

THE FLORIDA DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEALS COMMISSION

Technical Assistance Paper

APPEAL OF MACH 4 CHARTER ACADEMY OF ORANGE COUNTY
APPLICATION DENIAL

APPLICANT: MACH 4 CHARTER ACADEMY OF ORANGE COUNTY

SCHOOL BOARD: ORANGE COUNTY SCHOOL BOARD

INTRODUCTION

On October 29, 2003, The School Board for the School District of Orange County (hereinafter “School Board”) voted 4-1 to deny the charter application for MACH 4 Charter Academy of Orange County (hereinafter “Charter Application”) made by MACH 4 Academy (hereinafter “Applicant”). Written notice of denial was provided to the Applicant in a letter dated October 29, 2003 (hereinafter “Denial Letter”). Applicant filed an appeal of the application denial to the State Board of Education on December 24, 2003 (hereinafter “Notice of Appeal”). The School Board filed a Response to the Notice of Appeal on January, 2004 (hereinafter “Appeal Response”).

There are four issues in dispute. Based upon the available evidence presented by the parties, the following is a summary of the research findings in relation to the issues raised.

ISSUE ONE

Whether the Charter Application failed to provide a well developed reading program.

- The Notice of Appeal states that the Charter Application provides a Reading Plan for MACH 4 Academy students at different levels of reading proficiency (Applicant Exhibit 1, Pages 34-37). The Reading Plan is based on the National Reading Panel whose findings are part of the Governor’s Read Florida Initiative; and incorporates aspects of Scholastic Read XL and Lexia reading programs to target K-12 and college level reading skills. Applicant argues that the dual enrollment and advanced placement classes will expose students to an increased challenging level of reading, comprehension, and vocabulary enrichment.
- The Appeal Response states that the Reading Plan focuses on below grade level readers, and does not contain required scientific research based differentiated strategies to be used for students who are below grade level and for students at grade level or higher.
- The School Board argues that the two reading programs are designed for older, struggling readers and reading skills development designed for older students, ages nine (9) through adult and does not approach high school vocabulary until level five (5), the last level in the program. For students at grade level, only vague strategies are provided in the Application, with no identification as to which research based program these strategies would be applied.
- The School Board argues that the reading strategies referenced include practices involving rhyming and rhythm, which are inappropriate for high school students participating in a rigorous dual-enrollment program.
- The Charter Application provides that the Reading Program will have two sections: “on-grade-level” and “readers-at risk.” One component of the Readers-at-Risk program provides that language material for students who are lagging behind in reading will be based on rhyme, rhythm, and repetition of patterns (Applicant Exhibit 1, pp 35-36).
- Section 1002.33(6)(a), FS, provides in pertinent part:

“A person or entity wishing to open a charter school shall prepare an application that:

- (1) Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
- (4) Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny a charter if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.” (Emphasis added.)

- The School Board argues in its Appeal Response that the Charter Application fails to demonstrate how the school will use the guiding principles, as required by Florida Statute 1002.33(2)(a), FS, which provides in pertinent part:

“Charter schools in Florida shall be guided by the following principles:

- (3) Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school.”

- The Charter Application states that the charter school will be organized and operated in accordance with the guiding principles set forth in Florida Statute 1002.33(2); requires board members to review the guiding principles at every board meeting, to ensure that they are being maintained.

ISSUE TWO

Whether the Charter Application failed to provide measurable goals and objectives that indicate the level of academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be obtained through instruction.

- Applicant's Notice of Appeal states that the Charter Application provides specific and measurable goals for reading, math, and writing; a list of key indicators that indicate student and school success, if achieved; that school success is measured as a comparison to other schools with comparable student populations, and that the school will undertake a comparative analysis between Mach 4 and other Orange County public schools. (Applicant Exhibit 1, pp51-53).
- School Board argues that the assessment goals in reading, as well as math and writing, do not provide the amount of increase in performance that would indicate at least one year's growth. School Board also states that mastery of Florida Sunshine State Standards (SSS) is assessed through the FCAT. However, the methods of assessing the portfolio demonstrating mastery

of achievement of the SSS are not included in the description of the school's educational program.

- Section 1002.33(6)(a), FS, provides in pertinent part:

“A person or entity wishing to open a charter school shall prepare an application that:

- (3) Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.” (Emphasis added.)

- The Charter Application shows that the assessment goals in reading, math and writing state that 50% of the students will demonstrate an increase in their performance in these areas on the FCAT, using their incoming FCAT scores from the previous year and their FCAT scores at the end of their year at MACH 4 Academy (Applicant Exhibit 1, pp51-53).
- School Board argues the Charter Application's Reading Program fails to demonstrate how the school will use the guiding principles, as required by Florida Statute 1002.33(2)(a), which provides in pertinent part:

“Charter schools in Florida shall be guided by the following principles:

- (1) Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.
- (2) Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.”

ISSUE THREE

Whether the Charter Application failed to provide a budget that represents a sound annual financial plan for each year of the proposed charter.

- Applicant's Notice of Appeal states that the budget contained in its application includes a start-up budget that is “virtually balanced.” Applicant disagrees with the School Board that fixed costs remain exactly consistent in all levels of operation and normally have a stepwise function which is reflected in the school's budget, and was reviewed by a certified management accountant. Applicant states because the school intends to lease the facility paid for by operation dollars, there will be no dependency on industry partners for facility rental renovation. The Applicant states that the remainder of the issues raised by the School Board are already addressed in the Charter Application or are not required to be addressed.

- The School Board’s Appeal Response states that the Charter Application’s budget does not represent a sound annual financial plan for each year of the proposed Charter. Specifically, the School Board states that the budget lacks a balanced start-up budget, the required Department of Education (DOE) revenue projection which provides a reasonable starting assumption for revenue, monthly cash flow analysis, alignment with teacher allocations from the educational program, consistency of fixed costs, dependency on industry partners for a school facility, and plans for facility renovation expenditures. School Board further states that a certified public accountant who was a third party to the review committee reviewed the staff analysis and Charter Application and concurred with the findings.
- The record does not contain evidence establishing the professional opinions of the certified public accounts for the parties on the sufficiency of insufficiency of Applicant’s budget.
- Applicant argues that the DOE revenue projection sheets are not required to be a part of the charter application, but that these sheets have subsequently been prepared and are available for review. The DOE revenue projection worksheets were not provided as a part of Applicant’s Notice of Appeal.
- Section 1002.33(6)(a), FS, requires that a person or entity wishing to open a charter school should prepare an application that:

“(5) Contains an annual financial plan for each year requested by the Charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of control that will safeguard finances and projected enrollment trends.”

- School Board argues the Charter Application’s budget fails to demonstrate how the school will use the guiding principles and meet the statutorily defined purpose of a charter school, as required by Florida Statute 1002.33(2)(a), which provides in pertinent part:

“Charter schools in Florida shall be guided by the following principles:

(2) Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.”

ISSUE FOUR

Whether the Charter Application’s proposed dual enrollment structure lacks critical details and fails to ensure that students will be provided a detailed curriculum plan to attain Florida Sunshine State Standards.

- Applicant’s Notice of Appeal states that the Dual Enrollment Program provides the following critical details: All students will take the same curriculum in grades 9 and 10; the curriculum will have two courses to prepare them for rigorous academic work - “Academic Skills for Success” and “Career Pathways.” Language Arts courses will be

completed by the junior year: with three courses in grades 9 and 10, and the fourth, as dual enrollment in the junior year. Students entering dual enrollment courses will be assigned to study groups to complete assignments and prepare for class. All tenth graders will also take the PSAT test, and will have a Personal Education Plan, updated each grading period after conferences held each student's parent and the student. Applicant states that its students will be able to meet the 18 credit requirement for graduation and surpass it by their junior year.

- School Board argues the proposed Charter Application's dual enrollment structure fails to demonstrate how the school will use the guiding principles and meet the statutorily defined purpose of a charter school, as required by Florida Statute 1002.33(2)(a), which provides in pertinent part:

“Charter schools in Florida shall be guided by the following principles:

(2) Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.”

- School Board argues that the dual enrollment program includes a dependency on Valencia Community College (VCC) to provide professors to teach core academic courses, but that there is no commitment from Valencia for such arrangement or evidence of any discussions.
- The Charter Application includes a letter from Dr. Joyce C. Romano, Assistant Vice President of Educational and Student Services at VCC. School Board argues that this letter does not indicate a willingness on the part of VCC to accept the targeted population of the charter school. This letter does not contain evidence of a commitment, arrangement, or discussions with VCC to teach core academic courses. (Applicant Exhibit 1, Appendix A)
- School Board argues that the target population of the school would be ineligible for participation in the proposed dual enrollment program because students targeted are those with a grade point average ranging from a 2.0-3.0, while the district's existing dual enrollment agreement with the VCC requires the students to have a 3.0 grade point average.
- School Board's Appeals Response sets forth the following additional insufficiencies in the dual enrollment: 1) the Advanced College Program fails to include or identify specific dual enrollment courses; 2) the Health Care Sciences Career Academy Program includes courses at a post-secondary school in Orlando, but does not identify the proposed school or provide a letter of agreement; 3) the Business Finance Management Career Academy Program proposes to negotiate agreements with one or more two year or four year colleges, however, Orange County Public Schools only recognizes dual enrollment with the University of Central Florida and VCC; no school is identified and there is no letter of support indicating availability of this enrollment option; 4) there is no transportation

for students enrolled in off-site dual enrollment classes, and 5) there is no agreement to support the applicant's statement that dual enrollment professors will teach the standard curriculum courses at the charter school.

- School Board argues that there is no detailed plan of how students will address the Sunshine State Standards, stating that without the commitment of professors to teach at the school's location, it is not clear how the standard curriculum courses will be taught.
- Section 1002.33(6)(a), FS, requires that a person or entity wishing to open a Charter school should prepare an application that:

“(1) Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a Charter school.

(2) Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.”