side. He had Boca Raton by US-1. And he  
16 had some out towards -- well, even in Pahokee.  
17 We could have looked at Pahokee.

18 So assuming that we weren't going to pick a  
19 location, we opted for the right to say we would  
20 designate our location upon -- remember, this is  
21 just a charter application. The contract is the  
22 second stage where you delineate everything you're  
23 going to do. This is just a rough framework.

24 MS. PAULINE: Right. So this section is  
25 about target population, which does feed the

1 budget. So I appreciate what you're saying, that  
2 you did have a conversation with someone at the  
3 district. But is there any reason why you didn't  
4 get that like memorialized? That would have been  
5 a great thing to submit as a part of your  
6 application, that these areas are under-enrolled  
7 or have an educational need that's not being met.

8 MR. CARVELLI: We opted to exercise our  
9 right to write in the application not to  
10 designate our site until we're approved.

11 MS. PAULINE: Right.

12 MR. CARVELLI: But what we did --

13 MS. PAULINE: Hold on. There's a site and  
14 then there's --

15 MR. CARVELLI: A location.

16 MS. PAULINE: -- also the ask for a  
17 geographic location. And I'm dating myself, but  
18 I remember when the model application was drafted  
19 way back when in the beginning, the State  
20 application. And that was specifically put in  
21 there because a lot of our counties are so large  
22 and the demographics are so different that it  
23 really matters where you plan. Not to say that  
24 you have to end up that way, but it's building a  
25 business plan.

1           If I'm going to put a Starbucks in an  
2           affluent area, you know, it may yield a different  
3           outcome than if I put it in a not so affluent  
4           area. So it's information in and what you base  
5           your business plan off of, so I'm trying to get  
6           at --

7           MR. CARVELLI: We had an average price per  
8           square foot.

9           MS. PAULINE: For the facility?

10          MR. CARVELLI: For the facility, yes, which  
11          drives the location. We had a land cost estimate  
12          that we worked in the equation. And we worked on  
13          averages because we just -- it says right in the  
14          application, if you do not wish to designate the  
15          site at the time, answer the next question, I  
16          think it is. And we exercised it.

17          MR. DEL TORO: I think to your point, and it  
18          might be helpful, is no matter where they went  
19          geographically, they had an overwhelming positive  
20          response for this type of school as far as  
21          language and arts, you know. So no matter where  
22          they went, if it's this corner of the county or  
23          this corner of the county, the data looks good  
24          that people want this type of unique Charter  
25          School. I understand why you want that drilled

1 down data better.

2 MS. PAULINE: I'm just saying it could have  
3 served -- you may not be having this  
4 conversation -- it may not have been partially if  
5 you had had that additional information. And  
6 then there's clarification about surveying around  
7 a classical education as opposed to a language.

8 MR. DEL TORO: Well, it's supposed to be  
9 classical, language and sports. And this is on  
10 all three.

11 MS. PAULINE: I'm just reading what's here.

12 MR. DEL TORO: Sure. I understand.

13 MS. PAULINE: It says classical education.

14 MS. HARRIS: So Mark and I did have -- this  
15 is Stacy Harris. Mark and I did have several  
16 conversation with parents. And to be honest,  
17 most of our conversations were framed around  
18 sports and arts because in a lot of those  
19 environments, sports is lacking.

20 Sports is an integral part of a kid's life.  
21 They need physical activity. It helps mental  
22 stability. There's a lot of things. So a lot of  
23 those conversations were revolved around the  
24 sports and arts as opposed to the classical  
25 education.

1           As far as like the language of the  
2 environments that we went to, a lot of them speak  
3 Creole, they speak Spanish, they speak English, so  
4 it was a wide variety of people. I hope that  
5 answers your question.

6           MS. PAULINE: Yes, it does. And I just have  
7 one more question and then I'm done with this.

8           For the district, what would you have  
9 expected to see for this to have been a met? What  
10 do you normally see when you get an application to  
11 demonstrate?

12           MS. MORALES: Okay. So the note that was  
13 from the reviewer where it became a partially  
14 meets, it said, "Applicant needs to provide more  
15 updated data showing the need for the school.  
16 The application states that the data is from  
17 2019/2020. The applicant has not selected a  
18 specific site or region of Palm Beach County for  
19 the location of the school and has not provided  
20 sufficient data showing what and how specific  
21 District Schools will be impacted. Enrollment  
22 data impacts should be provided for both district  
23 elementary and middle schools. Current  
24 enrollment reports can be found here."

25           And it has a hyperlink to student enrollment,

1 projections and reports. "And the most recent  
2 diversity information can be found here." And it  
3 has a link, a hyperlink to the Gold Report.

4 MS. PAULINE: Okay.

5 CHAIR GAY: Any other questions or  
6 discussions? Do you have one, Kia?

7 MS. SWEENEY-SCOTT: I do for the district.  
8 You know, we're talking Section 2, target  
9 population and student body and the not meets the  
10 standard for demand, right?

11 MS. MORALES: This is a partial meets.

12 MS. SWEENEY-SCOTT: Right, partial, but it's  
13 not meeting demand. And I was just wondering why  
14 that was going to be considered in this section  
15 when demand is talked about in a different  
16 section. And I see how they're tied together,  
17 but that other section wasn't mentioned in the  
18 denial.

19 So I'm just not sure how the additional  
20 information that you just discussed about what  
21 you're looking for is not part of the evaluation  
22 criteria for Section 2.

23 MS. MORALES: I can't answer for the  
24 evaluator on that, but, frankly, I think it's  
25 raised in the budget section in significant

1 detail. And when we get to that point, we'll  
2 definitely be able to address that.

3 MS. PAULINE: Can I respond to Kia very  
4 briefly?

5 CHAIR GAY: Yes.

6 MS. PAULINE: So, Kia, I guess the question  
7 did provide a brief explanation on how the  
8 enrollment projections were developed. That's  
9 kind of where I was leaning because all of the  
10 methodology was not there on how they came up  
11 with these projections, which should be primarily  
12 based on need and demand. But I can understand  
13 your point, you know.

14 MR. MORENO: I think this is where it feeds  
15 into the budget.

16 MS. PAULINE: Yeah. That's where the rubber  
17 meets the road.

18 MR. MORENO: Yeah. I think you're looking  
19 at target population and doing studies like that.  
20 It's more than you normally see, right? So I  
21 think in the other discussion we will pick it up  
22 on the budget side.

23 CHAIR GAY: Is anyone prepared to make a  
24 motion?

25 MR. ARZA: I move that the Commission find

1 that there is not competent substantial evidence  
2 to conclude that the applicant's description of  
3 their target population and student body does not  
4 meet the requirements State Statute.

5 MR. MORENO: I'll second that.

6 CHAIR GAY: Okay. Thank you. I just had to  
7 make sure I had the wording right.

8 We had a motion, properly seconded. Any  
9 other discussion or questions?

10 (No response.)

11 CHAIR GAY: All right. And roll call the  
12 vote, please, Karen.

13 MS. HINES-HENRY: Arza?

14 MR. ARZA: Yes.

15 MS. HINES-HENRY: Moreno?

16 MR. MORENO: Yes.

17 MS. HINES-HENRY: Pauline?

18 MS. PAULINE: Yes.

19 MS. HINES-HENRY: Scott?

20 MS. SWEENEY-SCOTT: Yes.

21 CHAIR GAY: All right. The motion carries.

22 It is now 12:30. I think this is a great  
23 point to take a 30-minute lunch break. So we will  
24 resume back here right around 1:00. We will have  
25 staff escort people downstairs as needed.

1           If you have a survey, can you just return it  
2 because it looks like these might be originals, so  
3 I want to make sure they get back to the right  
4 place. See you back at 1:00.

5           (Whereupon, a recess was taken.)

6           CHAIR GAY: Welcome back everyone. Back on  
7 the record.

8           Just a few reminders again about speaking  
9 over each other. We all have a tendency to be  
10 conversational. It's difficult for the court  
11 reporter.

12           As well as sometimes conversations at the  
13 table kind of complicate things. So if you do  
14 need to have an internal conversation, please make  
15 sure it's quiet or maybe just step back, if  
16 possible, so that that doesn't get captured.

17           Any other preliminary matters?

18           (No response.)

19           CHAIR GAY: Okay. Wonderful.

20           We will jump straight in to the very next  
21 issue, which is whether the applicant's student  
22 performance, assessment and evaluation section of  
23 the application meets the requirement of law and  
24 rule.

25           So for the school when you're ready, you'll

1 have three minutes to present on that.

2 MR. CARVELLI: Student performance received  
3 a partial, including the attachments, five  
4 attachments, and Attachment F, assessment  
5 schedule and student -- we adopted -- basically  
6 here's what we did.

7 We made a clerical error. It was  
8 nonsubstantive. Did we change it? No, because we  
9 said we will be at the appeal hearing and we'll  
10 discuss it. And that's where we are.

11 I concede that it says in geometry we'll make  
12 learning gains, but it was just an error. That's  
13 it. It was a nonsubstantive change. Below we  
14 know all of us, once we hash out the contract, we  
15 will put the specific goals for the school to open  
16 with. We all know that. There's like 30 pages  
17 here, 40 pages with the attachments.

18 We adopted the access for ELLs that the  
19 district uses, Florida Standards Alternative  
20 Assessment, FSAA, FLKRS for the kindergarten kids.  
21 We took the Uniform Statewide Assessment Calendar  
22 and the Statewide Assessment Program -- we had  
23 that in the attachments, which, as you remember,  
24 are marked "not reviewed." Let's remember that.

25 And then the student progression plan for the

1 district, which overrides everything, we say,  
2 here, since American Academy K-8 will be adopting  
3 the School District of Palm Beach County K-12  
4 Student Progression Plan, a link to that plan is  
5 provided below in the application.

6 Did we make an error? Yes. Was it big? I  
7 consider this quite small, but we made an error,  
8 and we understand. We would have fixed it under  
9 nonsubstantive. We said the geometry kids will  
10 make learning gains, and it was supposed to say a  
11 score of level three or higher.

12 Let me see real quick. Three, four, five,  
13 six, seven, eight, nine, ten. There was 11, 12  
14 categories here. We just accidentally put  
15 learning gains, and it should have said score  
16 level three or higher.

17 But the State Assessment Program, when you  
18 get the results back every year, it overrides the  
19 mistake we made here. And we're very sorry. We  
20 concede that one.

21 CHAIR GAY: Thank you.

22 And for the School Board.

23 MS. MORALES: And I just want to correct one  
24 thing. It's with regards to biology and not  
25 geometry. And it was the only comment in Section

1           5 student performance that required a statement  
2           of the expected baseline. And they used -- they  
3           indicated that at least 80 percent of the  
4           students in biology will be making learning gains  
5           in biology, as measured by the results on the  
6           Biology EOC. And as we know, K-8 does not have  
7           biology.

8           CHAIR GAY: All right. Thank you.

9           Members, any questions or discussion? I  
10          would encourage discussions just so we make sure  
11          we have our fact-based justification.

12          MR. ARZA: So just considering the fact that  
13          it's a clerical error, I don't have any questions  
14          or comments. It seems like everyone agrees that  
15          it was a clerical mistake.

16          CHAIR GAY: Anything else, members?

17          (No response.)

18          CHAIR GAY: Ready for a motion.

19          MR. MORENO: Let me look at the language  
20          here. I move that the Commission find that there  
21          is not competent substantial evidence to conclude  
22          the student performance, assessment and  
23          evaluation section does not meet the requirements  
24          of Florida Statutes and standards set forth in the  
25          evaluation instrument.

1 CHAIR GAY: All right. We have a motion.

2 Do we have a second?

3 MS. PAULINE: Second.

4 CHAIR GAY: Second by Tiffanie.

5 Any other questions or comments?

6 (In response.)

7 CHAIR GAY: Karen, if you could call the  
8 roll, please.

9 MS. HINES-HENRY: Richard Moreno?

10 MR. MORENO: Yes.

11 MS. HINES-HENRY: Tiffanie Pauline?

12 MS. PAULINE: Yes.

13 MS. HINES-HENRY: Raphael Arza?

14 MR. ARZA: Yes.

15 MS. HINES-HENRY: Kia Scott?

16 MS. SWEENEY-SCOTT: Yes.

17 CHAIR GAY: All right. The motion carries.

18 That will take us to our next issue, which is  
19 whether the applicant's exceptional student  
20 section of the Charter School Application meets  
21 the requirements of law and the standards set  
22 forth in the evaluation instrument adopted in  
23 rule.

24 For the school, when you're ready, you have  
25 three minutes.

1           MR. CARVELLI: Give me two minutes because I  
2 had it all laid out here.

3           CHAIR GAY: Absolutely. Take a few minutes.  
4 No problem at all.

5           MR. CARVELLI: Oh, here it is. Thank you.

6           Once again, thank you, Commission, for  
7 enduring the meeting. We appreciate it.

8           Okay. I'm going to bring something else down  
9 here. Getting back to the ESE section, okay. In  
10 the two meetings we received a rambling paragraph  
11 on ESE. Then we get the sanitized version in the  
12 letter, which we really didn't have much  
13 discussion, because I was taking the lead on this  
14 on ESE by phone. Tell me where we are on ESE.

15           Let me read you one sentence here. It says,  
16 "The application lists the district resource  
17 teacher as being invited to meetings as the LEA.  
18 The resource teacher cannot act as the LEA of a  
19 Charter School. The coordinator or principal  
20 would be the school's" -- and there's question  
21 marks, as you can see all throughout LEA.

22           Now let me read you what we wrote in our  
23 responses, which are quite comprehensive. "The  
24 School District ESE teacher will be invited to  
25 participate in American Academy IEP meetings as

1 the LEA representative." The school's not an LEA.  
2 The district's the LEA.

3 And I called Summer Parr in the ESE  
4 department, who supervises the resource teachers  
5 for the Charter Schools because I used to work  
6 directly with her. And I said, what are you  
7 specifically looking for? She said, make sure you  
8 get your ratios right. She talked to me. Make  
9 sure you understand the role of the resource  
10 teacher.

11 I endured countless meetings with the ESE  
12 resource teachers while they were visiting schools  
13 and during annual reviews. I put in there the  
14 person who wrote this was over 20 employees at FAU  
15 Charter Lab School in Tradition, Florida, Palm  
16 Pointe, one of the top performing schools in the  
17 state of Florida. Jim Pegg ran an ESE school.

18 I ran a school that was 50 percent ESE,  
19 Pierce Hammock Elementary. I was the ESE at  
20 Jupiter High, the person over ESE. Leslie Bolte,  
21 who helped write this application, was over Grove  
22 Park, high ESE population. We went through  
23 this -- we stand by our answers here. We only had  
24 110 pages in an application, folks, but we stand  
25 by what we wrote. We hit 110. We could have gone

1 20 pages, 30 pages on some sections. We condensed  
2 it.

3 But as I state repeatedly, when we hash out  
4 the contract at the next level, we're going to  
5 delineate specific things being done in programs,  
6 performance. We know that.

7 Now, another thing, they wrote us up saying  
8 that we didn't have staffing ratios. And I'm  
9 sitting here going wait a minute. When we first  
10 met with the Charter Department under the new  
11 director, we were told this is a K-2 school. I  
12 said, guys, it's a K-8 school. Me and Jim Pegg  
13 told them.

14 If you go to the page here, identify the  
15 staffing plan based on the above projection for  
16 the school, we're projected to have 250 students.  
17 We just kept it at 250 with the estimate of 16  
18 percent being students with disabilities. There  
19 will be approximately 40 students with  
20 disabilities. We had a combined position, ESE,  
21 ELL. But if you look closely here, we have year  
22 one --

23 CHAIR GAY: That's the three minutes. Thank  
24 you, Mr. Carvelli.

25 We will have followup questions as well.

1 MS. MORALES: I'm inviting Mr. McCormick to  
2 come and address this issue.

3 MR. MCCORMICK: Good afternoon, everyone.  
4 Kevin McCormick, Executive Director of  
5 Exceptional School Education, School District of  
6 Palm Beach County. I've been in this position  
7 for 11 years and acted as a local education agent  
8 for ESE to Dr. Carvelli, Jim Pegg, Leslie Bolte,  
9 all of those who were involved in this and really  
10 guided them throughout their years as principals.  
11 And really that's all we're doing here today.

12 So just to address what the LEA is -- and  
13 part of this is just a basic misunderstanding of  
14 the technical education within exceptional student  
15 education. A local education agent is somebody  
16 who is responsible for ensuring that IEP services  
17 are provided and met according to federal, state  
18 law and local policy.

19 So essentially on our school campuses, it is  
20 the school principal and/or their designee, which  
21 in Palm Beach County is their ESE coordinator. My  
22 staff, who provides direct support to our Charter  
23 Schools, will guide them through the process, help  
24 them with technical-type questions, will assist in  
25 IEP meetings, but it is the school's

1 responsibility to conduct these meetings in a  
2 compliant manner according to the Individuals With  
3 Disabilities Education Act.

4 A substantial issue here ultimately is in  
5 their application they define all levels of  
6 services from cluster programming, to support  
7 facilitation, to consultation. And really there's  
8 no way to do that even with their opening year.  
9 Having the 16 percent, 40 students, they can't  
10 provide all of those services and maintain  
11 compliance with just one staff member. So that  
12 was the crux of the issue.

13 And there are multiple other technical issues  
14 that we came across. And we really just wanted to  
15 advise them so they would be in compliance with  
16 local policy, state and federal law. They didn't  
17 have any interest in working with us to be able to  
18 update and clarify how our systems work to ensure  
19 that compliance. Thank you.

20 CHAIR GAY: Thank you.

21 Okay. Members, questions or discussion?

22 MR. MORENO: I got a question here for the  
23 School District. In talking with the applicant,  
24 did they show knowledge of what the ESE --  
25 because one of the things I've seen through the

1 years of this is sometimes you write too much,  
2 other times you write too little, right? So it  
3 sounds from your comment that they wrote too  
4 little.

5 But I think this is where the capacity  
6 interview really, really is helpful to get that  
7 clarity. So I don't know if you -- the question  
8 is did you have any kind of discussions to  
9 understand that they knew, you know, how the ESE  
10 gets handled?

11 MR. MCCORMICK: So the feedback the  
12 department provided in the review essentially was  
13 within our Charter School's Tool. The document  
14 that was provided to you at the opening of the  
15 hearing today was a copy and paste of that. The  
16 question marks came when there was another symbol  
17 in the Charter School document, and it looks like  
18 that symbol was replaced with a question mark.

19 So essentially the feedback provided was or  
20 is what you're looking at there, but it was within  
21 Charter Schools. Our typical process when charter  
22 applicants are collaborative and come and work  
23 with us is we work through that together to ensure  
24 compliance, make sure it's not too much for the  
25 school based on the level of programming they are

1 provided. But we ensure that it's going to comply  
2 with local policy, state and federal law.

3 MR. MORENO: But in those communications  
4 back and forth, did you feel that the applicant  
5 had an understanding of what the requirements  
6 were?

7 MR. MCCORMICK: So my understanding was that  
8 that statement that you have there was provided  
9 to them in a face-to-face meeting on the dates on  
10 the cover of that document. And there was no  
11 interest by Dr. Carvelli and his associates to be  
12 able to engage in conversations to meet  
13 compliance according to what we were  
14 recommending.

15 MR. ARZA: If I could follow up.

16 CHAIR GAY: Yes.

17 MR. ARZA: Were you a part of those  
18 discussions?

19 MR. MCCORMICK: I was not. My staff was.

20 CHAIR GAY: And for the school, if you need  
21 to respond to the questions.

22 MR. CARVELLI: Just so you know, my wife  
23 wrote this. She was the one lady at the Palm  
24 Pointe school, and she has a background of 30  
25 years in ESE.

1           Here's an interesting note. It's hard to  
2           decipher it. If you look right above it, there's  
3           clear sentences. These guys have been doing  
4           Charter Tools forever, okay? So let's not say  
5           that all these question marks -- the person who  
6           did it isn't here today. Isn't that interesting?

7           Because when we had the meeting, you know  
8           what I said to them? They wanted me to change all  
9           of these sentences, so I said how does this  
10          sentence -- and I'm sure Mr. Roseme and Jim are  
11          going to verify -- I said, how does this sentence  
12          sound if I reword it? That's perfect. I.

13          Just read you the first sentence in the third  
14          paragraph. Why did you gig us on all this stuff?  
15          The ratios are right here, one to 25. You don't  
16          know who you have until you see the IEPs. When  
17          you get the children at the school and you  
18          evaluate the IEPs, then you build your program.

19          You can't just create a frame -- this is just  
20          a global framework, and we had 11 pages of  
21          answers. We had all the way through year five  
22          with 3.5 positions. It was just an estimate based  
23          on 16 percent.

24          But as Jacob just pointed out there -- and  
25          the lady, I think it was Ms. Fox, her own

1 response, one part-time ESE teacher would be ample  
2 to meet the needs of the students considering  
3 there's one coordinator of ESE 504. So she wrote  
4 exactly what we wrote in the application.

5 Here it is at the bottom of what I just gave  
6 you. She confirmed -- this was all over the place  
7 unintelligible writing. We were trying to work  
8 through it, weren't we, in the meeting on the  
9 31st? And I said, well, what would you like us to  
10 do? I'll come in and meet with you.

11 And that's when we asked for the permission  
12 letter to make substantive changes, which we don't  
13 agree with in this section because this is a  
14 global framework of a possible student ESE  
15 population.

16 You don't know if you're getting deaf  
17 students, students that are wheelchair bound until  
18 they arrive and you see the IEPs. And my years of  
19 experience with Palm Beach School District was if  
20 their program wasn't available at the Charter  
21 School, they would convene an IEP meeting and they  
22 would discuss possible placement.

23 And Kevin and I worked together for years.  
24 And I talked about a thing called make-shift IEPs,  
25 which are still allowed. So if you have a child

1 with immediate needs, you could create an  
2 immediate IEP that you can use for a while, as  
3 Kevin had taught me over the years. And what I'm  
4 getting at is this is just a framework until we  
5 see the children.

6 And every Charter School that I observed when  
7 I supervised them in Palm Beach was they worked  
8 closely with the district or they made a lot of  
9 mistakes. We said numerous times we will work  
10 with the district.

11 So, you know, when you give -- they were  
12 calling the school AAOPB. We never named it that.  
13 And I figured out it was American Academy of Palm  
14 Beach.

15 It says, look, IEPs cannot be revised, I  
16 underlined. They can be if you convene the team  
17 and they make a team decision. Anyone who worked  
18 in ESE, like all of us had, that's how you change  
19 IEPs. I'm not an expert on it.

20 But I was just very concerned when we were  
21 handed this. And that's when we said we'll deal  
22 with this at the appeal hearing if you're not  
23 willing to take what we wrote. And we felt a lot  
24 of it was valid, you know.

25 But once again, I asked for that letter to

1 make substantive changes. You know, we felt it  
2 was substantive. But this whole thing about  
3 working with us, I'll cover that in the budget.

4 CHAIR GAY: Let me see if we have anymore  
5 questions from the Commission Members. Thank  
6 you.

7 Any other questions?

8 MS. SWEENEY-SCOTT: I do.

9 So just to solidify what was just expressed  
10 with the Charter Tools piece where it says it's  
11 ample, was that correct what was put here, one  
12 part-time ESE teacher would be ample to meet the  
13 needs of students considering there is one  
14 coordinator?

15 MR. MCCORMICK: So that would be a  
16 coordinator and one teacher. My understanding is  
17 there was one person who was identified to do  
18 both in the application.

19 And just one point of clarification. We do  
20 not just change IEPs. We don't have any  
21 make-shift IEPs. The document is the document.  
22 And those with children with IEPs know that.

23 And we can't change these IEPs without a  
24 compliant team and new data to be able to inform  
25 that team that any recommendations for changes are

1 appropriate based on that data. Sorry if I'm  
2 going on.

3 MS. SWEENEY-SCOTT: Because they have 1.6  
4 for year one. So would that be the one and then  
5 the part-time person?

6 MR. MCCORMICK: It would be one and.

7 MS. SWEENEY-SCOTT: So the 1.6 would be one  
8 person and the part time?

9 MR. MCCORMICK: Yes.

10 MS. SWEENEY-SCOTT: Okay. So that matches  
11 what they have in the application?

12 MR. MCCORMICK: Yes. The major concern I  
13 have is essentially they're providing the kitchen  
14 sink. They're providing a cluster program which  
15 in itself takes a full-time teacher and support  
16 staff if a child is appropriate for that level of  
17 service and then support facilitation and  
18 consultation. And that in itself is another  
19 person. So we were hoping to work with them to  
20 be able to just narrow the type of services they  
21 were looking to provide for students with  
22 disabilities.

23 As you probably know, some of you, we've got  
24 some pretty intensive Charter School programs  
25 within Palm Beach County schools. We work with

1           them very closely and ensure that we're helping  
2           them support the students with disabilities that  
3           are appropriate for their program in the defined  
4           charter that they have.

5           MS. SWEENEY-SCOTT: And the last question I  
6           have is a clear description of how the school  
7           will ensure students with disabilities will have  
8           an equal opportunity of being selected. So they  
9           mention they're using random lottery.

10          MR. MCCORMICK: Uh-huh.

11          MS. SWEENEY-SCOTT: What else were you  
12          looking for, because random, you don't know which  
13          children have disabilities and which ones don't.  
14          So just taking the word "random," everybody has a  
15          fair shot. So I just didn't know what else you  
16          all were looking for.

17          MR. MCCORMICK: Yes. Random without  
18          disability considered during that lottery process  
19          is what we support for all of our Charter Schools  
20          and our Choice Programs. So random without  
21          disability.

22          MS. SWEENEY-SCOTT: It's a random lottery  
23          selection. So at the time, you don't know who  
24          has IEPs or not, right?

25          MR. MCCORMICK: Correct.

1 MS. SWEENEY-SCOTT: So I don't know what  
2 else you're looking for.

3 MR. MCCORMICK: That is compliant from my  
4 perspective.

5 MS. SWEENEY-SCOTT: Okay.

6 CHAIR GAY: Tony, did you have a question?

7 MR. ARZA: Yes, I have a question. You said  
8 before that IEPs cannot be changed, but then you  
9 said if there's a team it can be changed. So yes  
10 or no, can an IEPs be changed with proper  
11 processes? Yes or no.

12 MR. MCCORMICK: Yes, the IEP can be  
13 changed --

14 MR. ARZA: That's all I wanted to know.

15 MR. MCCORMICK: -- with a compliant team and  
16 data to be able to support that change, not just  
17 an acceptance.

18 MR. ARZA: Thank you.

19 CHAIR GAY: Did the school need to respond  
20 to any of that?

21 MR. CARVELLI: I need a quick response.

22 CHAIR GAY: Keep it to the questions,  
23 please.

24 MR. CARVELLI: Okay. Back to following the  
25 district's rules, policies, procedures. This is

1 the one section we adhere to. "American Academy  
2 will work closely with the sponsor to ensure  
3 students with disabilities receive a free and  
4 appropriate education in the least restrictive  
5 environment and will adopt policies and implement  
6 the sponsor's related policies and procedures for  
7 serving students with disabilities utilizing the  
8 expertise of" --

9 CHAIR GAY: You might have to slow down. I  
10 was trying not to interrupt.

11 MR. CARVELLI: Section C, first paragraph.  
12 I'm just going fast for you. It says here --  
13 look at this -- "American Academy will adopt  
14 policies and implement the sponsor's related  
15 policies and procedures for serving students with  
16 disabilities utilizing the expertise of the  
17 School District of Palm Beach County, District  
18 ESE resource teacher assigned to American Academy  
19 to ensure compliance." I mean, this is a global  
20 application.

21 "American Academy will comply with all ESE  
22 policies, 5.725, all ESE policies outlined in the  
23 Student Education Policies and Procedures, SP&P  
24 document available from the ESE."

25 We went to their department. We opened up

1 their website. I called Summer. I called the  
2 department. We said, what do you want us to use?  
3 It's right there. We agreed we're going to use  
4 what you want us to use.

5 We're not working against them. At all  
6 stages of the IEP process, any required  
7 notifications, teachers, parents and school  
8 district personnel and other stakeholders will be  
9 carried out with fidelity according to the SP&P  
10 guideline.

11 We may be off on a few acronyms, but the  
12 intent here is definitely to work with the School  
13 District and the ESE department. All of us have  
14 come out of ESE.

15 The IEPs of all students requiring special  
16 services will be reviewed thoroughly to ensure  
17 that any required services are properly delivered.  
18 This one paragraph has 11 pages and is pretty  
19 comprehensive. And the budget is driven by the  
20 weighting in the ESE.

21 So if we go into October and our weighting is  
22 a little higher, we'll have additional funding,  
23 and we'll front load out of our reserves people to  
24 work with the ESE students, folks. I mean, that's  
25 one thing you won't find me messing with is the

1 ESE children. They need a lot of help and we  
2 understand. I'm sure sponsors can elaborate if  
3 they need to.

4 CHAIR GAY: All right. Any other questions  
5 or discussion, members?

6 (No response.)

7 CHAIR GAY: Everyone's all right. So we're  
8 ready for a motion.

9 MR. ARZA: I'll make a motion.

10 CHAIR GAY: Go ahead, Tony.

11 MR. ARZA: I move that the Commission find  
12 that there is not competent substantial evidence  
13 to conclude that the applicant's exceptional  
14 student section does not meet the requirements in  
15 the State Statute.

16 CHAIR GAY: All right. We have a motion.  
17 Do we have a second?

18 MR. MORENO: I'll second.

19 CHAIR GAY: All right. Second by Richard.

20 Any other questions or discussions before we  
21 move to vote?

22 (No response.)

23 CHAIR GAY: All right. Seeing none, Karen,  
24 if you could call the roll, please.

25 MS. HINES-HENRY: Raphael Arza?

1 MR. ARZA: Yes.

2 MS. HINES-HENRY: Richard Moreno?

3 MR. MORENO: Yes.

4 MS. HINES-HENRY: Tiffanie Pauline?

5 MS. PAULINE: Yes.

6 MS. HINES-HENRY: Kia Scott?

7 MS. SWEENEY-SCOTT: Yes.

8 CHAIR GAY: All right. The motion carries.

9 Let me make sure I'm moving on to the correct  
10 next issue, which I believe is our final  
11 substantive issue, which is whether the  
12 applicant's budget meets the requirements of  
13 Florida Statutes and the related standards and the  
14 evaluation instrument adopted in the rule.

15 So for the school, you will have three  
16 minutes to present on the budget.

17 MR. CARVELLI: One second.

18 CHAIR GAY: I won't start the timer until  
19 you're up.

20 MR. CARVELLI: I'm assuming you will have  
21 followup questions because this is pretty  
22 extensive. I got all the attachments.

23 The two prevailing issues here are that we're  
24 starting a school with \$25,000. That's simply the  
25 planning year, simply. Mr. Roseme got a

1           commitment letter from a lady in Baltimore -- is  
2           it Baltimore?

3           MR. ROSEME:   Baltimore.

4           MR. CARVELLI:  She gave us her account  
5           information.  We didn't want to put that in the  
6           application.  She agreed to donate \$25,000 while  
7           he was working full time and then phase him into  
8           part time as we got closer.  We got a developer.  
9           So we didn't have just \$25,000, folks.  That was  
10          only for the planning year.

11          If you read Attachments W, X, Y and Z and --  
12          where is the bond?  Was that in W, X, Y, Z?

13          MR. ROSEME:  I believe so.

14          MR. CARVELLI:  There was Municipal Capital  
15          Markets in Colorado agreed to -- he signed a  
16          letter to get a quasi-commitment to a bond out of  
17          Colorado, which we had like a 60 or 90-day offer  
18          on, so we did it.

19          And what I'm saying is coming out of that was  
20          going to be the facility, the FF&E to open the  
21          school, furniture, fixtures and equipment, and two  
22          years of upfront reserves.

23          Richard, as you understood, it will be  
24          principal payment only on the first two years.

25          So I look at our 288 projection as being very

1 realistic considering we have 400 people. These  
2 guys are going to -- these people have huge  
3 networks. But we also did a 90 percent projection  
4 of 256. So we scaled back in case -- that's a  
5 simple removal of a teacher per grade level. And  
6 the builder told us I'll build your school K-1, 2,  
7 3, whatever the opening was, and I'll scale it in  
8 accordingly, okay?

9 It defies what I've ever seen in all my  
10 career that they changed the budget numbers, they  
11 changed our enrollment numbers, and then they used  
12 that as the basis to fail the school on budget. I  
13 mean, I've never seen it done.

14 We have lots of information here showing that  
15 this stuff -- that other schools have been  
16 approved with way higher enrollments in the first  
17 year.

18 Let me explain something else. This is very  
19 concerning to me, okay? You know what this says  
20 here? We started in July contacting the budget  
21 department. What does it say in our emails?  
22 Message blocked, message blocked. It doesn't say  
23 undeliverable. It says blocked.

24 Then I wrote a letter on my letterhead. We  
25 got busy. I emailed it from Staples. Here's all

1 the receipts. I got plenty of them up there.  
2 Then they started talking to us a little. So the  
3 spirit of cooperation in my book was not there  
4 from the start.

5 And what we heard repeatedly -- Simone seemed  
6 like a very nice lady -- I've never seen a budget  
7 like this before. Bottom line, our budget, it  
8 balances based on the enrollment that we  
9 projected. So we stand --

10 I mean, I can go into the individual details  
11 and everything, but it's a fluid instrument, the  
12 budget. You open up with an objective as a rough  
13 framework. We did build in reserves. The bond  
14 company said two years of principal only payments  
15 to help build the reserves. To open up at 106 is  
16 not practical. There's no school that could  
17 survive at 106 and deliver services. Thank you.

18 CHAIR GAY: All right. Thank you.

19 And for the School Board, you have three  
20 minutes.

21 MS. MORALES: Thank you very much. I would  
22 like to invite Simone Oladejo from our budget  
23 office to address the budget issue.

24 MS. OLADEJO: My name is Simone Oladejo, and  
25 I'm a Senior Financial Analyst in the budget

1 office at the Palm Beach School District. I'm  
2 over Charter School Fiscal Oversight.

3 Yes, I started working with Dr. Carvelli back  
4 in July of 2023. We had several phone  
5 conversations and then email conversations. He  
6 wrote us a letter, and we addressed all of his  
7 questions and also invited him for a meeting, but  
8 we never got a response. Fast forward to 2024 of  
9 April, we did receive the application.

10 When I received the application, I was not  
11 given -- we use the Charter Support Unit Budget  
12 Tool so that we won't have anyone saying how we  
13 look at the budget that is biased so we use one  
14 that's provided from that organization. And  
15 emailed it to him and he completed it, but I  
16 wasn't given access, so I had to reach out in  
17 order for them to give me access to the tool.

18 When I reviewed the tool, there were several  
19 concerns that I had. The \$25,000, that was the  
20 only cash that I could see that was going to be  
21 inputted. I know there have been mentioned of a  
22 bond, but it was not included in the budget tool.  
23 And there is a section for other funding on the  
24 tool, and that amount was not in there. So my  
25 revision was just based on what was on that tool.

1           There were supports for the numbers. When I  
2 looked at the enrollment, I looked at what the  
3 support was. When I looked, it was only a  
4 one-page survey that shows how many people were  
5 surveyed. There were no details as to what the  
6 persons were, where the survey took place. I had  
7 questions about the enrollment.

8           So I moved on to looking at what the  
9 statistical enrollment was for the district. And  
10 based on that, I deemed that the enrollment  
11 numbers were somewhat unrealistic. I noted that.  
12 And I did not change their budget.

13           What we usually do is make a copy for  
14 ourselves and rework numbers to see what a  
15 realistic enrollment would look like, produce the  
16 numbers and see if the budget would still be  
17 balanced. Once I did that, I realized the budget  
18 would not be balanced.

19           We had a meeting with them coordinated by the  
20 Charter Director in which I had hoped that I would  
21 be able to kind of ask questions like what I see  
22 happening here, because that's usually what we do  
23 with the applicants based on my experience at the  
24 district, kind of ask questions for them to give  
25 me more information about the survey, how did they

1 determine the enrollment numbers, but I was not  
2 given a chance to do so.

3 CHAIR GAY: Okay. Thank you. That's your  
4 three minutes.

5 I'll go ahead and open for questions and  
6 comments from the members.

7 MR. ARZA: I just want to ask fellow  
8 members, it seems like a big thing that's been  
9 coming up here is that there wasn't the capacity  
10 interview, right, and they didn't have an  
11 opportunity to answer some of these questions. I  
12 think that everyone is understanding that.

13 I feel like that's a pretty significant step  
14 that was bypassed. So as we consider it, I just  
15 want to make sure -- I mean, are we all in  
16 agreement that that's a pretty significant thing  
17 that they didn't have an opportunity to explain  
18 it, because it seems like she just said that it  
19 would have been helpful if I would have had the  
20 opportunity to ask questions. I just want to make  
21 that statement because before I didn't feel like  
22 it was like 100 percent.

23 MS. PAULINE: Can I respond?

24 CHAIR GAY: Of course.

25 MS. PAULINE: I think -- and Kia will

1 probably, as President of FACSA, agree that it is  
2 of great best practice. Nationally it is a best  
3 practice. It is not required by law. We get  
4 that, right?

5 MR. ARZA: Yeah, 100 percent.

6 MS. PAULINE: I do agree with you, I think  
7 some of these issues could have been resolved  
8 through a capacity interview. And then I think  
9 there probably would have been more trust on the  
10 side of the Charter School to go ahead and submit  
11 those cures, which does not always happen either.  
12 But I understand the challenges there.

13 But, yeah, I would agree with you. I just  
14 want to put it on the record it is not legally  
15 required.

16 MR. ARZA: No.

17 CHAIR GAY: Any other comments or questions  
18 from the members?

19 MS. SWEENEY-SCOTT: I know that we were  
20 provided with enrollment numbers from other  
21 Charter Schools, but have you not seen a charter  
22 open with 120 children in the district?

23 MS. OLADEJO: The enrollment in and of  
24 itself was not the issue. Usually we have and  
25 since have opened charters with enrollment

1 numbers that are higher than that. But those  
2 charters would provide us documentation for  
3 funding should they not meet those enrollment  
4 numbers.

5 So that's the issue that I was having, that I  
6 wouldn't see if they didn't meet those numbers  
7 where would the funding come from for those.

8 MS. SWEENEY-SCOTT: Okay. So I'm just  
9 thinking of our process, we ask for 100 percent,  
10 75 and 50. Is that something that's general  
11 practice for your county to add to the budget so  
12 if they don't have -- you know, we have 288,  
13 you're not going to get it, do you have 144, and  
14 the budget is based on the 144?

15 MS. OLADEJO: Correct. Yes.

16 MS. SWEENEY-SCOTT: Is that a requirement  
17 for your application process?

18 MS. OLADEJO: I'm not sure I understand your  
19 question. Could you ask it again for me?

20 MS. SWEENEY-SCOTT: So based on -- from what  
21 I'm getting, you didn't feel that the budget  
22 supported the numbers for enrollment?

23 MS. OLADEJO: Correct.

24 MS. SWEENEY-SCOTT: So do you have  
25 requirements for a contingency budget which would

1 reflect if I don't get 288 kids, I've got 125,  
2 this is what my budget would be, I didn't get 125  
3 students, I'm getting 75, this is what my budget  
4 would be?

5 MS. OLADEJO: So basically that's what I do  
6 is once I get their documents, I go in and I put  
7 it to see, okay, let me reduce this and see what  
8 the budget would be, would they still be meeting  
9 budget. And then I have a discussion with the  
10 school regarding that.

11 And I was hoping that the meeting we had, I  
12 would have gone over those numbers with them. I  
13 put it at 30 percent based on what enrollment has  
14 been for recently opened and everything, but I  
15 never had an opportunity to discuss with the  
16 school and kind of go through what we were looking  
17 at and what the numbers would be.

18 MS. SWEENEY-SCOTT: So based on what you  
19 saw, would they have met -- would they have been  
20 safe with the reduction in the budget based on a  
21 reduction?

22 MS. OLADEJO: No. And that's what was being  
23 referred to as me changing the budget because, as  
24 you said, I did an alternative budget with low  
25 numbers to see if the budget would still be met,

1 and we were not meeting budget.

2 MS. SWEENEY-SCOTT: But it's not a  
3 requirement for your process to have a  
4 contingency? That's something you do on you in  
5 your review process?

6 MS. OLADEJO: Correct, in my review process.

7 MS. SWEENEY-SCOTT: But is it a process to  
8 require the applicant to do a contingency budget?

9 MS. PAULINE: A scenario budget?

10 MS. OLADEJO: No.

11 MR. MORENO: Let me kind of follow up on  
12 that on one of the things I'm struggling with.  
13 So let's say 288 because, you know, schools have  
14 opened up with more than that. Are their other  
15 concerns or was that just the main -- was that  
16 the issue was the enrollment or were there other  
17 concerns within the budget that you saw?

18 MS. OLADEJO: The enrollment part wasn't the  
19 primary issue. The problem I was having with the  
20 enrollment, the standard said a reasonable  
21 amount. When I think of reasonableness, I think  
22 of many, many different aspects, the location, is  
23 it going to be reasonable for that school. I  
24 could not get a location because it was not  
25 disclosed. When I looked at the enrollment part

1 that they completed, that wasn't provided there  
2 as well.

3 And these were questions I was hoping to ask  
4 the applicant to tell me how did they decide on  
5 288, because there was no documentation that was  
6 provided for me for that enrollment number.

7 CHAIR GAY: Tony.

8 MR. ARZA: But there was no capacity  
9 interview so there was never an opportunity to  
10 have that conversation during the capacity  
11 interview? Was there a capacity interview?

12 MS. OLADEJO: Yes, we did have an interview.

13 MR. ARZA: No. "Capacity interview" is a  
14 technical term. I mean, we established it  
15 before. But just to hear you say it, was there a  
16 capacity interview where the entire application  
17 was reviewed and discussed where you were open to  
18 feedback?

19 MS. OLADEJO: Yes. On July 31st, we met  
20 with the applicants for them to discuss and for  
21 them to give feedback.

22 MR. ARZA: I'm a little bit confused.

23 MR. DEL TORO: I would object. They already  
24 gave testimony that there was no capacity  
25 interview. It's a settled matter.

1 MR. ARZA: Yeah. I don't know who rules on  
2 that, if it's our attorney.

3 CHAIR GAY: I don't think there's really a  
4 ruling needed. We can continue with questions  
5 and discussions.

6 MR. MORENO: So in that interview -- what  
7 I'm trying to get at is to say, you know, within  
8 the budget, let's say it made you comfortable  
9 that there's enough demand and that 288 -- let's  
10 put that aside -- were you okay with the rest of  
11 the budget? I'm trying to figure out were there  
12 other material issues with the budget or was it  
13 mainly through and by enrollment?

14 MS. OLADEJO: The budget itself was just  
15 based on the enrollment. There was no other  
16 funding that was included in the budget.

17 So if the enrollment changed, the whole  
18 budget was thrown off. It did not include any  
19 other source of funding but through the FTE  
20 revenue generated.

21 MR. ARZA: Can I just ask?

22 CHAIR GAY: Yes.

23 MR. ARZA: Before you said enrollment is not  
24 the issue, but then now you're saying enrollment  
25 is the issue, so I'm a little bit confused.

1 MS. OLADEJO: Let me explain that.  
2 Enrollment in itself would not determine that. I  
3 said you're numbers are off, we don't believe in  
4 your enrollment. We can't approve that number.  
5 They would have to provide us documentation for  
6 that enrollment.

7 They're saying that it's not just enrollment  
8 in the sense that if you have other funding that's  
9 not dependent upon enrollment, we wouldn't have an  
10 issue. But the issue here is all the funding that  
11 was included on the budget was from the  
12 enrollment, so that's what made the enrollment the  
13 bigger issue.

14 CHAIR GAY: Can I pause real quick? I'm  
15 sorry to interrupt. I wanted to give the school  
16 an opportunity to respond about the capacity  
17 interview and then Tony's recent question and  
18 then we'll come back to Rich and then Tiffanie.

19 MR. DEL TORO: There was no capacity  
20 interview, number one. Mr. Carvelli will explain  
21 the budget numbers. I think your question was if  
22 288 students enroll would that work. And that  
23 budget would work. It was drafted by a CPA. It  
24 had reserves in it from the \$17.2 million bond  
25 that wasn't considered. And the \$25,000 letter,

1 that was thrown out.

2 She basically made decisions not based on  
3 competent substantial evidence. She just admitted  
4 that she didn't have the evidence that she needed  
5 to make a decision, so she went to a fallback  
6 position and said here's a realistic number. And  
7 she said reasonable, but the statute calls for  
8 realistic.

9 And I hate to be the lawyer that constantly  
10 goes back to terms and definitions, but realistic  
11 is if it's not in the statute defined, which it  
12 isn't, use the dictionary, according to our  
13 Florida Supreme Court. It says, "Accurately  
14 representing what is natural or real, able to see  
15 things for how they are, and based on what is real  
16 rather than what is hoped for."

17 So the School Board has consistently approved  
18 schools much higher. There's 400, 800, 500  
19 students. So we're within the realm of realism, I  
20 would say. Maybe unrealistic that we're a little  
21 low, right?

22 And then you have this survey with 400  
23 students in there. And we wanted to do a little  
24 more digging down to the exact demographic area,  
25 and that would be done in the second phase.

1           Like Dr. Carvelli said, it's a two-phase  
2 process, right? Let's get past the first phase  
3 and get approved, and then we can have these  
4 meetings and say, okay, there's two or three  
5 locations for the school, here's the best one,  
6 right.

7           They didn't have it at the time. But based  
8 on the best information they had, it's an  
9 overwhelming response from the surveys, we feel  
10 that 288 is going -- no one has put any surveys  
11 in. We're showing it's statistically significant,  
12 within 5 percent, 95 percent certainly based on  
13 180,000 students. That 400 survey shows you that.  
14 You're going to get those students in there.

15           So she made a decision based on not competent  
16 substantial evidence because she didn't have it  
17 all. And, again, it goes back to no capacity  
18 interview and lack of communication to get this  
19 done. That's why we're here today, to try to  
20 correct that.

21           And Dr. Carvelli can speak on that budget.  
22 But even when they reduced it to a 90 percent, the  
23 budget numbers still work.

24           CHAIR GAY: And I think Rich had questions  
25 and then Tony.

1 MR. MORENO: Yeah. I think I'm trying to  
2 decipher what you're getting at. So your  
3 testimony is the fact saying that the \$25,000  
4 that they had upfront with then having to rely  
5 100 percent after that on the FTE is your  
6 concern, that there isn't other funding sources?

7 MS. OLADEJO: Correct.

8 MR. MORENO: Okay. So that's what I wanted  
9 to clarify, and that gives us clarity.

10 So now for the school, you come in, you have  
11 a startup budget with \$25,000, you can open up  
12 with 288 kids. And then you mentioned a bond for  
13 \$17.5 million, which all it is is just a letter  
14 from MCM, there's no commitment or anything?

15 MR. DEL TORO: It's a promissory note.

16 MR. MORENO: But if you look at it --

17 MR. DEL TORO: We have a promissory note.

18 MR. CARVELLI: Regulatory note.

19 (Multiple speakers.)

20 CHAIR GAY: One at a time.

21 MR. DEL TORO: Once you get it approved,  
22 then you can sign the paperwork. You can't  
23 get -- you can't execute it -- it's the chicken  
24 or the egg, you know. Until we have the charter  
25 we can't go --

1 MR. MORENO: Yeah, I read through this  
2 stuff.

3 MR. DEL TORO: Oh, you did?

4 MR. MORENO: Yes.

5 MR. DEL TORO: Okay.

6 MR. MORENO: I actually read this stuff.

7 MR. DEL TORO: Thank you. Somebody read it.

8 MR. MORENO: But what that is -- and then I  
9 go back to the budget, which I'm trying to get  
10 what their concern was because 288 is not crazy.  
11 I mean, we've seen schools open up with that  
12 amount of kids. So to me that wasn't a big  
13 issue.

14 What I was trying to figure out is, okay, if  
15 you're looking at that bond, so let's say you  
16 issue it at \$17.5, you mentioned that it would  
17 be -- you said principal, but it's actually  
18 interest only, right?

19 MR. DEL TORO: Yeah.

20 MR. CARVELLI: Yes.

21 MR. MORENO: So your payments in those first  
22 three years would be at least a \$1.3, and right  
23 now you got zero in the budget for those first  
24 two years.

25 MR. CARVELLI: The district starts

1 disbursing money for charters and then adjusts in  
2 October.

3 MR. MORENO: No, not that. I'm assuming  
4 your budget is correct.

5 MR. CARVELLI: Yeah, it is correct.

6 MR. MORENO: Okay. In your budget, you  
7 don't have interest payments until year three.

8 MR. CARVELLI: Yeah, three.

9 MR. MORENO: Okay. So the first two years,  
10 you have no payments?

11 MR. CARVELLI: Can I just say one thing that  
12 will explain something?

13 MR. MORENO: Yes.

14 MR. CARVELLI: I'm not trying to be a jerk  
15 about this, folks.

16 MR. MORENO: Neither am I.

17 MR. CARVELLI: I just want to show you  
18 something.

19 MR. MORENO: I just don't want to be  
20 questioned again.

21 MR. CARVELLI: This is Attachments W, X, Y  
22 and Z. This balances, Richard, look. The whole  
23 budget, it's so small.

24 But I want to show you something. Here is  
25 the Charter Tools that was attached to the IEPC

1 cover sheet. It says in highlight "Section has  
2 not been reviewed." It's all here in W, X, Y and  
3 Z, our budget, all of our information.

4 And on the narrative, as Simone told you,  
5 when you look at the narrative, well, the  
6 narrative showed a balanced budget in there if you  
7 saw it. But the details were in here. That's  
8 what I'm trying to show.

9 MR. MORENO: I'm looking at the balanced  
10 budget. But one of the line items on the  
11 balanced budget as we're going through your  
12 application and we see the numbers, you have zero  
13 interest for the first two years.

14 MR. CARVELLI: Yeah, I think it was zero  
15 interest. No, it was interest only.

16 MR. MORENO: Interest only, which would be  
17 about a million three on a \$17 million  
18 transaction.

19 MR. CARVELLI: I can't open these up and see  
20 the payment.

21 MR. MORENO: No, you have zero.

22 MR. CARVELLI: Yeah. I think it was  
23 deferred. I would have to talk to Frank Deno,  
24 our developer. It's deferred the first two  
25 years, that's what it was.

1 (Multiple speakers.)

2 THE COURT REPORTER: I can't hear everybody.

3 CHAIR GAY: We need to make sure to have --  
4 I'm sorry to interrupt. This is great  
5 conversation and we need to get through it. But  
6 please make sure we're at the podium and make  
7 sure we're not talking over each other. I know  
8 it's natural in conversation, but it's hard to  
9 record.

10 MR. CARVELLI: It was deferred payment. I  
11 can go outside and make a phone call and confirm  
12 it. That's why it's zero.

13 CHAIR GAY: And what are you all sharing,  
14 just so we can make sure everyone knows?

15 MS. PAULINE: This is page 90 of the  
16 narrative. It says, "Expectation was that there  
17 will be an issuance of debt with an approved  
18 agent during the planning year and a deferment of  
19 interest and principal will take place for the  
20 planning year, year one and year two operations."

21 MR. CARVELLI: Thank you.

22 MS. PAULINE: But it does not necessarily  
23 match what's in the budget, this narrative.

24 MR. CARVELLI: Well, it shows zero.

25 CHAIR GAY: I'll let the School Board

1           respond. I know that was a lot, but I'm trying  
2           to make sure we each get time to cover the  
3           questions.

4           MS. OLADEJO: I wasn't quite clear with  
5           their presentation of the budget because there  
6           was a section that allows for the applicant to  
7           include additional funding so it would show up in  
8           their revenue on the tool that we use that they  
9           completed.

10          And that was the purpose of us having that  
11          meeting, to kind of talk through it, to let the  
12          applicant know, yes, we see the bond document.  
13          But this was not -- the funds on that was not  
14          included as part of their budget. They included  
15          the document in the documents that they provided.  
16          But on the budget tool that I sent to  
17          Dr. Carvelli, that was not included at all.

18          CHAIR GAY: Yes. Please go ahead, Tiffanie.

19          MS. PAULINE: Okay. Richard stop me if I'm  
20          wrong here.

21          So I was comparing in my prework the budget  
22          that's in Attachment X versus the Charter Tool  
23          budget versus the narrative, and I started getting  
24          kind of confused because in some cases there were  
25          different things being relayed.

1           In Attachment X, it has debt service starting  
2           in year one at \$500. And I can't go toggle back  
3           and forth, but I think in Charter Tools there was  
4           no line item for the first two years at all.

5           This is probably to the school. So just a  
6           little confusing. And then in the narrative, it  
7           spoke to a 3 percent reserve fund. And when I did  
8           a quick back of the envelope math, it wasn't  
9           3 percent. It was more like 1 percent. So in  
10          your response, could you speak to that.

11          And then finally, I'll just make a comment.  
12          Going back to the conversation that when we were  
13          talking about the targeted population section not  
14          having a geographic area and providing what we  
15          agreed could have been more information so that  
16          the district could better assess, and not  
17          submitting anything other than a 90 percent  
18          scenario, which depending on which budget you look  
19          at says something different, I can see how it begs  
20          a lot of questions and how the district would be  
21          forced -- and also not having that debt service  
22          amount and that bond amount in there -- to focus  
23          on the only true revenue-generating guarantee for  
24          sure, which is based on enrollment. So I would  
25          love to hear your feedback relating to that.

1           MR. CARVELLI: Okay, ma'am. Thank you. The  
2 budget process is when you -- in Palm Beach  
3 County, because I worked there and I used to  
4 collect these -- when the Charter Schools start  
5 enrolling students, we go and pick up the copies  
6 of the registration forms and we turn it over to  
7 the budget department. Then the budget  
8 department would start allocating funding. And  
9 if there was a shortfall, they would do a  
10 correction at the October FTE.

11           I was in St. Lucie school on the School Board  
12 who did it that way. I was in Martin County  
13 schools back when the Charter School started.  
14 They did it that way. So there's a process to  
15 begin allocating funding off FTE.

16           And, I'm sorry, I just found the budget  
17 section. There was that deferment for the  
18 planning year and the first two years. So that's  
19 why there's a zero payment shown on the bond.  
20 That's what we did to build revenues, because it  
21 is a small number, 288. It's not a very big  
22 number.

23           And October FTE comes in, like every School  
24 District when I was North Area Administrator in  
25 Palm Beach, we did unit adjustments. If we have

1 to let a teacher go and combine classes, we  
2 combine classes. And that's the same thing that  
3 would happen in the Charter Schools.

4 My experience in the Charter Schools, they  
5 did their unit adjustments and consolidated  
6 classes almost immediately within three weeks or  
7 the four weeks of the school year starting when  
8 they realized what their revenue was going to be  
9 so they wouldn't get the shortfall.

10 MS. PAULINE: Just for clarification. With  
11 all due respect, I think your response is more  
12 akin to a conversation around cash flow, not  
13 necessarily a five-year budget, which happens  
14 before you enroll one student. You're just  
15 projecting what the picture looks like.

16 MR. CARVELLI: We built in \$25,000 to start  
17 the flow.

18 MS. PAULINE: Yeah. But a lot of your  
19 conversation is really around when the money  
20 becomes available and how it's adjusted, which is  
21 more about cash flow.

22 MR. CARVELLI: Then I have a better answer  
23 for you, ma'am.

24 MS. PAULINE: Okay.

25 MR. CARVELLI: We built in for Mark Roseme

1 to start working. Essentially these guys are  
2 going to start registering students for free,  
3 working, and then phasing out of his job in the  
4 summer, May, June, July and being at the school.

5 We built in \$25,000. We show our FICA  
6 withdrawals, our federal withholding. It's all in  
7 there in the planning year.

8 And I hate to be funny about it, but if that  
9 was red and it says "not reviewed," there's a  
10 whole W, X, Y and Z that lays that out. So we had  
11 the cash flow to open this school up. There's no  
12 question about cash flow.

13 Every Charter School that starts struggles a  
14 little in the beginning and people work for free  
15 and they pitch in. And then when the school  
16 opens, you start getting your disbursements, I  
17 believe in July from the School District.

18 Am I correct or not, the initial  
19 disbursements come in July?

20 MS. OLADEJO: Yes.

21 MR. CARVELLI: Okay. So you're going to  
22 have funding in July based on your enrollment  
23 projection in July. And when you open the  
24 school, if you have 200 students, you make an  
25 adjustment, you reduce teachers, you reduce

1 necessary staff. So the district accounts for it  
2 by giving the money.

3 We do have everything needed to open this  
4 school. This budget was put together by a CPA who  
5 audits and builds school budgets, DiBartolomeo,  
6 McBee, Hartley & Barnes out of Fort Pierce. And  
7 that's why we hired them to do it.

8 I don't know what to say other than we never  
9 had the capacity interview where all the 22  
10 representatives of the applications were in the  
11 room, and we could have meshed this thing together  
12 in the nicest way.

13 We just approached it from budgets here and  
14 told you can't do it, and ESE when we had that  
15 July 31st meeting. So in fairness here, the  
16 process I was always used to was that capacity  
17 interview when we hash out all the issues, and  
18 that never occurred.

19 MS. OLADEJO: I just wanted to address the  
20 payment issue. How we do the FTE payments is  
21 actual enrollment.

22 So what we would do at the beginning of the  
23 school year is those students who are actually  
24 enrolled based on our SIS system, that's the  
25 number we make payment on, not the projected, not

1 the expected, but actual enrollment.

2 MS. PAULINE: So just as a followup and then  
3 I think I'm done. So to both sides, there is  
4 such a thing as a break-even budget where you're  
5 working backwards, right?

6 And you should be shying away from break even  
7 because the application requires you to project  
8 enrollment based on something that's reasonable  
9 and realistic. And I heard the definition of  
10 realistic, able to see things how they are.

11 So I still -- I guess where I'm struggling is  
12 I still go back to the fact that I don't  
13 understand. This is me as the reviewer. I'm not  
14 speaking on behalf of anybody. I'm trying to  
15 understand how this is not a break-even budget,  
16 that this is -- when it should be analyzed a  
17 geographic area where I'm going to be, I looked  
18 through surveys, or whatever methodology that you  
19 chose to use.

20 I mean, I've seen petitions. I've seen  
21 electronic surveys. I've seen town hall meetings.  
22 I've seen it all. I've been doing this for 20  
23 years so I know there are a multitude of ways even  
24 from a research perspective to assess need and  
25 demand.

1           So not understanding within the 39, 40  
2           municipalities within Palm Beach County where the  
3           school could possibly be housed, even if it's like  
4           over three municipalities that are close  
5           proximities, which tells you a lot about the  
6           economics in that area, the demographics in that  
7           area, the ages of students in that area, the ages  
8           of parents in that area. I mean, there's so much  
9           census data that could have been tapped into.

10           And I saw in the brief where you referenced a  
11           report that could have been looked at. I'm just  
12           trying to -- maybe the school can help me figure  
13           out absent all of that, how -- help me understand  
14           why this is not just a break-even budget.

15           And by "break even," is we figured out how  
16           many kids would throw off enough revenue to --  
17           Richard, help me -- would satisfy the expenditures  
18           that I expect to have based on the program I want  
19           to build. So that's what it really looks like to  
20           me. So if that is not the case, I need additional  
21           information.

22           MR. DEL TORO: Mark, will able to speak on  
23           that?

24           MR. ROSEME: Good afternoon. My name is  
25           Mark Martintoch Roseme. I'm the founder of

1 American Academy.

2 The developer I have working with us, the  
3 first year it's going to take a good 17 -- the  
4 bond is \$20 million, but 17 of it is being used  
5 for the school. So for the first two years, we  
6 won't need the funding from the School District  
7 because we will have interest based on the funding  
8 from the -- we don't have to pay rent basically  
9 for the building for the first couple of years.  
10 So we'll be functioning off the interest off the  
11 rest of the funding that we have of the \$20  
12 million.

13 Now, as she mentioned before, that we will  
14 have funding coming in after we figure out the  
15 number of students that we have. That will be the  
16 following year. So the first year we'll be using  
17 all the reserves, of course, to fund the school to  
18 get things going.

19 And as time progresses, we will decide --  
20 find out what the funding will be through the  
21 School District when they figure out how many kids  
22 will be coming based off our numbers.

23 MS. PAULINE: Let me just ask one followup  
24 question. I'm sorry, I thought I was done.

25 CHAIR GAY: Go ahead.

1 MS. PAULINE: So you talked about reserves.  
2 So unless my math is wrong, even at the 272 in  
3 year one and the -- I think it's 90 percent of  
4 enrollment going forward. In the narrative you  
5 said that you had reserves of 3 percent, which  
6 is, I think, great. I mean, I think that is  
7 average and it covers it. But when I did the  
8 math, I don't see 3 percent. In some cases, I  
9 see 1 percent. So how does that --

10 MR. MCCORMICK: This is where --

11 MR. DEL TORO: I'll let John speak to that.

12 MR. CARVELLI: This is out of the narrative,  
13 right? And I did this with the CPA, and we  
14 conferred with Simone on multiple occasions via  
15 phone conference. I just want you to know we  
16 didn't do this in a vacuum.

17 MS. PAULINE: Okay.

18 MR. CARVELLI: Okay. When you look at year  
19 one, net revenue after expenses is \$970. That's  
20 the startup year. And when you look at year two,  
21 net revenue is \$243,000. That should be in the  
22 reserves right there, okay. And then year two  
23 \$960,000. These are showing. And then it starts  
24 shrinking as we start making payments.

25 But the contingency plan was 90 percent, 256

1 students, I think it was, 259 students. So we  
2 would scale back.

3 And like I said, this is just an application,  
4 and we could not get -- they wanted us to get  
5 registration forms, they wrote in their response.  
6 You can't do that until you have an MSID number  
7 assigned by the State for the school. They said  
8 it in one of their responses, like you guys showed  
9 surveys, you didn't show registrations. That  
10 would be fraud if we went out and registered kids  
11 for a school that didn't exist.

12 Am I right, Mr. Moreno? I don't think you're  
13 allowed to do that.

14 MR. MORENO: I would defer. Counsel might  
15 want to rule on that.

16 MR. CARVELLI: But what we told the School  
17 District -- what we've always seen in the School  
18 District was two weeks before school, three weeks  
19 before school, we would get the principal of the  
20 Charter School in there turning in all of the  
21 registration forms they got during the recruiting  
22 period. It's just that simple.

23 This is just a global application. And the  
24 final part will be hashed out in the contract,  
25 which requires 60 days to complete upon completion

1 of the charter.

2 We only had 110 pages to work with in here.  
3 We couldn't expand. But Attachments W, X, Y and Z  
4 were loaded with detail. And the bond for  
5 municipale -- for markets was also included in  
6 there.

7 So in the small print I got over there, you  
8 have to see if he allocated it. We saw it was  
9 deferred for the planning in the first two years.  
10 So that's why we're building reserves quickly in  
11 the first two years.

12 I don't know what to say other than it's an  
13 application. We had page limitations in the  
14 narrative. But I did feel the budget -- the  
15 budget narrative framed out the contingency plan  
16 and expenses.

17 Once again, W, X, Y and Z had the details.  
18 We talk about auditing procedures. That didn't  
19 get gigged, 22. And 21 didn't get gigged for the  
20 auditing and the controls. We had adequate  
21 controls. Section 21 passed. Section 20, the  
22 budget, they altered our numbers and then they  
23 failed us on that basis. But Section 21 should  
24 have failed too because that had all the controls  
25 in place to manage the money. And our staffing

1 plans were adequate too.

2 MS. PAULINE: Can I say something just for  
3 the record, just in response?

4 CHAIR GAY: Of course.

5 MS. PAULINE: So I was not taking into  
6 consideration any rebudgeting done by the  
7 district in my questions, just for clarity.

8 CHAIR GAY: Thank you.

9 Did the School Board need to respond, to  
10 circle back to the questions?

11 MS. MORALES: I do want to respond to one  
12 item. You know, basically in the work, in the  
13 budget tool, what they looked at is only  
14 enrollment. And, frankly, you know, opening up a  
15 school based on only enrollment with only a  
16 \$25,000 letter isn't money in the bank, nor is a  
17 letter from a bond company that says, oh, you  
18 know, we promised to work with you to come up  
19 with a bond. That's not real money.

20 Every other applicant that the School  
21 District has, they have some backup. You know,  
22 most of the schools that they pointed out to are  
23 Charter School USA schools or Academica schools.  
24 You know, those are the schools -- they show  
25 financial backing.

1           If we don't get this kind of enrollment, we  
2           have a basis and we have funds to be able to cover  
3           any deficit. Here we don't have that,  
4           unfortunately. And that's what we wanted them to  
5           work on trying to acquire.

6           CHAIR GAY: Any other questions?

7           MS. SWEENEY-SCOTT: I do.

8           CHAIR GAY: Kia.

9           MS. SWEENEY-SCOTT: Was there another  
10          letter -- this is for the district. Was there  
11          another letter sent to the applicant after  
12          August 8th not including the denial letter?

13          MS. MORALES: No.

14          MS. SWEENEY-SCOTT: And the reason I'm  
15          asking is because I'm looking at the August 8th  
16          letter, and it specifically talks about  
17          enrollment for the most part, and it doesn't  
18          mention -- from what I can recall, it doesn't  
19          mention the budget not having additional funds,  
20          but that is included in the denial letter.

21                 So at what point -- we know you didn't meet.  
22                 So the way I'm looking at it, that piece was added  
23                 in the denial letter but the applicant was not  
24                 made aware.

25          MS. MORALES: No, they did meet, and it was

1 in the letters. Both the letter for July 29th  
2 and the August 9th letter did mention precisely  
3 the budget issues that were arrived at. It's  
4 Exhibit D.

5 MS. SWEENEY-SCOTT: Then I'm looking also in  
6 I guess the Charter Tools piece. It didn't speak  
7 to the additional funds. It just talked about  
8 the enrollment. But then it pops up in a letter.  
9 So I didn't know what meetings were had  
10 afterwards.

11 Was there no documentation for it and it was  
12 a conversation but just not memorialized?

13 MR. DEL TORO: There was no meetings had and  
14 it's not in this letter from --

15 MS. MORALES: Yes, I meant --

16 MR. DEL TORO: I was speaking. Can you let  
17 me finish, please.

18 CHAIR GAY: Let's let the school finish, and  
19 then we'll let the School Board have the  
20 opportunity, I assure you.

21 MR. DEL TORO: It's based roughly on  
22 numbers. They denied everything based on  
23 numbers. And after the fact when you got to  
24 throw a little more on in the denial letter, they  
25 throw that in there too.

1           But there's no notice that anything else was  
2           of issue other than your expectation of 288  
3           students were unrealistic, which I don't know how  
4           they're realistic for other schools but not for  
5           us. They're very selective on the enforcement on  
6           that.

7           CHAIR GAY: All right. School Board, you  
8           can respond as well.

9           MS. OLADEJO: Yes. To his last comment,  
10          with the other schools, we would get  
11          documentation as to how they determined their  
12          numbers and if they don't reach that enrollment  
13          how they will be able to cover the shortfall.

14          And we did have a meeting. And in the  
15          meeting, I highlighted in detail, because usually  
16          you just do like a summary version. And in the  
17          meeting, I went through details as to my review  
18          and what the issues were that I saw.

19          But it was a very hostile meeting from the  
20          representatives of the applicant, so we didn't get  
21          much result from there. It was a screaming match  
22          in which I said I've never experienced this, and  
23          I've audited for the State Auditor General for 12  
24          years and moving over to the district, and I've  
25          been able to present findings to individuals in

1 high positions. I've never been dealt with like  
2 this. They're usually compliant and want to hear  
3 what we found and how we rectify and come to a  
4 solution.

5 But I was not received like that when I came  
6 back with my review of the budget. So that's how  
7 we weren't able for them to explain to me their  
8 support, provide me additional documents so that I  
9 could go back and do a second review based on what  
10 they have and come up with a different --

11 MS. SWEENEY-SCOTT: When was that meeting?

12 MS. OLADEJO: July 31st.

13 MS. SWEENEY-SCOTT: Okay. I guess that's  
14 what I'm getting at, because as of the August 8th  
15 letter --

16 MR. DEL TORO: It's one paragraph.

17 MS. SWEENEY-SCOTT: And I guess it's coming  
18 from Charter Tools, the budget fail, it doesn't  
19 mention -- that piece doesn't mention the absence  
20 of additional funding. You talked about the  
21 \$25,000, but the focus was on the enrollment.

22 So just looking at this piece, it looks like  
23 everything is based on enrollment. But then when  
24 you go to the denial letter, then it includes not  
25 knowing what other additional funding is there.

1           So I guess my question was at that time  
2           between August 8th and the denial letter, was that  
3           information also presented?

4           MS. OLADEJO: Yes, ma'am.

5           MR. DEL TORO: When would be that be?

6           MS. OLADEJO: In our meeting.

7           (Multiple speakers.)

8           MR. DEL TORO: On July 31st? She said it  
9           was July 31st. You're asking after July 31st?

10          MS. SWEENEY-SCOTT: The one that had the  
11          Charter Tools has --

12          (Multiple speakers.)

13          CHAIR GAY: I'm sorry, Kia, I've got to  
14          remind everybody we're not going to speak over  
15          each other. We'll take our time.

16          If Kia can finish her questions, and then  
17          we'll make sure both parties have the opportunity  
18          to respond because at this point we are in the  
19          questions and Commission discussion part.

20          MS. SWEENEY-SCOTT: So I'm looking at  
21          August 8th, which would be after the meeting that  
22          you had.

23          MR. DEL TORO: It's the summary of the July  
24          31st.

25          MS. SWEENEY-SCOTT: The piece that is in the

1 August 8th letter doesn't speak to basically  
2 questioning additional funding coming in, but  
3 that is addressed in the denial letter.

4 So my question was between August 8th and  
5 when you received the denial letter, was that  
6 extra piece provided to the applicant?

7 MS. OLADEJO: I'm not sure.

8 MR. DEL TORO: No.

9 MS. MORALES: After the August 8th letter,  
10 there weren't communications other than to ask  
11 whether or not they would be providing a new  
12 application or a revised application.

13 CHAIR GAY: Okay. For the school.

14 MR. CARVELLI: Folks, on September 24th, I  
15 sent a letter to the budget department via fax to  
16 William Dufresne, the budget director, who is not  
17 with us today.

18 In speaking with Simone on 7/10/2023 and 9/18  
19 with our budget developer present, I asked about  
20 budgeting for categorical and special budget  
21 revenue streams, such as referendum dollars SAE  
22 funds -- SAI funds. Simone told us you cannot  
23 budget those funds. You can only use base funding  
24 in building your budget. You cannot use the funds  
25 for regular positions, only enhancements.

1 I specifically asked about the referendum  
2 dollars which are required by State law. This is  
3 the response I got from Mr. Dufresne. "There is  
4 no official referendum calculation worksheet. We  
5 have a template that is provided to the schools to  
6 submit their yearly approved expenditure plans and  
7 quarterly reports. We can provide you this  
8 template that does not contain any formulas or do  
9 any calculations."

10 We left that out of the budget and we had to  
11 use some of those reserves to balance it, which we  
12 did. But we weren't even being told our  
13 entitlement on referendum, which Palm Beach County  
14 was sued by Palm Beach Maritime School and lost  
15 and was given 130 million as part of the case with  
16 Shawn Arnold.

17 So what I'm here to say is we weren't getting  
18 a lot of straight answers and cooperation so we  
19 took it upon ourselves to call other districts,  
20 other schools in the district to try to get these  
21 things straightened out, and it just wasn't  
22 happening. That's why we're here today.

23 But here is my letters. I didn't give them  
24 to you guys. But this is what William Dufresne,  
25 the budget director, responded to me. He wasn't

1 going to give me the referendum template. And  
2 that's required by law now. And they lost the  
3 lawsuit in Palm Beach.

4 We were specifically told you can't budget  
5 that, only for enhancements. That referendum  
6 expires in 2026, folks. We could have budgeted  
7 that in until November of 2026. It was  
8 guarantying revenue based on the number of kids.

9 CHAIR GAY: Okay. I'm going to give the  
10 School Board the opportunity to respond. And I  
11 see Tiffanie has a question, and then, Tony, did  
12 you have one?

13 MR. ARZA: No.

14 CHAIR GAY: Okay. Sorry, trying to keep up  
15 with everyone.

16 MS. OLADEJO: Yes, Dr. Carvelli did reach  
17 out to me and William did respond to him. We  
18 also invited him to a meeting for us to explain  
19 to him how the referendum funds work. You can't  
20 budget the -- referendum is supplemental, so it  
21 would not enhance his budget. If he needs one  
22 security guard, he has to already have that in  
23 his budget. He cannot use the referendum funds  
24 to pay for that security guard. He can use it  
25 for an additional security guard.

1           And at the time, the referendum funds is  
2 voter driven, and it was about to expire. So it  
3 couldn't be that we're going to tell you you're  
4 going to get this amount or that amount because we  
5 wouldn't know if the funds would still be  
6 available once the school opens. So not until  
7 it's approved for that period is when we would be  
8 able to provide him with the funding for the  
9 school based on his enrollment.

10           MR. ARZA: Can I ask a quick clarification  
11 on what she just said?

12           MS. PAULINE: I have a clarification.

13           MR. ARZA: Go ahead.

14           MS. PAULINE: So notwithstanding what we're  
15 now calling supplemental funds, I interpreted the  
16 shift in the language from the Charter Tools  
17 language to the denial language as an expansion  
18 of what you revealed. So the additional, it  
19 wasn't -- I felt like you were saying that it  
20 wasn't -- you weren't pointing to a supplemental,  
21 you were saying because of the concerns related  
22 to the enrollment that there was not an  
23 additional contingency to cover that shortfall,  
24 not that it's a new issue, it's a result of what  
25 you revealed in your review, not a new issue? It

1 was just an expansion upon your explanation?

2 That's the way I read it.

3 Was that the intent or was there two separate  
4 issues like Ms. Scott said?

5 MS. OLADEJO: Well, let me clarify. This  
6 conversation with Dr. Carvelli happened way  
7 before the application. When I spoke to him,  
8 Dr. Carvelli -- our letter to him was in October.  
9 I spoke to him about it in July, the year before.

10 MS. PAULINE: Let me just -- because I think  
11 we're going down different paths. I'm just  
12 speaking specifically to what Ms. Scott was  
13 saying.

14 So she said in one document, which I believe  
15 Charter Tools she referred to, it just spoke to  
16 the enrollment. And then when we got to the  
17 denial letter, it spoke to enrollment and then  
18 additional funding.

19 And what I'm saying is I read that to mean  
20 that the additional funding was an expansion of  
21 the explanation, not new information.

22 MS. OLADEJO: Correct.

23 MS. PAULINE: Okay.

24 MS. OLADEJO: But to his referendum piece,  
25 that conversation happened prior to the

1 application being received.

2 MR. ARZA: I was just going to ask, but the  
3 referendum today we know it did pass?

4 MS. OLADEJO: Yes. And I invited him for a  
5 meeting to kind of just explain the process.

6 MR. ARZA: That's fine.

7 MS. OLADEJO: But that didn't happen.

8 MR. ARZA: I just wanted to confirm for the  
9 record.

10 CHAIR GAY: Can I ask -- I hate to bring  
11 back this issue, but the July 31st meeting, who  
12 was in attendance at that meeting?

13 MS. OLADEJO: It was myself Simone Oladejo,  
14 Dr. Dilbert. Also we had the Charter Principal,  
15 Mr. Darren Edgecomb. We also had the ESE  
16 representative, Summer --

17 MR. CARVELLI: Valerie.

18 CHAIR GAY: I'm sorry, if you need to speak,  
19 make sure to stand at the podium. And I'll give  
20 you a chance like if we don't have all -- I'm  
21 trying to understand who all was there. It  
22 sounds like it might not have been the entire --

23 MS. DILBERT: I have the invite.

24 CHAIR GAY: -- group that reviewed the  
25 application.

1 MS. OLADEJO: Basically the meeting was to  
2 go over the areas that were causing the  
3 application not to be approved. We weren't going  
4 to cover the areas that were already approved.  
5 So the individuals who were over the areas that  
6 had the partial or the not meets standard were in  
7 attendance.

8 CHAIR GAY: And if you all have the exhibit,  
9 you can refer to that. The invite is an exhibit.

10 MR. CARVELLI: I have an important  
11 correction. The school was slated to open in  
12 2025, I think. The referendum dollars are up for  
13 reapproval I think for '26.

14 So we could have budgeted -- that was  
15 incorrect. We could have budgeted in on those  
16 enhancement dollars right up to November, assuming  
17 it would be funded up until November 2026. We  
18 were denied the opportunity and not given any way  
19 to calculate -- do that calculation. So that was  
20 left out of the budget due to what we were told.

21 And remember, the 31st was not a capacity  
22 interview, as Ms. Simone said. It was to discuss  
23 the partials and the fails, as they call them,  
24 does not meets.

25 CHAIR GAY: I think they were going to

1 finish up with that.

2 MS. MORALES: I just want to point out there  
3 was a communication on August 5th that was  
4 received by the district from American Academy of  
5 Palm Beach. It is not in your -- in the  
6 appellate materials. And I'm happy to provide  
7 this to you. I don't have copies for everybody.

8 MR. DEL TORO: I haven't seen it.

9 MS. MORALES: This is from your client.

10 Essentially the point is that they indicated  
11 at that point, on August 15th, that at that time  
12 they were not going to be revising their  
13 application, that they wanted the district to move  
14 on their application without revision.

15 MR. DEL TORO: Not only revise but not  
16 withdraw because that was a strong-arm tactic.  
17 Withdraw so we can get past this 90-day thing,  
18 and we weren't going to have that.

19 And, also, we expressed concerns, as have  
20 been brought up today, that they weren't using the  
21 actual evaluation tool as required. They were  
22 using the Florida Charter Tools. It's not the  
23 IEPC-M2 that's required to review these  
24 applications.

25 They're putting extra -- they're putting

1 extra requirements on this application that is  
2 beyond the scope of what the IEPC-M2 requires. So  
3 they're using a tool, Charter Tools, which is in  
4 excess of those things.

5 This is a basic application to get through  
6 the door and get going onto the contract, which is  
7 the meat and potatoes of all this is. They're  
8 putting the cart before the horse by asking for  
9 all these requirements that you can't have.

10 And the standard is were they supported by  
11 substantial and competent evidence and not based  
12 on the mandatory requirement for Charter Schools.  
13 Charter Tools, their requirements aren't the same  
14 as IEPC-M2.

15 And I think that's a very important point to  
16 make here today. They're putting additional  
17 requirements on this when this is an application  
18 for basic competent standards.

19 And I think from all the testimony you heard  
20 today, they're very schooled in what they do,  
21 we're very schooled in what we do. And I think  
22 it's just a matter of working together for the  
23 synergy. This school should get approved and  
24 these people be able to work together.

25 I forgot your name. I apologize.

1 MR. MCCORMICK: McCormick.

2 MR. DEL TORO: Mr. Carvelli and  
3 Mr. McCormick, they worked together for years. I  
4 mean, this will get done. This school should be  
5 approved. The 288 is well within realism,  
6 realistic expectations.

7 And to go back to the budget, she did what  
8 she had in her possession. We didn't have an  
9 opportunity to get anything else on the board. I  
10 think the budget should be approved as it is. It  
11 balances based on the 288, which is well within  
12 the standards, and then see what happens. Let  
13 these guys work together. But we should get past  
14 the first thing here and get this done.

15 CHAIR GAY: Tony has some followup.

16 MR. ARZA: I just want to make a statement.  
17 It seems like the process -- there was a broken  
18 process, and it creates a lot of confusion with  
19 the fact that there wasn't a request for, you  
20 know, a decreased budget with 70 percent  
21 enrollment or whatever, which in Miami-Dade, you  
22 guys ask for what's Plan B if enrollment  
23 expectations aren't met.

24 And then I also think that based on the  
25 information provided today about also the

1 referendum dollars that they would have access to  
2 and the bond and the fact that, you know, it's  
3 deferred for three years, I think that it's  
4 reasonable for a school to think that they can  
5 open. Just reviewing it, not going back and forth  
6 between them. Obviously they disagree.

7 And I think asking them more questions, I  
8 feel like they're not going to recognize us asking  
9 do we believe that a school with \$25,000 in the  
10 bank starting based on the letter, do we think  
11 that's sufficient with also the bond and things  
12 like that. I think that's the question. That's  
13 just a comment that I'm making to you guys.

14 MR. MORENO: Actually, I would tune that in  
15 a little more. I think it was going to Kia's  
16 point, which is the reason for denial.

17 So usually when we look at these, you know,  
18 we kind of stay within the scope of what's defined  
19 and the reasons that they come in and for us to  
20 judge. Those are reasonable reasons for that  
21 denial.

22 Right here, if we look at their template from  
23 their Exhibit D, right, in the budget section,  
24 basically the conclusion is the budget does not  
25 represent a realistic assessment and it's based on

1 the enrollment. And it doesn't mention -- the  
2 rest doesn't mention anything else.

3 And when I look at the motion, then you're  
4 projections aren't consistent, realistic, you  
5 know, because then you're opening up something  
6 completely. Then it's up to us to start then  
7 digging into these type of questions if we're  
8 going to see it because you're going to look at it  
9 differently, you're going to look at it  
10 differently, I'm going to look at it differently.  
11 So I think, you know, are we saying that's the  
12 reason or are we going broader?

13 MR. ARZA: I think I would like to make a  
14 motion. I would like to move that the Commission  
15 find that there's not competent substantial  
16 evidence to conclude that the applicant's budget  
17 does not meet the requirements of State Statute.

18 CHAIR GAY: All right. There's a motion.  
19 Is there a second?

20 MR. MORENO: I'll go ahead and second it  
21 based on the narrow definition that's outlined.

22 CHAIR GAY: Okay. So that's a motion that's  
23 kind of like an amendment to the motion.

24 MR. ARZA: Which is fine. I'll second his  
25 amendment to the motion.

1 CHAIR GAY: Thank you.

2 MR. DEL TORO: Ms. Gay, could you read that  
3 back, the amendment? I'm sorry.

4 (Multiple speakers.)

5 MS. SWEENEY-SCOTT: An amendment to the  
6 amendment.

7 MS. PAULINE: Can you restate the motion,  
8 please.

9 MR. ARZA: Yeah. The motion is that the  
10 Commission find that there is not competent  
11 substantial evidence to conclude the applicant's  
12 budget does not meet requirements of the State  
13 Statute based on the definition that --

14 MR. MORENO: Based on the reason for  
15 denial --

16 MR. ARZA: -- provided.

17 MR. MORENO: -- from the district's denial  
18 letter.

19 MR. DEL TORO: Thank you.

20 CHAIR GAY: All right. So we have the  
21 motion. We have a second. We can discuss now.

22 I think -- and clarify if I'm not getting  
23 this right -- but I hear that Tiffanie still has  
24 some concerns about what the actual motion is.  
25 What you're saying is we're just being specific to

1 the denial letters -- the denial reasons provided  
2 be the district?

3 MR. MORENO: Correct.

4 CHAIR GAY: We're not adding any other  
5 assessment, we are limiting it to the denial  
6 letters? That's my understanding.

7 MR. ARZA: Exactly. Yeah.

8 MR. MORENO: So from my thinking, the 288  
9 students, I think by having the survey, that is a  
10 reasonable assumption of enrollment. So if that  
11 was the case, then it's there. And that's why  
12 I'm narrowing it to that component.

13 MS. PAULINE: So based on your amendment and  
14 your comment, it would assume in order to support  
15 that amendment we would have to agree that the  
16 projection is reasonable and we would be --  
17 though we are allowed to, as the Commission,  
18 consider new information or information we hear  
19 today, we're now -- I don't want to say  
20 backpedaling -- but we're changing our scope  
21 which differs from the evaluation criteria, which  
22 we're allowed to use. I don't understand why we  
23 would do that.

24 We're charged with looking at it in totality  
25 and considering all options available to us. To

1 narrow that I think is a bit -- I'm trying to  
2 choose the right word -- limiting to our charge.

3 I still feel that it's just a matter of  
4 language being used. I don't feel like that there  
5 was new information presented. It was just an  
6 expansion on the statement or the argument that  
7 they were making.

8 If you're talking about enrollment and you're  
9 talking about revenue and you're talking about  
10 financials, it seems to be obvious that you would  
11 then question if there is a concern, which I think  
12 we all kind of indicated in the partially meets  
13 section that there was a concern, that it would be  
14 logical to then say if not for other funds, there  
15 could be issues.

16 I also brought to the table that there are  
17 some discrepancies not considering the redo that  
18 the district did and what's in the narrative and  
19 what's in the two different budgets.

20 And then on top of that, I did ask the  
21 question of the school, convince me this is not a  
22 break-even budget because I've still not received  
23 any information that helps me feel comfortable  
24 that this is not a break-even budget, that this is  
25 a budget based on realistic and reasonable

1 projections. I'm just not sure how we got to  
2 there. I have concerns.

3 MR. MORENO: I think to Mr. Arza's point  
4 earlier is the process wasn't the normal process,  
5 even for Palm Beach County. And I think that's  
6 where some of this could have been answered or  
7 fixed. And I think that's the struggle we're  
8 having.

9 MS. PAULINE: So I would rebut with the fact  
10 that the school indicated it wasn't opening until  
11 2025. The location has not been identified. In  
12 essence, there's no demonstration of harm being  
13 done.

14 There was an opportunity to cure, but the  
15 school chose not to for the reasons that they  
16 stated. I'm not saying they're valid or invalid.  
17 But at this point, they could have resubmitted an  
18 application and, you know, none of us would be  
19 here today with the cures that were offered to  
20 them.

21 And what I didn't bring up is I just Googled  
22 Palm Beach County and technical assistance, and  
23 I'm seeing finance, budget information and  
24 guidance for new Charter School applicants. And  
25 everything -- almost everything that the district

1 is asking for, they mention often common mistakes,  
2 over-budgeting ESE populations, over-budgeting  
3 projections. They give you the tools to use for  
4 projections.

5 So though they did not have a capacity  
6 interview -- and I don't know that this was  
7 offered to the school. I am seeing that it's not  
8 inconsistent with what they are saying. So that  
9 means that other schools must have tapped into  
10 this that have been successful.

11 CHAIR GAY: We have a motion on the table  
12 and a second. So is there any further  
13 discussion? You can take your time if you need a  
14 few minutes.

15 MS. SWEENEY-SCOTT: I just want to  
16 piggybacked. I said something and Richard kind  
17 of piggybacked on it.

18 If we're looking at what the motion says as  
19 opposed to what is in the denial letter as opposed  
20 to what is in the district's response to the  
21 appeal, they don't match. They're not specific.

22 So, you know, I can make the assumption that,  
23 yes, enrollment drives this, drives that. But I  
24 would think that whatever I put in the denial  
25 letter transitions to the appeal document. And

1 they don't mesh to me. They say two different  
2 things. That's where I'm having an issue. I  
3 don't know what I'm supposed to judge on.

4 MR. ARZA: And I think that that's my point  
5 I brought up before was like asking them -- it  
6 seems like it's a, you know, they said this, they  
7 say this. And people are coming up with  
8 arguments.

9 I think our job is to adjudicate between the  
10 two parties, discussing whether the budget is  
11 actually sufficient based on the arguments that  
12 were made in the document and being made now.  
13 And, you know, based on the facts presented, I  
14 believe, which is why I made the motion, that  
15 there's not substantial evidence to deny them an  
16 application just based on, you know, some  
17 questions that they have and that they had and we  
18 might have but with more process.

19 I think if the process would have been done  
20 right, they would have been able to provide that  
21 information and we would have it here today.

22 MS. PAULINE: You keep saying "done right."  
23 So a past process doesn't necessarily mean that  
24 it has to be the same process every time. Again,  
25 I say the capacity interview is not required by

1 law, but it is a best practice. I agree.

2 MR. ARZA: No, I'm saying --

3 MS. PAULINE: Let me finish. So you're also  
4 penalizing the district for taking its  
5 interpretation. And, you know, having done this,  
6 at least us three, for at least 15 years, a  
7 budget can make or break you. The budget -- to  
8 me the budget is more important than the  
9 educational program. And perhaps because I have  
10 a financial background, I'm a little partial.

11 But if you don't -- I have closed too many  
12 schools that did not start on level footing based  
13 on a break-even budget that pass muster. And  
14 these for me are not COGs, they're not, you know,  
15 products. These are babies. These are students.  
16 And, again I'm just not convinced.

17 I open it up if you will allow me to, but I'm  
18 still not convinced that the projected enrollment  
19 is realistic. I'm not convinced that even if it's  
20 not realistic, even if it's at 90 percent because  
21 of the few discrepancies I found that it does  
22 break even, well, it does yield a positive budget.  
23 I have concerns.

24 I mean, if it was as simple as presenting a  
25 breaking-even budget, which is probably easier to

1 do using the template that's been provided for  
2 budgeting because you don't have to -- back in the  
3 old days, you would have to really think through  
4 everything from your narrative and roll it all the  
5 way into your numbers. It wasn't plug and chug.

6 So that's why I'm even more sensitive because  
7 I've seen so many schools that do these break-even  
8 budget exercises. And come day one, they get paid  
9 on -- in some districts, some districts pay based  
10 on projections and they'll adjust. Some districts  
11 pay based on actuals.

12 I have a school right now that in their first  
13 year they're going to get in next month's payment  
14 \$500 because we had to adjust. We had to adjust.  
15 I mean, we're also responsible for being  
16 custodians of taxpayer dollars.

17 And this is not something you can contract  
18 away. This is your business plan. This is your  
19 business plan. And if you don't have it right now  
20 or if you can -- if 288 is the number and you had  
21 said to me I have justification because I've done  
22 a need and demand analysis and I know it's going  
23 to be in this part of the county and the research  
24 says that there are babies there that are from K-5  
25 or K to whatever and I know I can fill it and they

1 indicated they love this educational program, I  
2 would be like, okay, okay. But I don't see that.

3 And perhaps I'm leaning on past experience.  
4 And if that's unfair, I'm sorry to the school, but  
5 all I have to go on is my experience and what I  
6 have before me.

7 MR. ARZA: But, I mean, the survey, don't  
8 you think that the survey -- like most schools  
9 don't do a survey. You know, he provided  
10 evidence saying where they went in the district.  
11 So they tried to gather -- I mean, not everyone  
12 does a survey to like get feedback on whether  
13 people are interested.

14 MS. PAULINE: Surveys are the easiest things  
15 to do. And remember as the largest district in  
16 the state of Florida, we have seen it all.

17 And I think Rich can attest to this. We have  
18 seen some very -- even from mop and pops, some  
19 very detailed need and demand analyses that help  
20 you get to that number because if -- I don't know  
21 Palm Beach that well, but if you're opening up in  
22 Wellington versus Delray Beach --

23 MR. ARZA: Yeah, it makes a difference.

24 MS. PAULINE: -- and you're not offering a  
25 program that is welcomed, enrollment could be

1 totally different between those two areas. If  
2 you're opening in the area where you have, you  
3 know, poverty, where there's a lot of special  
4 education needs, that data is available. That  
5 data is available through the district.

6 So you will budget very differently when  
7 you're looking -- you can't do a global picture of  
8 ESE. If you know you're entering into a community  
9 where there's a lot of special education needs,  
10 your budget should be very different. And not to  
11 say you can't do a district-wide budget, but you  
12 have to have proper reserves and contingencies in  
13 place.

14 And I agree with Kia. I mean, even if it's  
15 not a requirement of the district to have a  
16 scenario budget, scenario budgets at 75, 50 or 30  
17 or whatever, it's just smart business. It's smart  
18 business. It's a smart business and a smart thing  
19 to do when you know you are going to be the  
20 holders of millions of taxpayer dollars. So  
21 that's just where I am. I'm done. I'm off my  
22 soapbox.

23 CHAIR GAY: Thank you.

24 MS. SWEENEY-SCOTT: The only issue I take  
25 with it -- and, you know, everything kind of

1 centers around the fact that there was a change  
2 in leadership because I believe now that if there  
3 is a capacity interview -- and it seems like the  
4 old way, whether it was right or wrong, has  
5 resumed. So this is like an anomaly in a sense.

6 But even with the -- we call them the dump-in  
7 budgets, right? They always balance for the most  
8 part. But when we see those, we still have  
9 questions, right? And those questions are  
10 addressed during a capacity interview. And that's  
11 where everything kind of gets ironed out.

12 So I think that it was just dropped there  
13 because it just didn't happen. I don't know, it's  
14 a lot of inconsistencies. You know, I don't know  
15 where to go with it.

16 MR. ARZA: Yeah. My thing is that  
17 usually -- even in Miami-Dade when there's the  
18 capacity interview, you guys give a school an  
19 opportunity to kind of -- hey, we need more  
20 information. And the questions guide the school  
21 in understanding what they would need.

22 And absent that interview and absent that  
23 conversation, the school doesn't really have a  
24 sense of what in the end that the district feels  
25 is missing, which the district is there to help

1           them navigate that.

2           CHAIR GAY:   Okay.   So we have a motion and a  
3           second.   And I'm going to attempt to kind of come  
4           back to what the motion is and clarify.

5           It's that the Commission find that there is  
6           not competent substantial evidence to conclude  
7           that the applicant's budget as stated in the  
8           denial letter does not meet the requirements of  
9           Florida law and rule.

10          MR. ARZA:   Yes.

11          CHAIR GAY:   So what we are here to see is  
12          whether or not there's evidence to support that  
13          conclusion based on what we know today.

14          MS. SWEENEY-SCOTT:   Can I ask one more  
15          question?

16          CHAIR GAY:   Of course.

17          MS. SWEENEY-SCOTT:   If the funds were  
18          included from the bond, potential bond, would  
19          everything have been fine with the budget?

20          MR. MORENO:   That's why I'm truly torn,  
21          right, because you have some evidence of that  
22          that's there.   Whether those assumptions -- this  
23          is why I wanted to narrow it because then I can  
24          go into assumptions and say, okay, is that  
25          realistic, you know, is that real?   What are the

1 lease rates? You know, you can go into these  
2 rabbit holes that become really deep.

3 But overall, the budget -- you know, there  
4 might be a couple of other things that can be  
5 tweaked or not, but that's where -- I think going  
6 back to articulating on the denial letter, you  
7 know, some of these other points I think would  
8 give us that, because we can always go into -- you  
9 know, we can go into rabbit holes, right, and into  
10 different things.

11 You know, as presented like that, it does --  
12 it will balance because you got no payments for  
13 three years. That's the reason that it balances,  
14 right? So the reality is if they don't get that  
15 type of lease rate, they're not going to have the  
16 funds to open up a charter, right?

17 MS. PAULINE: So we keep harping on capacity  
18 interview. There is today an opportunity to  
19 demonstrate capacity. And I'm not sure even with  
20 the hard-hitting questions that we've had and the  
21 ones that have gone unanswered if there's a  
22 demonstration of capacity.

23 MR. ARZA: I think that -- I mean, just to  
24 Richard's point, I think that a lot of times when  
25 there's that process and that conversation,

1 especially when it comes to budget, sometimes it  
2 requires clarification and opportunities to go  
3 back and clarify things. So I think with a  
4 budget, it does become kind of, you know, like a  
5 black hole you can go into. I mean, I'm not, you  
6 know, Mr. Budget. That's Richard.

7 MR. MORENO: I could go deep in these.

8 MS. PAULINE: I'm trying not -- I mean, I  
9 had my calculator out and I was like, okay,  
10 that's not your role. But I did find a few  
11 discrepancies.

12 And even in the conversation that we heard  
13 today, I found -- I didn't point them all out, but  
14 there were some discrepancies in what was said and  
15 what was read. And I understand people are  
16 nervous and you don't have all the information in  
17 front of you. And this was as while ago. So I  
18 get that.

19 MR. ARZA: I think the point is we're trying  
20 to make a judgment, you know, between these two  
21 conflicting parties on this issue based on the  
22 evidence in front us.

23 MS. PAULINE: I mean, I think we wouldn't be  
24 having this conversation if this was a  
25 replication. This is a newbie, for a lack of

1 term. So, I mean, that's why there's scrutiny,  
2 because we don't have the experience 2.2. We  
3 don't have a demonstration of having done this  
4 before 2.2. We don't even know where the school  
5 is going to be located.

6 And I will say I still think we have a  
7 break-even budget. But the school has  
8 demonstrated there is some interest. I just don't  
9 know if the interest that was gathered equates to  
10 the projections that are in this budget. And  
11 that's the heartburn for me.

12 MS. SWEENEY-SCOTT: And it's funny because  
13 you get the frame of reference of location,  
14 right?

15 MS. PAULINE: Right.

16 MS. SWEENEY-SCOTT: So I make the assumption  
17 like southern Florida, since it's so large, the  
18 districts are so large, that they are  
19 neighborhood specific for the most part.

20 Whereas, where we are, our kids go across  
21 the -- they cross county. So we can never -- you  
22 can put a school here, but you will have parents  
23 driving 30 miles to a school. So that really  
24 doesn't affect like my frame of it. I don't know.

25 MS. PAULINE: And to piggyback on your

1 point. If this was a vanilla Charter School  
2 providing, you know, just comprehensive,  
3 traditional education, but this is very specific  
4 and has a very, you know, specific theme, which,  
5 you know, to me makes it more important to make  
6 sure that your need and demand is there because  
7 if you're opening up -- I mean, if I open up an  
8 art school in a community that wants a sports  
9 school or has a need for a sports school, that  
10 doesn't guarantee me butts in seats. It does  
11 not.

12 MS. SWEENEY-SCOTT: And then I think about  
13 looking at some of our schools that are run by  
14 large companies, you know, our budget is like --  
15 they're in the negative. And I'm like, yeah,  
16 they are. But over time they come out of that  
17 negative. And they have the resources that backs  
18 up.

19 I'm not a budget person, but I've seen  
20 negative in the first year. And each year that  
21 decreases and then they wind up positive.

22 MS. PAULINE: Right. And that could happen.

23 MS. SWEENEY-SCOTT: Knowing they have the  
24 resources, then why are you negative, right? But  
25 I don't know.

1 CHAIR GAY: All right. So I want to make  
2 sure that we've have the discussion needed, the  
3 questions needed. But at a certain point, I'm  
4 going to call for a vote, and we'll go from  
5 there.

6 All right. So we have a motion and a second.  
7 Karen, if you would please call the roll.

8 MS. HINES-HENRY: Raphael Arza?

9 MR. ARZA: Yes.

10 MS. HINES-HENRY: Richard Moreno?

11 MR. MORENO: Yes.

12 MS. HINES-HENRY: Tiffanie Pauline?

13 MS. PAULINE: No.

14 MS. HINES-HENRY: Kia Scott?

15 MS. SWEENEY-SCOTT: Yes.

16 CHAIR GAY: All right. Thank you. The  
17 motion carries.

18 And then we do have our final motion about  
19 the ultimate recommendation that this Commission  
20 is going to make to the State Board. So if I  
21 could have someone make that final motion, please.

22 MS. PAULINE: Can I ask for a point of  
23 clarification?

24 CHAIR GAY: Of course, yes.

25 MS. PAULINE: On this final vote, just from

1 my recollection, because it's been a minute, this  
2 vote has to be unanimous? I thought there was a  
3 vote that needed to be unanimous.

4 CHAIR GAY: I don't know that it has to be  
5 unanimous. I think it's based on the prior votes  
6 that we've had.

7 MR. MORENO: Don't we have to have context  
8 to the reason to support or do we have enough?

9 CHAIR GAY: Yes, I think we've articulated  
10 it very well. I appreciate that. We have to  
11 make sure that it's fact-based justification.

12 MR. MORENO: The State Board will have  
13 plenty of info.

14 MR. ARZA: Yeah. Yeah. Exactly. The court  
15 reporter has it all.

16 CHAIR GAY: Yes. So if someone could make  
17 that move, please -- I'm sorry -- the motion.

18 MR. ARZA: The final one?

19 CHAIR GAY: Yes, please.

20 MR. ARZA: I move the Commission recommend  
21 that the State Board grant the appeal.

22 CHAIR GAY: All right. Tony's made the  
23 motion.

24 Is there a second?

25 MR. MORENO: I'll second.

1 CHAIR GAY: Second by Richard. We have a  
2 motion and a second to grant the appeal.

3 Karen, will you please read the roll.

4 MS. HINES-HENRY: Raphael Arza?

5 MR. ARZA: Yes.

6 MS. HINES-HENRY: Richard Moreno?

7 MR. MORENO: Yes.

8 MS. HINES-HENRY: Tiffanie Pauline?

9 MS. PAULINE: For the reasons I stated  
10 earlier, no.

11 MS. HINES-HENRY: Kia Scott?

12 MS. SWEENEY-SCOTT: Yes.

13 CHAIR GAY: All right. The motion carries.  
14 And the Commission will be recommending that the  
15 appeal is granted.

16 So before everyone moves about, let me make  
17 sure that we get in some of the final logistics  
18 for the next steps for the parties. So based on  
19 the proceedings today, the department will draft  
20 the written fact-based justification and we will  
21 have a telephone conference followup where the  
22 Commission will meet on that written  
23 recommendation. Of course, we will make the  
24 parties aware of that as well. Just to like  
25 finalize and okay that written recommendation.

1           That recommendation, along with a transcript  
2 of today's meeting, all of the materials that were  
3 submitted to us will be submitted to the State  
4 Board for its consideration. And that is  
5 currently scheduled to go before the Board at its  
6 April 9th meeting, and that is here in  
7 Tallahassee.

8           It will have a similar, though not as  
9 extensive, setup where they will ask you to  
10 present a short bit. They might ask questions.  
11 That is in our -- I believe it's in the rule or in  
12 the statute, but I'm happy to provide any  
13 clarification if needed on what that State Board  
14 presentation usually looks like.

15           Are there any other matters for  
16 consideration?

17           MS. PAULINE: No.

18           CHAIR GAY: All right. Thank you so much to  
19 the parties and Commission Members. This was a  
20 good but productive and long day, so thank you.  
21 We are adjourned.

22           MR. DEL TORO: Thank you to the Board  
23 Members.

24           (Whereupon, proceedings were concluded at  
25 2:44 p.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 1 through 221, 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 21st day of March, 2025.



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MICHELLE SUBIA, CCR, RPR  
NOTARY PUBLIC  
COMMISSION #HH252438  
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