

B. Review of Specific Factual Issues

While there were parental concerns raised and expressed during the 2014-2015, school year, a serious set of events occurred at the beginning of the 2015-2016 school year that unfortunately continue to resonate to this day in their own way.

On September 15, 2015, Valerie Parker, an MCA parent with two children enrolled in the school, was informed that her kindergarten child was being unenrolled from school because of his alleged failure to comply with Policy SE 1.0 Personal Hygiene in which students must be “independent in toileting.” This arose out of some three accidents that occurred during the course of an approximate month period (August 17 – September 15, 2015).

On or about August 17, 2015, the child had apparently wet his pants in the bathroom. Ms. Parker wrote to the teacher, Mrs. Huck on August 18, 2015, thanking her for helping her child. She noted that she had “washed and sent the spare set of shorts, and had placed them in the child’s backpack.” Mrs. Huck responded with “no problem.” And she proceeded to inform her of the three reasons why she thought Ms. Parker’s child had the accident including “there was a line waiting before him; and he couldn’t manage to get his belt off.” She asked that he work on practicing taking his belt on and off. During the week of August 24, 2015, the child was out for several days for medical reasons. He was out again September 8 and 9 for similar reasons and for which he was on a medication regimen. Ms. Huck was informed of this in the email. Mrs. Parker emailed Ms. Huck accordingly on September 8 and 9, 2015. On September, she also emailed Ms. Barreto of her son’s illness and absence from school when Ms. Barreto informed her he was missing too much school and would need a doctor’s note. At 3:02 p.m. on September 9, 2015, in furtherance of Ms. Barreto’s request, Mrs. Parker emailed her stating “please note the dr faxed a letter for your records. This was done about an hour ago.”

On Friday, September 11, 2015, an accident occurred in which he soiled himself while in class. Traumatized, he touched himself in the lower back area to feel what it was and then removing his then soiled hand from his pants. He was taken to the bathroom and left there with another person until Mrs. Parker was called to come to school to clean him up. After cleaning her child up, recognizing how difficult the experience must have been for all, a distraught Mrs. Parker apologized to the teacher, and made a \$50 donation to the school for the cost of any cleaning supplies that were used in the clean-up process. (See, September 11, 2015, email communications to Ms. Huck and to the school). Mrs. Huck responded quite critically lecturing Mrs. Parker that her son should have known how to handle his toileting needs. (She added that that for it was “not only gross and something a kindergarten teacher should rarely handle, but...very unsanitary for us all...”)

At 10:15 a.m. on Monday, September 14, 2015, Mrs. Huck emailed Mrs. Parker seeking to meet with her and Mr. Whitehead that day or the next to discuss her son’s “accidents at school.” Ms. Parker wrote back asking: “Was there an issue today which required an expedited meeting?” She informed her that the most recent accident “was an unexpected onset of an intestinal bug.” She advised she would be glad to meet to discuss. However, wanted her

husband to be present but he was away for the week. She offered the following Monday (September 21, 2015) to meet.

Ms. Huck then made it clear why she and Mr. Whitehead wanted to meet with her. At 3:36 p.m. she wrote: "The reasons for our scheduled meeting is to inform you of the enclosed policy and if there is another occurrence this week", her son "will be unenrolled at Mason Classical Academy...Let us know if you still want to meet on Monday." Mr. Whitehead was copied on the communication.

On September 15, 2015, another accident occurred in the bathroom just as the child was getting to the toilet itself. Mrs. Parker was called and she came to school to clean it up. She recalled Mr. Hull telling her that he expected her to clean it up; which she did. Once she had done so and was walking her child out of the bathroom to hallway, she was handed a copy of Policy SE 1.0, told her that her child was done at MCA and Mr. Whitehead escorted both of them out of the building.

On September 16, 2015, a separate event occurred apparently involving a second grade student, who also experienced an accident. Embarrassed, the child tried to flush his underwear down the toilet which got clogged in the process. The ensuing plumbing problem led the Administration to the decision to find out who the culprit was. The decision, was also made, without prior parental notification, to check the pants of multiple students to see who might not be wearing underwear. This investigation was spearheaded apparently by Mr. Whitehead. The student was identified, confronted, and apparently confessed to his actions.

On Wednesday, September 23, 2015, Mrs. Parker wrote a lengthy email to Mr. Whitehead expressing her concerns including the fact that she felt the medical issues, including the medical issues involved, were not taken seriously by the Administrative team. She then stated her concern about the other child and the fear and embarrassment that he must have felt. She concluded her remarks as follows:

While this is disturbing on so many levels, you must understand how these children have been made to feel. These are good, obedient children who just want to comply and obey the rules. You have to think on their level. When a teacher, a superior, someone of authority gives them directive, they want to comply – even if that means putting common sense aside to do so. We've taught them to listen, be respectful and comply with what they are told...

While I have been advised by many concerned MCA parents to report these incidents to outlets outside of MCA, I support this school and want to go through the proper channels, extending courtesy that both my child and I were never given. I am calling on you to please make these things right. I care very much about this school. I want it to flourish and succeed. I was one of those parents involved from the beginning. My heart is here, even though my child was judged unfairly, far too harshly, and his expulsion was unjust. What is happening here

is very concerning. It must be addressed and remedied for both the mental and physical health of our children and for the good standing of the school.

Mr. Whitehead wrote her back that day acknowledging that he had read all of her concerns noting: "I will forward this on to all related personnel for further review." With respect to the bathroom incident that Mrs. Parker had noted toward the end of her email, he informed her of the following: "The child who caused the clog WAS NOT disciplined in any way for the unfortunate event. Any rumors stating that the child was disciplined by MCA are completely false."

Despite Mr. Whitehead's representation that he would send her email on for further review, she never heard from anyone at MCA. Pursuant to Board Policy, she prepared a detailed grievance letter that included much of what she had expressed to Mr. Whitehead. She sent her written grievance to MCA Board Members including Mr. Donalds and Mr. Mathias. Mrs. Parker never heard back from the Board and no inquiry was ever undertaken to address her concerns.

On October 3, 2015, Mrs. Parker then sent her grievance to Dr. Messer, the District's then Director of Charter Schools, for review. Dr. Messer informed her the District could not undertake a review and wanted to give MCA's Board a chance to do so. She also contacted the Charter School Office of the FDOE and received no response. Ultimately, Mrs. Parker concluded that she would receive no response to help her redress her concerns. As a consequence, after speaking with several other parents who were upset by the underwear incident and lack of transparency at MCA, she agreed to speak with the media to voice her concern. The story was picked up by NBC-2 News and the Naples Daily News ("NDN").

The response to the media reports was something Mrs. Parker could not have predicted. Mr. Whitehead, the School's Assistant Principal, who had promised to forward Mrs. Parker's concerns, now directed his energies by indirectly attacking her on social media. He began his post by discussing rumor spreading and gossip as essentially criminal "spread against a person or organization." Warning to his subject, he then extrapolated as follows: "When you kill a good reputation intentionally, wrongfully, and by stealth, you have in fact killed that person." He noted that persons who spread rumors are cowards. He then explicitly added the following message: "I would have no problem with facing anyone like that and terminating their lease on life." (Emphasis added).

Board Member Laura Miller read Mr. Whitehead's remarks and supported them. "Joe, I agree with you. It's imposing for me to believe that the parent who called for an interrogation of staff by DCF is a true patriot." She later added that founders of the school "would never dream of this kind of cowardly, destructive action without having good form to discuss their grievance with the teachers, administration, and then if need be the Board." It is clear, that Board Member Miller had not looked into the facts before commenting. Mrs. Parker had written to the teacher, written to Mr. Whitehead, and written to the Board. Mr. Whitehead never responded to Mrs. Miller's posting that he had received and reviewed Mrs. Parker's concerns and had promised to send them on to the appropriate persons. Other comments mocked the child and Mrs. Parker's

parenting skills including anonymous ones written under cover of “CCEA-Collier Citizens for Educational Achievement” that were particularly destructive in nature.

Board Member Lichter also weighed in on the social media posts. She commented on a pro-MCA statement by calling out Mrs. Parker by name as follows: “Thank you for your support. Perhaps you and others should personally let Mrs. Parker know how you feel.” Yet, neither she nor anyone else on the Board or Administration made any effort to investigate the matter or sit with Mrs. Parker to address her concerns. They never reviewed what the policy provided.

For whatever reason, Mrs. Lichter decided that she wanted to attack Mrs. Parker again almost three and a half years later in a series of emails sent to District School Board Members. She noted that she “was very surprised that not one of you asked me to send the report on Valerie Parker. This just proves that you have no interest in truth or hearing our side for your convenience. I have attached the report to this email. Your minds will be blown! If anyone should be investigated, it is this School Board.”

A review of the alleged report discloses a non-report; just a cobbling together of emails, newspaper, letters, and so on. A good portion involves comments involving the underwear incident which had nothing to do with the complaints raised by Mrs. Parker. Mrs. Lichter begins her email with a statement of false reporting guidelines and the criminal penalties related to them. She then proceeds to comment on an alleged DCF report and claim that she knew of a call from Mrs. Parker to DCF (Mrs. Parker never called DCF) and then proceeds to comment on it. How she came into possession of it, or who authorized it, she does not say. Why MCA never prepared or produced a report based on the September – October 2015 events, she also does not say nor does she say why no one acted on Mr. Whitehead’s promise to pass Mrs. Parker’s concerns along or why her written grievance was never addressed. Certainly, her report is silent on them. It appears her email was an attention-seeking device to get Board Members to respond to her.

Mrs. Lichter’s April 4, 2019, email was a springboard to a further set of attacks sent via email to the School Board on April 5, 2019. In one of them, she goes after Mrs. Parker and her child directly “The report I sent you did not include details regarding the 4th and final incident. Her child not only had an accident but he put feces matter all over the floor, the walls, the stall, the toilet, and the sink.” What Mrs. Lichter left out is that she had no personal knowledge of any of this. Her comments are a variant of the comments set forth in the anonymous CCEA Facebook post noted previously from November 2015.

Mrs. Lichter also sent a separate email, which is actually a photo, pertaining to Ms. Lucarelli’s campaign. Mrs. Parker is apparently in the picture. Mrs. Lichter has drawn a black circle around her face identifying her as “Valerie Parker”. Below is a small photo of Mrs. Lucarelli with a group of children in a classroom. Mrs. Lichter has drawn a black circle around the faces of two children with the notation “Valerie Parker’s children.” In the subject line of the email, Mrs. Lichter has written “CRIMINAL – No need for me to comment further.” The email address shows the email was sent from Mason Academy (klichter@masonacademy.com). The email warrants disclosure in its entirety.

From: Kelly Lichter [mailto:klichter@masonacademy.com]

Sent: Friday, April 5, 2019 10:22 AM

To: Westberry, Jory <WestbeJo@collierschools.com>; Lucarelli, Stephanie <lucars@collierschools.com>; MITCHELL, JENNIFER <mitchj3@collierschools.com>; Carter, Erick <cartee1@collierschools.com>; Terry, Roy <TerryRo@collierschools.com>; Patton, Kamela <patton@collierschools.com>; Fishbane, Jon (Jonathan) <fishbj@collierschools.com>

Subject: CRIMINAL-No need for me to comment further

Valerie Parker

STEPHANIE LUCARELLI

**A MOTHER *and* A TEACHER
REAL EXPERIENCE *in* OUR SCHOOLS**

STEPHANIE LUCARELLI
A MOTHER AND A TEACHER

ACCOUNTABILITY FOR ALL OF OUR SCHOOLS
As the mom of four Collier County public school students, and as a teacher, Stephanie Lucarelli knows we must keep our schools strong. Charter schools are striving a valuable role in our community, but they must follow the same safety and education standards as our public schools.

CUTTING STANDARDIZED TESTS
Nobody likes tests—neither parents, teachers, nor students. As a teacher and a mom, Stephanie knows how stressful unnecessary tests are, and how much they take away from her children's true educational experience. On the School Board, Stephanie will oppose high-stakes testing, so our teachers can teach and our children can learn.

Valerie Parker's children

STEPHANIE LUCARELLI - BUILDING STRONG SCHOOLS FOR OUR KIDS' SUCCESS

As if that were not enough, six day later, on April 11, 2019, Mrs. Lichter emailed Ms. Lucarelli directly and not copying anyone else on the email. She tauntingly wrote the following:

Stephanie:

I assume you are pretty shocked after reading the report, which is why you likely have not responded. Valerie was featured on your campaign materials.

It's amazing that you couldn't find anyone else to be part of your photo shoot. She convinced a lot of people that she was some victim. She does appear to be so genuine and sweet. You were fooled too. You are so blinded by your hatred and disdain for MCA that you did not care about the truth.

You aren't who you claim to be. You got away with the foreclosure situation and lied about it. How do people trust people like you and Valerie Parker???? I am in to all of you and what you are trying to do. It's criminal and despicable.

This email also was sent from Mason Academy. At the bottom of the email is the following notation: "this email is the property of Mason Classical Academy and to be used for official business only."

The Parker grievance and its multiple related issues was not the only grievance filed. Many of the parents who came forward did not file formal grievances even though they felt administrative staff did not address or answer their concerns. Others decided to file grievances with the Governing Board. The Minutes of the May 29, 2018, Board Meeting reflect the following:

Prior to the Principal Evaluation, Mrs. Zuluaga, parent of two MCA students, filed a grievance with the Board of Directors. The grievance will be investigated by the individual board members and response will be given at the next board meeting.

Mrs. Zuluaga had requested that the evaluation of Mr. Hull, scheduled for that meeting, be deferred until her grievance could be heard. Her request was denied and the Board voted unanimously in favor of Mr. Hull's evaluation.

Subsequent to the Board Meeting, Board Member Mrs. Lichter requested Mrs. Zuluaga respond to specific questions she had based on statements contained in the complaint. Mrs. Zuluaga responded to each question in considerable detail, recording them in blue, and emailing them to Mrs. Lichter on May 31, 2018.

The events at issue originated in an email her daughter, a senior at MCA, sent to Mr. Hull at 3:24 p.m. on February 27, 2018, that she wrote on behalf of the senior class and with the

senior class students' assent for her to do so. The email, cast in the form of a letter to Mr. Hull, began with an apology for "the senior skip day idea?" She noted that while it was a joke, she could appreciate how it might be seen by them as disrespectful. She noted that she deeply valued her teachers and did not intend on offending them. She then noted that what on the surface appeared to be "senioritis gone wrong, there is a much deeper reason for this feeling of apathy you have been seeing recently in my class." Ms. Zuluaga then tried to explain to him the feelings of exhaustion and concerns that she and her peers shared. She then explained her meaning in the following way:

The short explanation is simply that we're tired, and often times feel burnt out. The curriculum we're receiving at Mason is far more weighty than anything we are used to, and is often times overwhelming. Many of us are managing collegiate level classes alongside writing our thesis, which requires a lot of additional research to cover the holes we did not go over last year in our moral philosophy class. We look towards the weekend for a relief to our week filled with tests (sometimes more than one test in a single class), quizzes, homework, and our extracurriculars. We want to succeed, and we don't want to dread waking up in the morning, but sometimes the weight is too much, and we yearn for some kind of break.

She then added, on behalf of her classmates and herself, the following observations:

On top of this, oftentimes my classmates and I are overwhelmed by the immense pressure which comes with being the first graduating class. We are aware that being the school's first graduating class is exceptional and should be celebrated. We've been the "guinea pigs" for over 2 years now, and it is finally coming together towards something great. Yet we often feel as though we're being shown off, not for our own benefit, but for the schools. Applying to college is grueling. Especially since I applied regular decision to all my choices, and now, it's simply a waiting game which will ultimately determine my life for the next four years. So when I apply to a reach school, knowing very well my chances are slim but taking that leap of faith anyways, I don't always want it to be public. I understand we are your first graduating class and this information is beneficial to the school, but nor now, I want this information to be private until I am comfortable to disclose it. The pressure to bring the school acceptance letters, scholarship and grant numbers, and college application adds to the stress I already inflict on myself as I wait for acceptances. At the end of the day, it feels more like we're being set up to compete against our classmates for who can bring in the most money and acceptances, instead of being unified.

(See, the February 27, 2018, email from Ms. Zuluaga to D. Hull).

Ms. Zuluaga concluded as follows: "I do not want you to think any less of me or my classmates over this and I hope it can shed light on how we feel. We don't mean to be dramatic or stressful. We are truly working very hard, Mr. Hull, and we hope that a joke which was never intended to offend doesn't change your opinion of us." (Id.).

Mr. Hull's response was to call a meeting of all MCA seniors to address the letter. In her grievance, Ms. Zuluaga contended that Mr. Hull yelled at the students, read the letter out loud, mocking sections of it and demeaning students in the process, calling students out publicly, chastising her daughter, calling her out for her friendship with his son allegedly saying then if you are so tired you shouldn't be speaking to my son on the phone at midnight. Mrs. Zuluaga noted that Mr. Hull had referred to "to a time they were on the phone together very later at night at least one year before this incident." This and multiple other comments reduced her daughter to tears and asking him to stop which he would not do. Mr. Hull was also alleged to have accused the students of being selfish and ungrateful. (See, the Grievance document and Thursday, May 31, 2018, email from L. Zuluaga to K. Lichter).

When the undersigned asked Mr. Hull about the meeting with the senior class and his review of the letter, he acknowledged that he met with the senior class collectively. He stated that he did not target Ms. Zuluaga. When asked whether he publicly questioned her character and her National Honor Society status, he responded that he did not remember. He acknowledged that he did go through the letter line by line and allegedly explained to them that such behavior had to stop and that they were responsible for their actions. He stated that he did not yell at the students but gave them a wake up call and told them that they needed to get their acts together. He also claimed he told them that they needed to show appreciation for all the help being given to them to enable them to receive scholarships. He stated quite emphatically that he does not abuse kids and that one of his own was in the 2018 graduating class.

After the meeting with the senior class, Mr. Hull emailed Mr. and Mrs. Zuluaga on Wednesday morning February 28, 2018. He requested that they meet ASAP to discuss the February 27, 2018, email "and a few other things" concerning their daughter. He added: "I would be willing to do any time today, even cancelling a class I teach, if you are able to come in." They agreed to do so and advised they could come in at 12:30. Mr. Hull accepted. (See, the February 28, 2018, exchanges between Mr. Hull and Mr. and Mrs. Zuluaga). They had an intense exchange concerning the email, the meeting with the senior class, and related issues involving Ms. Zuluaga.

That evening Mrs. Zuluaga emailed Mr. Hull. She noted that in light of the meeting held that day, "we believe that it is important that we meet again to find the proper way to move forward. We are available tomorrow any time after 11:00 a.m., please let us know what time is convenient for you." Mr. Hull responded at 7:16 p.m. as follows: "It will have to be next week. I am booked solid for the rest of this week. What day and time works for you." (See, the February 28, 2018, exchange between L. Zuluaga and D.Hull). Mr. Zuluaga responded the next morning, March 1, 2018, expressing his disappointment noting that "it is really important to find the truth of this situation, and considering that we are only three weeks away from graduation, we would rather have you listen to our concerns sooner rather than later." Mr. Zuluaga added "he found no reasons to conclude that his email was disrespectful." "We believe that she was speaking up, which is what we have always taught her to do." He then proceeded to express his and wife's concerns as follows:

The way in which you reprimanded my daughter ultimately embarrassing her in front of her classmates by utilizing past, personal and irrelevant incidents; yelling at her and her classmates and humiliating her by threatening to strip her away from the awards she had earned so far is definitely not acceptable and will not happen again.

We have already spoken with our daughter and given her the specific instructions to walk away if you choose to approach her in those terms and to wait until one of us is present.

You need to stop the bullying to our daughter with personal issues from her past.

(See, email from S. Zuluaga to D.Hull, March 1, 2018).

Mr. Hull did not respond nor did the parties meet again. Mrs. Zuluaga, in her response to Board Member Lichter's questions, provided her with the email communications noted above. (See, email from L. Zuluaga to K. Lichter, May 31, 2018, response to final inquiry from Mrs. Lichter).

At the July 16, 2018, Board Meeting, Board Member Lichter announced that the grievance had been denied. The Meeting Minutes provide the following information: "Taking any and all input seriously the MCA Board of Directors investigated the complaint and examined the statements of all concerned parties. After careful deliberation, the Board found no evidence that any further action was necessary." (See, the Minutes to the July 16, 2018, Board Meeting).

When asked about the Board's investigation, Mr. Hull noted that he was not involved in it. He also noted that he was unaware of the Board itself investigating complaints and did not believe it was appropriate for Board Members to do so. He did note, however, that he welcomed an investigation being undertaken. But he never saw nor received a written report in connection therewith.

But after the filing of the grievance, another thread to this issue emerged during the second week of June 2018. On June 12, 2018, from their personal email account, Mr. Hull and Mrs. Hull wrote to Zuluagas informing them as follows:

Please consider this your final notice about contact with my son Dennis Hull. As his parents and legal guardians we are forbidding Any contact whatsoever between any member of your family and Any member of my family...If you or any member of your family contacts him or accepts communication from him again, I will notify the Collier County Sheriff's Office and the State Attorney's Office immediately and without hesitation. (See, email from David Hull to the Zuluagas, June 12, 2018, at 3:54 p.m.).

Mr. Hull then decided to involve his Assistant Principal, Mr. Whitehead, a former City of Naples Police Officer, to provide him with assistance and advice concerning whether there were criminal consequences for the contact he noted above. Mr. Whitehead made inquiries on Mr. Hull's behalf. Mr. Whitehead replied "Thank you for advising me of this...I have contacted the SAO and CCSO regarding this situation as you mentioned below regarding previous info and I will advise you asap as we move forward...I will keep you posted on my interaction with relevant entities."

At 8:19 that evening, Mr. Hull (though email is signed "David and Sabine Hull") took the liberty of writing directly to the student, Ms. Zuluaga without notifying her parents. He stated:

We wanted to make sure you are aware of this serious situation and write to ensure you have a full understanding of it. Under no circumstances are you to contact Dennis in any way –face-to-face, digitally, on the phone, through online media, or otherwise....

We are willing to leave things as they are now, unless you or Dennis decide to violate the mandate of this message. Otherwise, as Dennis' parents, we will take appropriate and swift legal action. At this point, we consider this matter closed and will not communicate with you or your family anymore unless our demand is violated by any party involved.

The next evening, June 13, 2018, at 7:45 p.m., Mr. Whitehead wrote to Mr. Hull the following: "I spoke with a State Attorney today, who I have a long term professional relationship with." He noted he was advised that Mr. Hull should save all communications involving the two students and all members of her family. He adds: "I will be the collection point that compiles these documentations for evidence as we move forward." Mr. Whitehead does not say what right he has as an MCA Assistant Principal, to act as police detective, on behalf of the Principal, to move against an MCA family, (while one of the Zuluaga children had just graduated, another was still enrolled).

Fifteen minutes later, at 8:00 p.m., Mr. Hull wrote again to the Zuluagas. He informed them that he had a need to respond to them one more time. He wrote: "The reason for this response is to address the advice offered by the State Attorney and to let you know that I already have a substantial amount of such communications...I will continue to collect."

Mr. Zuluaga responded at 9:21 p.m. that evening to both Mr. Hull and Mr. Whitehead as follows:

Please move forward with any actions that you consider appropriate on this matter, but you need to cease and desist the harassment and intimidation you are inflicting on our family or we will pursue our own legal actions.

Thank you and have a great night.

Neither Mr. Hull nor Mr. Whitehead responded. (See, the email chain involving Mr. Hull, Mr. Whitehead, and Zulugas of June 12 – 13, 2018).

As the following will show, there are multiple examples of Mr. Hull's confusion of boundaries between the personal and the professional, and the disregard of the privacy rights, reputations and sensitivities of others. These, as will later be discussed, have serious legal and policy ramifications.

For example, on May 11, 2018, after a faculty committee of eleven teachers voted to present the Student of Virtue award to a twelfth grade student they believed to be the most deserving, Mr. Hull interjected himself in the decision-making process emailing to the faculty committee members that he believed his son was the better candidate and should have been given the award. He began by saying that he tries "hard to bite my tongue when it comes to my own children and their enrollment at this school." He then goes on to say that "being the Principal requires me to honor my duty as such" by speaking out on behalf of his son, "as I would for any student who needs a case being made on his or her behalf."

Mr. Hull proceeded to post and provide a comparative list of the awarded student's (and his son's) disciplinary record, tardies, GPA, awards, college acceptances and scholarships received in dollar value. He then informed the faculty members as follows: "I have also copies screenshots of demerit reasons for each student and attached it to this email." The screenshot includes photos of the two students. He added: "I must have missed something about how you objectively measured the 12th grade Student of Virtue." Mr. Hull concluded his message, as follows: "But in rare form I will put my dad hat on as I sit at my principal desk, and point out that I disagree with your decision. More important, I hope all the other students were given serious consideration and objectivity for this award." (See, email from David Hull to multiple faculty members dated Friday, May 11, 2018, at 4:56 p.m., subject: Student of Virtue).

There is no evidence that Mr. Hull ever notified the awarded student's parents of what he planned to do or obtained their permission to post their son's disciplinary history, tardies, GPA, and so on. Nor did they know he would be posting a comparative disciplinary screenshot, involving their son and Mr. Hull's son, denoting the names of the homeroom and issuing teacher with a narrative of the event/activity or which the student was disciplined, that would be viewed by multiple faculty members as a public record.

When asked about the matter, Mr. Hull acknowledged that he intervened and believed his decision was warranted. He felt the chosen student was not a strong candidate and that he believed he should speak out. He acknowledged preparing a comparative of demerits between the two students. When asked why, he responded because it was about virtue which reflects upon the school. When asked if he would have requested the committee to review their decision if a parent other than Mr. Hull had brought the matter forward, he responded that yes he would have.

Several months prior to the Student of Virtue email, on December 1, 2017, Mr. Hull emailed Sheryl Rogers, the District's then Director of Charter Schools discussing a parent issue he was having. In the email, after specifically naming the student, he informed her of the student's grades by letter, the student's grade level, his own argument with the parent, and the

nature of the testing the child was receiving. He told Dr. Rogers that he “just wanted to let you know about this situation since the mom was so out of control and angry and threatening to sue the school.” He asked Dr. Rogers to look into the child’s “situation at his prior school (which was a District school), including wanting to know whether the District Principal of the school the child previously attended have issues with her and so on. There is no evidence that Mr. Hull sought parental permission to share such information with an administrator from another school agency nor is there any indication why he believed he had a unilateral right to share a child’s academic (and social) background with Dr. Rogers.

In addition, on August 30, 2018, Mr. Hull took it upon himself to write to District School Board Member’s about an MCA parental matter. He named the parent, the student, and the specific academic issue involving the child. He stated he was aware that the parent had contacted District School Members. And he expressed his concern that according to the parent at least one of the Board Members had allegedly weighed in on what the outcome for the student should have been.

Mr. Hull then proceeded to lecture the School Board that “this opinionated suggestion gave her false encouragement and perpetuates her anger at the situation. This is not good for her, her child, the school, or CCPS.” He added: “It is unfortunate that any CCPS board member would advise a parent in such a way without knowing any details beyond what the parent said.” He then lectures Board Members on the proper lines of communication and procedures they need to follow. “Please refer grievances, he noted, to the appropriate people going forward and do not entertain complaints by offering your opinions.” (See, August 30, 2018, email from D. Hull to CCPS Board Members). There’s nothing in the Board’s Meeting Minutes in which he discussed this matter or sought authority from MCA’s Governing Board to write District School Board Members on his own about these issues.

While Mr. Hull gave a lot of his time and care to many parents and students, including difficult students, to help MCA grow, he often struggled in his relationships with many parents as well. For example, over several months, Mr. and Mrs. Donalds were in on-going communication with Mr. Hull and Mr. Whitehead concerning their children’s performance and behavior at school. The parents express dismay and regret for their disruptive conduct, took responsibility for it, and expressed that they were working with their children to have them also take responsibility for their actions, including being respectful at MCA.

Nevertheless, they also asked Mr. Hull, as well as Mr. Whitehead, to take a closer look at how discipline is meted out at MCA, the bases for issuing disciplinary demerits, and how discipline affects different children in different ways. On November 2, 2017, Mr. Donalds emailed Mr. Hull about such issues noting: “As I told Mr. Whitehead today, the current pink slip policy assumes that a 6 year old, a 10 year old, and a 14 year old have the same ability to course correct. I have personally coached and mentored children, from ages 5 to 18 for 15 years. That is simply not the case at all.” Mr. Donalds asked that when problematic issues arose, that teachers call him or Mrs. Donalds. His reason was that it helped them to work with their child if disruptive behavior was occurring in order to obviate the need for the issuance of pinks or ultimately suspension. The communication between the parents and administration increasingly broke down.

Mr. Hull took it upon himself to write to Dr. Rogers on January 10, 2018, to describe his view of the Donalds as parents and provided examples of the disciplinary record of the children. He tried to disguise who the parents were by not actually naming them but by describing them. Anyone could easily figure out who the parents were by reading the following: "One parenting issue I see is that of not being home very often. For example, the dad could be out of town for months at a time, only to come home on some weekends. He happens to be a Florida State legislator. The mom is also gone a lot as she is not only a member of a certain school board, but other boards and organizations." Referring to one of the children, Mr. Hull made the following judgment: "Based on my knowledge and experience with this family, his poor behavior is due to the style of parenting his parents elect to enforce." He added that the child's alleged misbehavior is "due to an absence of proper parent and training." (See, email from D. Hull to S. Rogers, Wednesday, January 10, 2018, set at 8:32 a.m.). Who authorized Mr. Hull, or gave him the right to present MCA student disciplinary issues and pass judgment on the student's parents to an outside third party, is not mentioned.

On February 7 and 8, 2018, one of the Donalds' children was alleged to have been involved in a series of incidents the school claimed warranted disciplinary suspension. Mrs. Donalds emailed Mr. Hull at 9:33 a.m. requesting to view "the videos you referred to this morning surrounding the incidents of yesterday and today from the time when students were allowed into the hallway through the incidents in question. You can show them to me when I get to the school today or provide electronically." When she arrived at MCA, Mrs. Donalds emailed Mr. Hull at 9:54 am... that she as at school in the front lobby and would like to view the video before the suspension carried out." Almost an hour later, she informed Mr. Hull that she was still waiting in the lobby to meet with him and see the video. Mr. Hull and Mr. Whitehead thereafter apparently met with Mrs. Donalds and her son.

At 12:26 p.m., Mr. Hull emailed Mrs. Donalds stating that he was confirming that "you do not have an expectation of our staffing processing your public records request for video footage" of the alleged bathroom incidents..." Mrs. Donalds replied: "Unfortunately, due to the severity of the consequence, we still want to review the video," with their son. Mr. Hull informed her that he would be back in touch with her as to how much it would cost to process the request. He then added that he felt a need to express his concern that she not watch the video with her son. He concluded that given the student's capacity to change his stories, it was not a good idea for him to view the videos with her. "Showing him the video would not be positive or productive in holding him accountable for his actions." (See, the February 8, 2018, email exchange between E. Donalds and D. Hull). Why that should be a concern of Mr. Hull is not clear. Nor is it clear why he has apparently taken it upon himself to parent both the child and the parent.

Late in the afternoon, Mr. Hull provided a cost breakdown and rationale for the requested video. The charge would be \$294.62. He informed Mrs. Donalds as follows: "please make payment by check to the front office, and then we will begin processing your request." (See, February 8, 2018, email from D. Hull to E. Donalds, sent at 4:18 p.m., with the accompanying invoice). In light of the fact that the request involved student discipline, Mr. Hull does not explain why he was treating it as a public records request.

On Wednesday, February 28, 2018, at 6:15 p.m., Mr. Hull decided to forward Dr. Rogers a detailed set of emails between Mr. and Mrs. Donalds, one of their son's teachers, and Mr. Hull. He claimed his goal was to apprise her of an on-going behavior issue "we have been dealing with at MCA." In the final email in the exchange, Mr. Hull took it upon himself to lecture and judge Mr. and Mrs. Donalds at length about their parenting, their child, their failure to pursue the truth, and having deep hostility toward him personally which has had negative consequences for all. Mr. Hull wrote that their son had never apologized nor admitted his actions. He then continued as follows:

That he has not speaks to your actions, or lack thereof, and to what you wrote below. He will never learn his lesson because you are so undermining towards the school. We are not asking for you to do anything harsh in terms of punishment. If you have been doing that, then it has obviously not worked. Something new should be tried. We are asking you to pursue truth, just like we ask everyone to do. Unfortunately, like [] you also continue to deny what he did in those bathrooms, admit truth, and apologize. That is where moving on begins. The ball, as I said before, is in your court.

[] is in no way "unredeemable". In fact, I cannot tell you how many times I've told someone "it's not the child's fault." But you have many, many people telling you that something is seriously wrong in the behaviors of both your children, and that something desperately needs to change. Why would I even say that? Do you even stop to think how much easier it would be on me to ignore this whole thing? That you have such animosity over me and put so much blame on my back speaks volumes about your true desire to help that needed change happen.

Around the time Mr. Hull was working on this email, Mrs. Donalds was trying to get a handle on the school's decision to recommend evaluating one of her sons and sending her a form to complete regarding a certain testing instrument. There was no team meeting to which she was invited to review and discuss the eligibility for services including testing to determine that Mrs. Donalds wrote to Ms. Van Vlyman on Monday, February 26, 2018, as follows: "perhaps you and I should meet so I can better understand this evaluation and the decision being made" for her child. "Alternatively, I could speak with the person at the District handling the evaluation. I feel a little in the dark about this whole process." (See, February 26, 2018, email chain between E. Donalds and S. Van Vlyman). Ms. Van Vlyman apparently spoke by phone during which the tracking charts, behaviors, and evaluation were discussed. On March 1, 2018, Ms. Donalds advised that she wanted to withdraw her consent for testing. Ms. Van Vlyman responded that given Mrs. Donalds' decision, "I will not be proceeding with summarizing the documents". (See, February 27, March 1, 2018 email chain between E. Donalds and Ms. Van Vlyman). There was no meeting during which Mrs. Donalds could review the testing/evaluation process with a school psychologist, testing coordinator, the child's teachers, and Ms. Van Vlyman. And there was no meeting during which she could discuss whether she understood her procedural safeguards prior to provide her with informed consent for evaluation.

On February 27, 2018, Mrs. Donalds emailed Mrs. Van Vlyman requesting the tracking documents Mrs. Van Vlyman had mentioned during their conversation. Ms. Van Vlyman sent her an invoice for the request noting that once payment was received, the copies of the documents would be provided. Mrs. Donalds responded that she had “a right to these documents and should not need to pay for them.” Ms. Van Vlyman replied that she did “not have the information as to your rights to obtain records at no cost, so I am copying Mr.Hull on the reply.” Mrs. Donalds never received a reply. Sometime thereafter, the Donalds decided to remove their children from the school.

In early October 2018, the Naples Daily News (“NDN”) ran an article on Mr. Baird’s Complaint. Mr. and Mrs. Donalds agreed to speak with the reporter about it. Supporters of MCA attacked them for it. Subsequent to the appearance of the article, Mr. Lichter posted the following statement on Facebook: “Byron Donalds, Erika Donalds, and Joe Baird just f****d with the wrong school. BRING IT ON YOU LYNG B****S!!!” In the aftermath of the article, a few days after, Mr. Lichter’s post, Board Member Miller took it upon herself to post the following about a certain child and the child’s parents:

LAURA MILLER Abusive
Disruptive
Dishonest
Threatening
Unsanitary
Vicious
Disrespectful
Angry

When these words describe a student who is robbing their schoolmates of a decent, safe school environment, and their parents cast blame on the people holding them accountable instead of the needs of the child, ugly accusations fly. There is a massive, disgraceful campaign underway by people desperate to save face instead of facing parenting challenges. I’m grateful my child and his teachers are no longer in jeopardy of being attacked, since the policies designed to protect every member of our school are working. I hope the poor children whose parents are still focusing on displacing blame in lieu of their own children will wake up to the screams (and tantrums) for attention happening inside their own homes.

On October 14, 2018, Mr. Baird emailed Ms. Miller privately to take the post down as potentially harmful to the child and harmful to MCA’s reputation. (See, October 14, 2018, email from Mr. Baird to Laura Miller, sent at 3:26 p.m.). She did not reply. He then emailed the Board Members on October 15, 2018, to request the post to be taken down. It was his concern that posting reflected “a clear act of public humiliation on the part of an MCA Board Member.” (See, October 15, 2018, email from J. Baird to MCA Board Members sent at 9:05 a.m.). Mr. Baird sent the Board a follow up email the next day. (See, October 16, 2018, email from J. Baird to MCA Board Members sent at 11:08 a.m.). There was no response nor was there discussion or

comment about the matter at the October 22, 2018 or November 2, 2018, Board Meetings. (See, the Meeting Minutes for those meetings).

C. Discussion and Applicable Law and Policy

1. The Parker Grievance and Related Matters:

Mrs. Parker complained to the administration and to the Board that she believed that the dismissal of her kindergarten child from the school was wrongful. Her concern was heightened when a second grade student had a toilet difficulty and was not disciplined. Mr. Whitehead informed her directly on that score and promised to bring her concerns to the appropriate people.

Ms. Huck notified her that she and Mr. Whitehead wanted to meet with her to inform her of Policy SE 1.0 and if there was another occurrence that week her child would be “unenrolled” certainly a code word for expelled from MCA. It is quite remarkable that a kindergarten teacher would inform a parent that her child would be administratively unenrolled from the school itself unless she had been directed to do so. Policy SE 1.0 provides, in pertinent part, the following:

All students of Mason Classical Academy must be independent in toileting. On occasion students may have “accidents”. When an accident occurs, it is the responsibility of the parent to assist the child and to provide clean clothing. If there are repeated “accidents”, a meeting with the parents, assistant principal, and school nurse will be held to evaluate the situation. Appropriate action will be taken based on what is in the best interest of all students and the school.

No meeting ever occurred. Mrs. Parker asked that the initial meeting be moved so that her husband could be present. She and her child were escorted out because of an occurrence prior to that requested meeting. The intended meeting per policy was to involve parents (so Mrs. Parker’s request to have husband present was not unreasonable). It was also to include the assistant principal and the school nurse. Mrs. Parker had conveyed to the teacher in detail that her child had serious medical issues affecting his attendance. She complied with Mrs. Barreto’s request for physician confirmation. Thus, the school’s dismissal of the child was abrupt and unilateral. Mrs. Parker could have been requested to keep her child home until the meeting occurred. Certainly, the medical issues were worthy of discussion and review before expelling her child.

Mrs. Parker articulated all this in her Wednesday, September 23, 2015, email to Mr. Whitehead. That evening, Mr. Hull sent a letter to “MCA families of a K-2 student” that he planned to hold a forum on Friday, September 25, 2015, to correct the “incredible amount of misinformation out there about a bathroom situation that happened last week.” (See, the emailed letter from Hull to K-2 parents dated September 23, 2015, and sent at 6:49 p.m.). The forum was argumentative and divisive and did little to defuse parental concerns despite Mr. Hull’s promise “to put everything to rest...”

When the NDN published its article on or about November 20, 2018, Mr. Hull wrote a letter to the MCA community describing his displeasure with the reporter and the article, and presented his response to reporter. In it, he ignored the events concerning Ms. Parker and the K-2 parents who were upset by checking the underwear of their children and the divisive forum. He changed the focus and created an alternative narrative writing:

Here is the bottom line: there is an assault on school choice across this great nation. The assault comes in many forms, and it does not only affect our school...The attack on school choice must not go unanswered, whether in this school district or in others across the nature. Education should not be political.

Yet, Mrs. Parker and other upset parents, were not attacking school choice. Their complaints had nothing to do with school choice.

Mrs. Parker was upset by the abrupt “unenrollment” of her child. She wanted him to continue at MCA. Indeed, she informed Mr. Whitehead: “I care about this school and want it to flourish and succeed...” Neither Mrs. Parker nor the other concerned parents who questioned the actions taken by the administration and the failure to notify them in connection with the steps they planned to take after the clogging of the toilet, were attacking school choice. Yet, because of the NDN article, they are cast in the role of “the enemies at the gate” of the school by the principal. Mr. Hull stated “Education should not be political.” Yet everything about his article was political and polarizing in nature.²

Mr. Whitehead’s Facebook threat to Mrs. Parker, and impliedly to other concerned parents all of whom he has deemed to be rumor mongers and cowards, stated that he “would have no problem facing anyone like that and terminating their lease on life”. His conduct is unbecoming a professional educator. He was, and is, the MCA’s Assistant Principal. He cannot claim that he took off his Assistant Principal’s hat when he wrote this. The Code of Ethics of the Education Profession in Florida (FAC 6B-1001) provides that “the education values the worth and dignity of every person, the pursuit of truth, devotion to excellence...” “and must be aware of the importance of maintaining the respect and confidence of one’s colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.” His Facebook threat was also abusive and intimidating which is proscribed by the Code.

²It is of interest that on February 25, 2018, that Mr. Hull emailed Dr. Rogers concerning “a kindergarten student who is not potty trained. There has been around 7 or so ‘accidents’ this year. We continue to do our best, working with the mother...” He noted that he felt it necessary to inform the mother that her child was not ready for school. Dr. Rogers immediately replied that she was concerned that the accidents could involve medical issues he needed to be very careful. Mr. Hull also noted that “we were bitten in the past over an issue similar to this; although that was a more severe issue” and “the school was attacked relentlessly over falsehoods put forth by that student’s parents without the ability to defend itself.” Mr. Hull’s deep need to cast aspersions on a former MCA parent almost two and half years later is of serious concern. He did not tell Dr. Rogers that he was the one to dismiss the Parker child without allowing for a meeting to take place so that parent(s) could discuss the child’s medical issues. He thus knowingly disregarded MCA policy, yet continues to blame the parents for his wrongful actions.

As if this crude Facebook posting were not enough, Mr. Whitehead posted another one stating: “This is a Joe Whitehead Show urine stream media alert !!!!!!!!!!!” He then described how the local media had descended on MCA with irrelevant questions for him and Ms. Lichter. He asserted that “the intent of the whole attack” was among other things:

2. To promote the lunatic agenda of a handful of disgruntled parents who want to shut down charter schools (with the support of the CCPS admin) and do all that they can to damage MCA and all who benefit from the positive environment in which the students are thriving.
3. To further promote the agenda of the radical teachers union (CCEA) and gin up hatred for charter schools.

He concludes that on his show “Kelly Lichter and I will set the record straight... Tune in and hear our SMACK DOWN of this anti-American lunatic driven BS!”

Urine stream media alert? Lunatic agenda? Smack down? Anti-American? Promotion of a radical teachers union (“CCEA”) agenda and gin up hatred for charter schools? This is coming from the Assistant Principal of a school that emphasizes classical values and virtue. Mrs. Parker wrote to Mr. Whitehead and he promised to help her. There is nothing lunatic or un-American about that nor is there anything lunatic or un-American about parents who voice their concerns about administrators and administrative actions (which would be very much American).

Mr. Hull wrote that education should not be political. Everything about Mr. Whitehead’s post is political, designed to be political, and is hostile and profoundly divisive in nature. No one at MCA ever reprimanded him for the impropriety and uncivility of these posts. Would Mr. Hull or Mr. Whitehead tolerate a student posting messages about (a) ending the lease on another’s life; (b) calling people cowards and lunatics; (c) using terminology such as the urine stream media; or (d) labeling others as un-American? In all likelihood the student would be severely disciplined and such posts be deemed to be a violation of MCA social media policy set forth in Policy SE 25.0 (p. 58 in the April 26, 2018, Policy Volume, and p. 59 January 23, 2019 Policy volumes. Prior to the student social media guidelines of the policy, attention is called to the sections dealing with Board Members and organizational employers).

Board Member Miller’s support of Mr. Whitehead’s comments is also unbecoming a School Board Member. To agree with such threatening statements is inherently wrongful, reflects her lack of knowledge, treating a parent or parents in a demeaning way, and then accusing a parent who did follow the rules as “unpatriotic” is inappropriate to say the least. Board Member Lichter’s encouraging others to let Mrs. Parker know how they feel was a form of rabble-rousing and unbecoming a President of a School Board. In the Board Policy Manual (in both Volumes at p. 2), the following is provided:

Election to the Board of Directors carries with it a responsibility of stewardship. The directors are the custodians of the integrity of Mason Classical Academy; they hold in trust the school’s reputation as created by its founders, and as developed by those who have shaped the

school in the past.

In the Pillars of Character Development, which a Board Member is called to sign is the Pillar of Respect. Under that pillar is the following: “To treat others and myself with kindness. To be polite and considerate. To appreciate the good in others and myself and show compassion. To treat others and property of others as I wish to be treated.” Board Members Miller and Lichter acted contrary to their stewardship, respect toward others, and integrity toward the reputation of MCA as enshrined in Board Policy and aspirational commitments.

Similarly, Board Policy SE 25.0 provides in the section on social media the following “Board Members are organizational employees, are personally responsible for the content they publish on-line. Your behavior should reflect the same standards of honesty, respect and consideration that you use face-to-face.” Board Members Miller and Lichter did not honor this policy on their media postings nor did Mr. Whitehead whose conduct they condoned and followed. These conclusions apply as well to Board Member Miller’s gratuitous demeaning of a student connected to MCA and the students’ parents. (Given the timing of the post, one could easily figure out to whom it was directed).

Subsequent to the October 2018 NDN article, Mr. Hull wrote a detailed email on October 12, 2018, to MCA parents “to combat the latest newspaper hit piece.” In it, he wrote: “Children should not have to worry about the details of their school behavior haunting them when they are adults.” It would seem that his statement and the statements contained in Board Member Miller’s posting of around the same time are very much at odds with one another. Both Board Members faltered in their duty to serve the MCA community. Rather than trying to calm a difficult situation to let everyone move on, they knowingly contributed to inflaming it. Board Member Lichter took her refusal to follow MCA policies and principles to a new level when she resumed her attack on Mrs. Parker some three and a half years later. She accused her of dishonesty, and her having association with District School Board Member Lucarelli as criminal. She circled Ms. Parker’s face as a target as well as those of her children. She then followed up with an attack on Ms. Lucarelli personally as a means to intimidate her. Her email attacks were sent from her Mason Academy address.

In item 11 of the Board Duties and Responsibilities (See, both noted policy volumes, at 5), it provides: “Board Members as leaders of the School must have moral character and embrace the values of democratic society.” Such values would constitutionally include freedom of speech and freedom of association. To accuse a former MCA parent that her involvement in someone’s campaign, and her association with the candidate is criminal, is a fundamental attack on her First Amendment associational rights and the ability to vote for the candidate of her choice, whether Mrs. Lichter liked it or not. To draw a circle around her and her children is a form of wrongful targeting and intimidation that reflects a dark element within the moral character of the writer and damages the reputation of a school that seeks to uphold democratic values and the importance of respect and virtue.

Equally important, Board Member Lichter’s emails calling another (Mrs. Parker and Ms. Lucarelli) criminal potentially subjects her personally to an action for defamation. When words on their face without the aid of extrinsic proof, are injurious, they are considered defamation per

se and no proof of damages are needed to establish liability. See, Fun Spot of Florida, Inc. v. Magical Midway of Central Florida, Ltd., 242 F. Supp 2d 1183, 1197 (M.D. Fla. 2002 (Citing Hoch v. Rissman, 742 So. 2d 451 (Fla. 5thDCA 1999)). If a false defamatory statements suggests someone has committed a dishonest or illegal act, it is considered, for example, as slander per se. See, Fun Spot of Florida, Inc., supra, at 1197 and Campbell v. Jacksonville Kennel Club, 66 So. 2d 495, 497 (Fla. 1953). Aside from the personal responsibility she bears for her statements, Ms. Lichter has put the reputation and integrity of the Board and MCA itself at risk.

The Family Educational and Privacy Rights Act (FERPA)

The provisions of the Family Educational and Privacy Rights Act (FERPA) are set forth in 20 USC 1232g and its interpretive regulations set forth in 34 CFR §99.1, et seq. The provisions of FERPA are also incorporated into Florida law in FS §1002.22 and 1002.221 and FAC 6A-1.0955. 20USC 1232(g)(b)(1) provides in pertinent part the following:

(1) No funds shall be made available under any applicable program to any educational agency or institution which has a policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a)) of students without the written consent of their parents to any individual, agency, or organization, other than to the following:

- (A) other school officials, including teachers within the educational institution or local educational agency, who have been determined by such agency or institution to have legitimate educational interests, including the educational interests of the child for whom consent would otherwise be required;
- (B) officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

In this regard, 34 CFR §99.30(a) provides:

- (a) The parent or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records, except as provided in §99.31.
- (b) The written consent must:
 - (1) Specify the records that may be disclosed;
 - (2) State the purpose of the disclosure; and
 - (3) Identify the party or class of parties to whom the disclosure may be made.

In connection with Section 99.31(a), disclosure without consent would include the following condition:

(1)(i)(A) The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.

With this in mind, Mr. Hull did not receive parental permission to disclose student educational records (1) of the student whose record he posted relative to the Student of Virtue; (2) of the student whose educational records were emailed to Dr. Rogers on December 1, 2017; (3) of the student whose record was sent to the District School Board on August 30, 2018; (4) the January 10, 2018, email obviously pertaining to the Donalds that was sent to Dr. Rogers; and (5) the sending to Dr. Rogers the February 28, 2018, email chain between Mr. Hull, the Donalds, and their child's teacher involving the child's educational situation at MCA. Mr. Hull's sending confidential student educational information, without the written parental permission to do so, to persons who were not in the zone of interests of persons who would otherwise have a legal right of access to the student's information, constituted a violation of FERPA for each improper transmission. With respect to the foregoing, that would mean that he and MCA, violated FERPA on five separate occasions.

Moreover, when Mrs. Donalds sought access to the video that would evidence her son's alleged wrongdoing, Mr. Hull responded by treating it as a public records request and informed her that she would have to first write a check for \$294.62 before the video could be processed. But Mrs. Donalds' request was not a public records requests, but a FERPA request for a video related to the discipline of her child. She had a right to access and view the video. In the Letter to Wachter, December 7, 2017, the USDOE Office of Management ("the Office") addressed the request for a video linked to student discipline. In it, the Office determined that providing access to the video, a District (or in this case a School) "just provide the parents of a disciplined student...with the opportunity to inspect and review the video..." (See, Letter, at p. 5). In this context, in the Family Policy Compliance Office FAQs on videos under FERPA, the following is noted: "FERPA provides parents and eligible students with the right to inspect and review the students educational records and nothing in the FERPA statute or regulations permits educational agencies and institutions to charge parent or eligible students for fees or costs associated with the exercise of that right." Mr. Hull and MCA, thus violated Mrs. Donalds rights under FERPA.

Similarly, when Mrs. Donalds questioned her being charged for the tracking documents pertaining to her child, Ms. Van Vlyman informed her she was copying Mr. Hull because she could not respond to Mrs. Donalds question. Neither Mrs. Van Vlyman nor Mr. Hull ever replied to her. Thus, she was never provided access to the educational information she had a right to review. Hence, MCA violated FERPA again. Accordingly, as a consequence of Mr. Hull's actions (and non-action in the case of the last matter), he and MCA violated FERPA on seven (7) separate occasions thereby placing MCA at risk in connection with the receipt of Federal and State funds.

Confusion of Boundaries

In item 7 of Board Duties and Responsibilities, it states "Board Members must take particular care to separate the interests of the school from those of their own children. (Both Policy Vols., at p. 5). This would certainly apply to a Principal and his/her own children. Mr.

Hull knew that when he wrote to the Student of Virtue faculty review committee and wrote to the Zuluagas, he had crossed the boundary into a need to control others and intimidation. Mr. Hull's threats toward the Zuluaga's and their daughter, with the active support of Mr. Whitehead, came two weeks after Mrs. Zuluaga filed her grievance. It is thus unsettlingly apparent that their actions were at least partially in retaliation for the grievance, especially since Mrs. Zuluaga had followed Board protocol.

Similar to the Zuluaga situation, is one involving former faculty member who left the school at the end of 2016-2017 school year. In leaving, he gave Mr. Hull's son a gift of books including those by classical authors Ayn Rand and others. Mr. Hull attacked them in February 2018 in the form of a phone call followed by an Instagram message accusing them of ruining his son's life...a remarkable statement given their well-wishes to him as a highly thought of student.

On July 4, 2018, the former faculty member wrote to Mr. Hull to cease and desist contact him and his family. He pointedly wrote that "unfortunately this message is made necessary by repeated instances of harassment against my family, which you have initiated, now over a year since we concluded our employment with Mason Classical Academy." Mr. Hull refused to back away and let it go. He decided to respond that day and did so in a sarcastic and accusatory manner. He began his email as follows:

I find it interesting that you made many false claims here and sent them to my work email address. I also find it interesting that you consider one phone call and two identical Instagram messages over a 6-month period "harassment". I never pegged you for a millennial snowflake, but I've been wrong before.

He then proceeded to attack him for "undoing a life of character development of his parents," encouraging atheism, and providing him with wrong advice. He ended the email much like he did in the Zuluaga situation demanding complete discontinuation of any communication with his son (which apparently had occurred months before). (See, July 4, 2018, email communications between Mr. G and Mr. Hull).

Mr. Hull's attacks were not only uncivil and a violation of MCA's civility policy (See, Policy SE 48.0, at pp. 78 – 79 in the April 2018 Volume and 78 in the January 2019) and unprofessional, but they are unbecoming of an educational leader. He has certainly lost sight on multiple occasions of the boundaries that should separate his personal life and his professional life. While Mr. Hull may preach virtue, such attacks disclose something very different.

Finally, Mr. Hull's commentaries on and criticisms of parenting styles and parenting abilities are inappropriate and unprofessional and are source of division and resentment. They are also potentially defamatory.

Civility Policy

In addition to the violations of Civility Policy SE 48.0 by Mr. Whitehead, Mrs. Lichter, Ms. Miller, and Mr. Hull, attention needs to be called to the Facebook attack by Mr. Lichter that

has been previously noted. The Civility Policy applies to parents and patrons, just as it does to staff. In this context, it provides the following:

All parents and patrons of Mason Classical Academy shall behave with civility, fairness and respect in dealing with fellow parents, patrons, staff members, students, and anyone else having business with the school. Uncivil behaviors are prohibited. Uncivil behaviors shall be defined as any behavior that is physically or verbally threatening, either overtly or implicitly, as well as behaviors that are coercive, intimidating, violent or harassing. Examples of uncivil behavior including, but are not limited to: use of profanity; personally insulting remarks; attacks on a person's race, gender, nationality, religion, or sexual preference; or behavior that is out of control.

By any benchmark, Mr. Lichter's comment were uncivil. He is a parent, founder, husband of the Board President, and certainly a public person in the MCA community especially. His Facebook comments have no place in civil public discourse. They were threatening, demeaning, and crude. Moreover, as will be seen in the next section, Mr. Lichter was the General Manager of CCMG. His comments are hardly befitting of one who has held himself out to the charter school community in multiple districts as one who will provide community relations and governance training.

Some Final Observations

F.S. 1002.33(9)(p)2, provides that "each charter school's governing board must appoint a representative to facilitate parental involvement, provide access to information, assist parents and others with questions or concerns, and resolve disputes." Similarly, in the governance section of the 2017 Charter Contract (Section 9), it is provided that governing board of MCA must appoint a representative and the language then tracks verbatim the above quote from the statute.

With this in mind, at the June 13, 2016, Board Meeting under New Business, Mr. Hull recommends Ms. Turner as the liaison to parents. The Board voted to approve her as the liaison to parents...However, the parents who spoke with the undersigned and other staff members when asked responded they were unaware of the liaison position or who filled it. Ms. Turner who, as part of the position, had to attend Board Meetings per statute and charter, never reported on any liaison work undertaken.

It appears the liaison has existed in name only much like the Student Advisory Council which has never met to respond to parent issues and resolve parental disputes and grievances as set forth in the 2013 Application (See, pp. 68-69). Accordingly, the Board has let slide critical components for dispute resolution.

While Mr. Hull may want to inform people that there has been only one grievance in four years (which is not true), such a comment stresses form over substance. One grievance filed with Ms. Lichter as Board President, or with other Board Members, does not disclose the deeper reality of numerous complaints, concerns, and grievances with in verbal or email form. The

depth of this issue is seen in District documents that track students who left other schools and have enrolled in District or other schools. With respect to MCA, from August 1, 2014, to the present, 614 students have left to enroll in District schools, home education programs, or local private schools. Thus, to ignore this reality would be to ignore the reality of unresolved conflict and concerns of many parents who to this day still admire the Hillsdale instructional model and curriculum.

At the March 7, 2016, Board Meeting, during the course of a discussion pertaining to parent survey results, Board Member Donalds suggested that there needed to be a “customer service” mindset which would define parents as clients. Board Member Miller rejected the idea arguing that “it would compromise the environment for everyone involved.” (See, Board Meeting Minutes for March 7, 2016). It is unfortunate that the Board and the Administration did not listen to Mr. Donalds. Much of the future parental conflict could have been reduced or resolved.

VII. The Issue of Potential Conflict of Interest

As part of his Complaint on June 8, 2018, Mr. Baird notified the FDOE’s Office of the Inspector General that he was supplementing his Complaint concerning what appeared to potential conflicts of interest involving Ms. Lichter, Mr. Hull,,and Ms. Smith in the formation of a company named the “Classical Charter Management Group, LLC.” This additional information was also received by the District’s Board Chair Mr. Terry for review. The undersigned with the assistance of members staff have looked into the issue. The following will set forth our findings.

On September 25, 2017, Articles of Organization were filed for the Classical Charter Management Group, LLC, (“the Company” or “CCMG”). Article III provides that “the Company is formed for the purpose of engaging in the business of consulting and managing charter schools.” The effective date for the Company’s commencement was September 29, 2017. Article VI noted that the persons authorized to manage CCMG were Kelly E. Lichter, David Hull, Jr., and Gena L. Smith. Ms. Lichter would serve as the Company’s Registered Agent. On October 10, 2018, Florida’s Division of Corporation records show the Company was reinstated to replace Kelly Lichter with Nicholas W. Lichter, as both a member and the new Registered Agent of the Company. Mr. Hull and Ms. Smith remained as members of the Company.

The evidence shows that CCMG sought to provide consulting and management services to several prospective charter schools seeking to replicate the MCA model in several Districts. The name of the replicating school in each District is to be the “American Classical Charter Academy (“ACCA”). Applications for ACCA have been filed in Osceola, Lake, Polk, and Hillsborough Counties.

A review of the ACCA’s Applications show CCMG as the school’s Applications Central Consultant of record. In the Applications one finds language such as “ACCA is replicating the governance model, academic structure and financial management of Mason Classical Academy, a high performing school in Naples, Florida.

In the final draft of ACCA’s Application for the Osceola School District, signed on January 17, 2017, the Charter School’s President, there is detailed CCMG’s key person and their respective roles in assisting the school. It is presented as follows:

Full Name	Current Job Title & Employer	Role with Proposed School
Mrs. Kelly Lichter	Chief Executive Officer Classical Charter Management Group	Community Relations and Governance Training
Mr. David Hull	Chief Operations Officer Classical Charter Management Group	Principal and Teacher Training and Monitoring
Mrs. Gena Smith	Chief Academic Officer Classical Charter Management Group	Curriculum, Instructional Materials and Teacher Training and Monitoring

A year later, on January 23, 2019, and January 25, 2019, respectively, one finds, for example, the company identified in the Applications for Hillsborough and Lake County School Districts and presented as follows:

Full Name	Current Job Title & Employer	Role with Proposed School
Mr. Nick Lichter	General Manager Classical Charter Management Group	Community Relations and Governance Training
Mr. David Hull	Chief Operations Officer Classical Charter Management Group	Principal and Teacher Training and Monitoring
Mrs. Gena Smith	Chief Academic Officer Classical Charter Management Group	Curriculum, Instructional Materials and Teacher Training and Monitoring

The Company has also been assisting ACCA in Polk County as well.

As a threshold matter, since its founding Ms. Lichter as MCA’s Board President, never publicly disclosed at any Board Meeting her involvement in the Company or that she had formed a partnership with two key employees of MCA, Mr. Hull and Ms. Smith, to develop charter schools in other counties based on the MCA model. There is also no reference in the applications that MCA’s instructional and governance models has been developed from Hillsdale College’s models, training, and, tutelage. This is especially important since Ms. Lichter, Mr. Hull, and Ms. Smith (and even Mr. Lichter who is involved in the selling of a distinctive instructional model as part of any Community relations and governance training) have overlooked, or knowingly disregarded, MCA Policy 2.0, Curriculum Development, to which they are bound. It provides the following: “MCA has a contract with Hillsdale College that requires the use of the curriculum they provide.” The policy quotes directly from the contract which addresses two critical points for the purposes of this discussion (1) “MCA Corporation shall look to Hillsdale College as the first and primary source of models, resources, and guidance

on the development and operation of Charter School’s academic program...”; and (2) “Hillsdale College shall provide MCA Corporation a general model for a curriculum of a charter school...” (Manuals, both editions, at 108). It is also of concern how Ms. Lichter can oversee Mr. Hull’s work at MCA while overseeing his work as her partner at CCMG.

Further, there has been no public and transparent Board Meeting discussion of Mr. Hull and Ms. Smith going out of town and doing presentations to the different four school districts as members of a consulting firm while employed at MCA, as well as all the training and preparation time that would be involved overtime and the impact such time would have upon their work at MCA. In this context, Ms. Smith is being held out as one involved in curriculum, instructional materials, and teach training and monitoring. Yet, what is not disclosed is that she has no academic background, credentials, or certification in curriculum and instruction or teacher training. Indeed, she has not attended college and has neither academic training in these areas nor served as a certified classroom teacher. (And one does not know where Mr. Lichter has received training or experience sufficient to teach the multiple ACCA Boards in the area of governance).

Further, while MCA Board Member Lichter was the Chief Executive Officer of CCMG from September 29, 2017, until Mr. Lichter replaced her as the General Manager on October 10, 2018, regardless of the level of work undertaken during that time period, she voted to approve, at the May 29, 2018, MCA Board Meeting the evaluation and bonus for her CCMG business partner, Mr. Hull, as Principal of MCA without recusing herself or disclosing a possible conflict or concern for the appearance of impropriety. She also voted to approve the salary schedule the terms and conditions for which would benefit her CCMG business partner Gena Smith without concern for disclosing their business relationship and its relationship to Ms. Lichter Board Member status and Ms. Smith’s beneficial employee status.

Ms. Lichter as MCA’s Board President and CCMG’s Chief Executive Officer has created, if not a conflict of interest in her two roles, the appearance of impropriety in voting to approve items that financially benefited her partners Mr. Hull and Ms. Smith. And in the case of Mr. Hull her voting to approve his 2018 evaluation would serve as an importance precondition for his receiving a bonus as any MCA employee. Mr. Hull and Ms. Smith also have a responsibility in all this by also chose to remain silent while governing benefits.

Mr. Baird’s concerns are well-founded.

VIII. Financial Issues and Best and Brightest Program

A. Financial Issues

In light of Mr. Baird’s Complaint, MCA through staff and legal counsel provided the undersigned with a copy of the 2017-2018 Audit Findings for Agreed Upon Procedures for the Governing Board as well as unaudited statements. The auditor reviews the policies and procedures in place relative to governance and the FTE process. The Auditor reviewed general sunshine law issues but did not address the Board’s Meeting Minutes over time and related

findings or the non-implementation of standing committees. MCA also provided unaudited financials for review.

The undersigned discussed MCA's unaudited financials with District staff in the Finance Department. They advised that they did not have a problem with them nor McCreedy & Associates financial statements provided by MCA through Ms. Turner. Given staff observations, the undersigned will not question the acceptability of the submitted financials.

B. Best and Brightest

In February 2019, the State of Florida Auditor General issued several findings directed to the District relative to appropriate teacher scholarship oversight. This included auditing District Charter Schools. One of the findings was for the District to determine the propriety of some 113 scholarships totaling \$236,800 awarded to charter school teachers, and for any scholarships awarded to ineligible recipients to take the appropriate action to recover and refund the amounts to the FDOE.

In particular, the District was to review the documentation for the Best and Brightest program for FY 2017-2018. The District's Human Resource department in collaboration with the District's Administrative Director reviewed the matter and found MCA had failed to meet the statutory requirements for appropriate documentation. For example, the following was found:

1. All documents submitted with the GROWTH/VAM SCORE AND FINAL EVALUATION SCORE are post-dated in March 2019. Therefore, for the purposes of the SY 17-18 audit, they were not in compliance at the time of the award request.
2. No valid documentation to support final evaluation/overall rating placed on the roster for submission to the state for the scholarship money.
3. Roster appears to be reflective of ONLY the Instructional/Professional Practice rating (2/3rds of the Annual Performance Rating) which does not Comply with the award requirements; rating reflected on the roster is a Partial rating and should not be awarded.
4. Post-dated GROWTH/VAM SCORE AND FINAL EVALUATION SCORE documents demonstrate that several teachers have been downgraded By your own calculations, in their FINAL EVALUATION/OVERALL RATING once the GROWTH/VAM score was calculated. Therefore, The employee was OVERPAID on the original roster.

In its initial conclusions, MCA advised that is owed FDOE \$20,800.00. Based on careful roster review and other documentation, the District found that the original roster for SY 2017-2018 Best and Brightest Teacher and Principal Scholarship Program for payment was submitted inaccurately for 37 out of 42 employees. There was NO SY 17-18 SUPPORT

DOCUMENTATION demonstrating the overall FINAL EVALUATION SCORE/OVERALL RATING listed on the roster at the time of submission to FLDOE.

As a consequence, the District found that MCA's initial findings were inaccurate. It was found that MCA owes the State \$137,600.00 which must be promptly remitted. The lack of documentation and appropriate oversight taken to manage the program has placed a serious financial obligation on MCA and places MCA at risk of further investigation by the State. The District's findings were emailed to Mr. Hull on May 23, 2019. (See, the May 23, 2019, Memo from Ms. Wenrich and Mr. Hull with accompanying documents).

IX. Faculty Concerns

In speaking with multiple faculty members, a series of repeating themes emerged that must be taken into account as part of this investigative review. The discussions with such faculty members occurred over different dates and times and included only the individual who had agreed to come forward. There is no evidence of such persons speaking with other faculty members in advance of the meeting. At no time did we disclose to any such faculty member the names of those with whom we had spoken or with whom we anticipated speaking.

The themes are those that directly involve Mr. Hull and are based on the direct observations and experiences of the given reporter. They may be set forth as follows:

(1) Mr. Hull was observed to yell at or berate teachers in front of the students and other faculty and staff;

(2) Mr. Hull talked condescendingly, often in a demeaning way, to faculty at multiple faculty meets;

(3) Mr. Hull was observed to berate and shame students in front of other students, teachers, and staff;

(4) The faculty reporters observed and experienced that if one disagreed with Mr. Hull, he would become defensive, hold it against the person, and target the person with sarcastic statements and comments;

(5) The faculty reporters noted that they were often observed by Ms. Smith, the School's Curriculum Coordinator. Reporting faculty conveyed that they were uncomfortable with it since Ms. Smith had no education background, no teaching degree, or classroom teaching degree, and did not attend college. The faculty were often not observed by Mr. Hull who, they felt, wrote up evaluations based on Ms. Smith's observations; and

(6) The faculty reporters observed, felt, and experience that it was often unsafe to speak out which affected trust and created a polarized faculty.

These observations are given credence in light of the Zuluaga matter, the Student of Virtue matter, Mr. Hull's lecturing of District School Board Members, negative comments about

parents to third parties, and so on; all previously discussed. In addition, in the meeting with Mr. Hull, he acknowledged that Ms. Smith undertook multiple observations of teachers and reported them to him and that he relied upon them in addition to his own observations.

X. Miscellaneous Matters

A. The Alleged Investigation of the Baird Complaint By MCA

In the NDN article, it was reported that according to MCA's counsel, MCA had conducted an internal investigation in Mr. Baird's allegations and found them to be without merit. Similarly, at the request of his client, counsel for MCA wrote to Mr. Baird the following:

Several correspondences you have sent to various parties have been forwarded to my office for review. Mason reports that it has conducted a thorough review of this matter. Witnesses were interviewed and correspondence, including contemporaneously written emails written by you, were reviewed.

At the meeting with the undersigned, Ms. Turner noted that she dissected the Complaint and sent it to McCreedy & Associates. Mr. Marshall stated he had looked at some financial documents. All three persons acknowledged that they did not interview anyone, conduct an internal investigation of Mr. Baird's Complaint or prepared any report in connection therewith.

B. Grievance Issue

In follow up to the grievance issues previously discussed, it should be noted that MCA parent Dr. Thornburg engaged in an approximate email correspondence from 2017-2019 with Mr. Hull, Mr. Whitehead, and Board Member Lichter concerning discipline involving his children and other matters that he needed to address. His correspondence shows multiple efforts to set up in-person meetings. Over turn disciplinary decisions made, recognitions in some instances (such as expressed by Mr. Whitehead) that the facts surrounded one of his children needed amendment. (See, the email history chain from Dr. Thornburg).

In March 2019, Dr. Thornburg sought to bring a disciplinary issue before the Board and wrote Mr. Hull for direction, who then sent Dr. Thornburg's request on to Board Member Lichter. Her responses speaks volumes about the process and should be cited in its totality:

From: Kelly Lichter [<mailto:klichter@masonacademy.com>]

Sent: Monday, March 4, 2019 8:46 AM

To: brianthornburg@yahoo.com

Cc: David Hull <dhull@masonacademy.com>; Joe Whitehead <jwhitehead@masonacademy.com>; Fishbane, Jon (Jonathan) <fishbj@collierschools.com>; charterschool@hillsdale.edu

Subject: Parent Grievance

Dr. Thornburg,

Good morning! Principal Hull forwarded me an email from you this morning. You said, "How can the Board be reached? I cannot find their email addresses or telephone numbers on the MCA website. I cannot reach them if they are not reachable."

You did not seem to have any trouble finding Jon Fishbane's email address or the email address for the Barney Charter School Initiative. The Board is listed here: <https://masonacademy.com/apps/staff/>. You are able to email the board members directly.

Also, the parent grievance procedure is located right under the parent tab on the website: https://masonacademy.com/apps/pages/index.jsp?uREC_ID=224620&type=d&termREC_ID=&pREC_ID=490980. If you take a look at the policy, you will notice that it does not say to contact the Collier School District, Hillsdale College or the Naples Daily News before you address your concerns with the Board of Directors.

In the last 4+ years, the MCA Board has only had one official parent grievance. Fortunately most issues are resolved before it needs to come before the Board. I think this is a testament to the incredible and compassionate faculty and staff we are blessed to have at MCA. Unfortunately we still have parents who choose to undermine our school by slandering MCA to the Collier County School District, Hillsdale College and The Naples Daily News.

If you feel your concerns have not been resolved, please follow Policy SE 53.0 (https://masonacademy.com/apps/pages/index.jsp?uREC_ID=224620&type=d&termREC_ID=&pREC_ID=490980.)

The MCA Board of Directors takes all concerns very seriously. Please let me know if you have any questions.

It is hard to imagine that one would feel that he/she would receive a fair hearing after receiving a communication such as this.

XI. Conclusions and Recommendations

A. Preliminary Comments

The instructional model and curriculum provided by Hillsdale College is a very sound one that has enabled the School to academically thrive at a high level. The instructional model and curriculum should not be tampered with and be allowed to continue. Indeed, Hillsdale College should continue and even enhance its professional development and training programs. The undersigned investigator has no interest in, or recommending the closure of MCA. Far from it. While recommendations of a different sort will be made, the academic program, the continued presence of a concerned and excellent faculty, and the development of an eager student learning community should continue on.

B. Board Members Lichter and Miller

The record shows that Ms. Lichter and Ms. Miller violated the law, MCA policy, engaged in improper social media and email communications, violated MCA Board norms and values they are called upon to follow and model, disregarded the terms of the 2012 Application and breached the terms of the Charter Agreement by their actions. They faltered in their oversight of the Administration in disregarding the multiple committee that were required. They faltered in their oversight of policy implementation, Board Meeting Minutes, and attacks on parents and community members they chose to target. Their actions and behaviors are unbecoming of a Board Member of a School (whether public or private).

Accordingly, it is recommended that they resign immediately. The Board should be reconstituted with a minimum of five (5) Board Members. A reconstituted Board should immediately invite Dr. Carpenter for training as well as invite Hillsdale educators to meet with them for the benefit and growth of the School.

In this regard, a reconstitute Board should immediately proceed with setting up vital standing committees pursuant to 2012 Application, policy, and recommendations of Dr. Carpenter for the future well-being of MCA. These committees should at a minimum including the following ones: (1) Finance Committee; (2) School Advisory Council; (3) Audit Committee; and (4) Employment Committee. These committees should be responsible to, and held accountable by the Board and in consultation with administrative, parents, and business community leadership. The attention to accountability at all levels is important.

In this context, at the July 1, 2016, Board Meeting, Mr. Donalds objected to the approving of Mr. Hull's contract. The Minutes show that the Board had removed key language recommended by counsel. He insisted that the Minutes record his objection. It reads as follows:

"I voted against Principal Hull's contract because I thought the language provided by the Board attorney under section 9 subsection 5 should have remained in the contract. The language states "any other action on the part of the Principal which is detrimental or has a material adverse effect upon the business or reputation of the School."

It is unfortunate that the Board did not listen to him.

A reconstituted Board should also review its grievance procedures, put into place effective conflict resolution matters, work to treat parents as clients, and so on.

Finally, based on review of the enormous number of departing students from MCA, it is clear from District records and parental concerns that MCA has to revisit its ESE delivery system in terms of evaluations, IEP preparation implementation and oversight, 504 plans, and careful gifted tested. For example, District records show some 45 students with 504 plans left MCA. While these are operational, it is important that a reconstituted Board should be aware of this.

C. Mr. Hull and Mr. Whitehead

(1) Mr. Hull

The records shows that Mr. Hull has violated Federal and State law, MCA policy, the Code of Professional Conduct, and mismanaged the Best and Brightest Program. He has thus placed MCA at serious financial and reputational risk.

Moreover, he has engaged in a pattern of divisive, destructive, and intimidating behaviors toward parents, faculty, and students that is of considerable concern especially given that some of them have been based on personal need and interest. His decision to serve as an education consultant on management company for charter schools in other Districts has taken him away from MCA and created a divided attention. In the process of advancing his consultancy to have charter schools replicate the MCA program, he and the company have not disclosed that it is predicated on the Hillsdale Model which is a violation of MCA policy. He is thus a risk of creating dual loyalties in the process.

It is recognized that Mr. Hull has done and contributed good things for MCA and the MCA community. Nevertheless, the above referenced actions and behaviors cast a long and dark shadow over the good work thereby affecting the School and its well-being.

Accordingly, it is recommended that he resign his position. It is recognized that he has 4 years left on his contract. If he chooses not to, a reconstituted Board should place him immediately on probation with careful monitoring and oversight. Mr. Donalds' concerns about removing contractual accountability provisions are as serious now as it was when he first express them to the Board.

In addition, if Mr. Hull continues his work, given the foregoing, it is recommended that he receive professional development work and training in the following areas: (1) social and emotional learning; (2) boundary training; (3) conflict resolution and effective interpersonal relations training; (4) supervisory and management techniques; and (5) an intensive seminar at Hillsdale on classical ethics and virtues that is both intellectually based but also involve experiential learning so the virtues are deeply integrated and internalized.

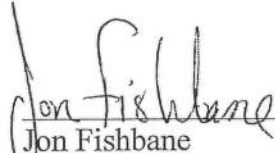
(2) Mr. Whitehead

Mr. Whitehead's social media campaigns, involvement and his usage of his police background to intimidate others is of serious concern. His actions are against Board policy, the Code of Ethics, aspirational norms and so on. He also needs to cease and desist using his radio show to use MCA as an opportunity to advance his political and social views.

The record shows that he has helped many people. Many parents who left MCA felt there were times he was someone they could turn to. Mr. Whitehead should be placed immediately on probation and be provided with intensive training of the sort recommended for Mr. Hull as well trainings unique for the work an Assistant Principal does including training in the areas of curriculum and instruction and attendance and discipline.

Finally, it is recommended that there be training for all: Board Members, administration, faculty and parents on the content of MCA policies.

Dated this 3rd day of June, 2019.

A handwritten signature in black ink, appearing to read "Jon Fishbane", written over a horizontal line.

Jon Fishbane
District General Counsel of Collier County
5775 Osceola Trail
Naples, FL 34109
(239) 377-0498