

APPROVED

# FLVA Central Board Minutes

## Central Virtual Charter School Board

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### **Date and Time**

Wednesday March 15, 2017 at 10:00 AM

### **Location**

<https://sas.illuminate.com/site/external/launch/meeting.jnlp?sid=559&password=M.21F288AAFA5C996E33FA3B5E60ABB0> K12 Conference Line: 888-824-5783 Participant passcode: 48868066

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### **Board Members Present**

C. Calabucci, L. McDonald, L. Williams

### **Board Members Absent**

### **Guests Present**

Bill Bethel, J. Kramer, Karen Ghidotti, Michael Arzon-Harris, Matthew Scott, S. Anthony

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## **I. Opening Items**

### **A. Record Attendance and Guests**

Also in attendance: Michael D. Harris-Arzon, parent and potential board member; Louis McDonald, parent and potential board member, Karen Ghidotti, K12; Bill Bethel, K12; Matthew Scott, Board Attorney; John Kramer, K12; Sandra Anthony, K12.

### **B. Call the Meeting to Order**

C. Calabucci called a meeting of the board of directors of FLVA Central Board to order on Wednesday Mar 15, 2017 @ 10:00 AM at <https://sas.illuminate.com/site/external/launch/meeting.jnlp?sid=559&password=M.21F288AAFA5C996E33FA3B5E60ABB0> K12 Conference Line: 888-824-5783 Participant passcode: 48868066.

## **II. School Renewal**

### **A. Updates on 90 Day District letter**

Board Chair Calabucci gave an update on the meeting held with Dr. Esposito and her committee on the last day in January at which time additional information was provided and questions were answered about our school. The result of that meeting was that the committee voted to recommend to the Superintendent and to the Osceola Board that we be given an additional year on the renewal. That action was to take place at the board meeting of February 7, 2017.

At that board meeting, there were additional items that came up and the Board voted to table the approval until the next board meeting. Subsequently, the Superintendent recommended and the Osceola Board voted that we be issued a 90-day letter to close the school at the end of the term.

### **III. Governance**

#### **A. Consider new Board Members**

L. Williams made a motion to to accept Mr. McDonald and Mr. Harris-Arzon as members of the board.

C. Calabucci seconded the motion.

The board **VOTED** unanimously to approve the motion.

As potential new board members, Mr. Calabucci asked Mr. McDonald and Mr. Harris-Arzon to introduce themselves and outline their background. Mr. McDonald, a parent of a K12 student for the past four years, has served as a teacher; has pursued his advanced degree and is currently self-employed. Mr. Harris-Arzon shared that he too is a parent of K12 students. Mr. Harris-Arzon shared that he is pleased with the curriculum and appreciative of the efforts the school has made to meet the needs of his children. Mr. Harris-Arzon is a business owner. Board Chair Calabucci expressed his gratitude to both Mr. McDonald and Mr. Harris-Arzon for their interest and their willingness to serve. Board member Larry Williams shared that he had the opportunity to meet with both men and was impressed with their passion for their children's education.

### **IV. Attorney Overview of 90 Day Letter Issued by Osceola School District**

#### **A. Options for Response to 90 Day Letter**

Matthew Scott briefed and provided guidance to the board. Mr. Scott reviewed the process stating that charters operate with a contractual authority from the school in which they are located. The contract with Osceola gave them the authority to non-renew for a variety of reasons - one is performance related. Under Florida law, the termination process begins with a 90-day notice. If we disagree, we have 14 days to challenge the closure. At that point, the district can refer us to an Administrative Law Judge to present our case or they can have a hearing before the school board wherein evidence is presented. The benefit of hearing is that it provides negotiation and it reserve our right to request the hearing. Mr. Scott shared that he has reviewed the issues outlined in the 90-day notice and it does not provide right to cure issues. Some of the issues are difficult to overcome.

A question was raised related to pursuing mediation. Mr. Scott shared that mediation may be an option after the hearing. Mr. Scott stated that he would check the contract and email the board members on what he finds. Mr. Scott then outlined for the board their options. He informed the board members that the issuance of the 90-day letter was procedurally improper. There was no notice provided to suggest that they would be discussing renewal. There was no public notice in the agenda as required by law. If the Board wishes, they can instruct the attorney to challenge the 90-day notice process which would begin with a letter of notice outlining the various issues including Sunshine issues. Mr. Scott shared the challenges of winning a 90-day notice challenge given the way the contract was written.

The Board discussed its options and voiced concern that we should do whatever it takes to save the school. Mr. McDonald asked about the opportunities to fix the reporting issues. Karen Ghidotti directed the board to the last two bullets: test participation and the school letter grade. Our contract states that we would have to receive two F ratings within five years. We have had one - the first year the school was open. The 95% participation rate has been a concern and Matthew

Scott sent a letter on behalf of the Board asking permission to take control of the testing program so we can improve the participation rate. We have already hit 91% and have two additional windows to hit that target. Last year, we were at 74%. Ms. Ghidotti feels that there is a case to be made to show that when the management company, on behalf of the Board, could facilitate testing, we are and will continue to be much closer to hitting the mark. The school letter grade matter does not apply as we do not have two F's. Further, the charter was renewed with the current letter grade. Ms. Ghidotti feels that those are two opportunities for negotiation. On the reporting matter, Osceola has commented on our improvement.

Mr. McDonald asked who is the best person to tell the story to Osceola. Ms. Ghidotti stated that an appeal letter provides the Board the opportunity to ask for negotiations. Without an appeal letter, there are no options.

Discussion continued to understand the process of appeal. Mr. Williams expressed gratitude for the clarity in understanding the issues and the chances of success or failure. He commented that he feels we should respond immediately with our wish to appeal a nonrenewal. Secondly, he shared that we should explore all the options available related to the procedural issues. Lastly, Mr. Williams stated that we should capitalize on the power of people and maximize the opportunity to reach out to these elected officials. Osceola School District's own online program, =also struggled to meet the participation benchmark. Mr. Williams opined that we need to our parents to the meeting to speak at the board meeting and pack it with the voices of our parents and be accountable to their constituents.

Mr. Harris-Arzon stated that the 'call of action' letter came too late and was curious about how many other parents did or did not receive those letters. Board members shared that they are willing to do whatever it takes including making calls themselves.

Mr. Williams shared his background with the legislature, charters and authorizers, and the districts he has served including writing policy and testifying. He stated that in his personal experience there are very few, if any, entities that have a positive feeling towards charters - virtual or not, and they will take little to no action to do anything to benefit a charter school. If there is an opportunity to kill off a charter by the means of being pecked to death by a thousand ducks or death by a thousand paper cuts, it would not be a surprise. Mr. Williams shared his appreciation again for all the work that has been done by many. He further stated he understood the latitude the Osceola board had and the subjective reasons they could take.

Mr. Scott emphasized his role to ensure the board understood its options and the probabilities.

The timeframe was questioned and discussed. Mr. Scott emphasized that there was no notification to parents because we did not get notification that they were going to take the action they did and it was not on their public, advertised agenda. Their action and our right to due process is important in our country. Mobilizing parents was discussed as well as the 14-day clock. The deadline is the 22nd/23rd. Mr. Scott stated that the request for hearing letter preserves the Board's rights.

L. Williams made a motion to the Board authorizes the Matthew Scott, Board Attorney, to craft and submit a letter requesting a hearing to dispute the findings related to the 90-day termination letter as soon as possible.

L. McDonald seconded the motion.

The board **VOTED** unanimously to approve the motion.

Discussion followed. Chair Calabucci asked about costs. Matt Scott estimated costs to be a couple thousand dollars. The back and forth communications with the district related to procedural fight will include research, law, K12 research, relevant case law, that is more legal intensive and could be \$10-\$30K. If we continue the fight to the hearing, depositions and written discovery would be

needed along with preparations for the trial, it could be very expensive. KG stated that K12 understands this matter is before the Board today and K12 is onboard with supporting the Board and working collaboratively with the Board's designee to be a contact on this issue.

Mr. Scott outlined the letter of response and shared that there will be a request for hearing in an approximate two-page letter and made two recommendations: one request a hearing on the 90-day notice pursuant to Florida law – disputing the F grade issue, the documentation issues and the process of testing and it behooves us to capture everything we are disputing. This will trigger the hearing process. Matt Scott asked to the Board to consider the dispute of the process. Prompted by questions, discussion continued on the timeline and the sequence of events.

L. Williams made a motion to proceed with our dispute of the procedural process Osceola School District used in issuing the 90-day letter as well as authorizing Board Attorney Matthew Scott to draft a dispute letter to the 90-day termination letter within the time frames specified by law that preserves our right to address our concerns we move forward in hopes of renewal for 1 to 5 years for the Osceola Florida Virtual Cyber Charter Academy.

L. McDonald seconded the motion.

The board **VOTED** unanimously to approve the motion.

Larry Williams volunteered to serve as liaison. Mr. McDonald volunteered to help in the efforts to help get to 95% participation. Karen Ghidotti asked Sandra Anthony and Sharon Williams to reach out to Mr. McDonald to see how we can work together. Mr. McDonald reiterated that he would do whatever it takes and offered his testimony of the quality of teaching and the curriculum that K12 offers. Mr. Harris-Arzon offered his opinion on robo-calls and suggested that we make calls short with follow up with a personal call.

## **V. Closing Items**

### **A. Adjourn Meeting**

C. Calabucci made a motion to adjourn the meeting at 11:10 am.

L. Williams seconded the motion.

The board **VOTED** unanimously to approve the motion.

There being no further business to be transacted, and upon motion duly made, seconded and approved, the meeting was adjourned at 11:30 AM.

Respectfully Submitted,  
C. Calabucci