

THE FLORIDA DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEALS COMMISSION

Technical Assistance Paper

APPEAL OF THE PROGRESSIVE RANCH SCHOOL, INCORPORATED
APPLICATION DENIAL

(January 25, 2005)

APPLICANT: THE PROGRESSIVE RANCH SCHOOL, INCORPORATED

SCHOOL BOARD: THE SCHOOL BOARD OF SARASOTA COUNTY

INTRODUCTION

On October 19, 2004, the School Board for the School District of Sarasota County (hereinafter “School Board”) voted 4-1 to deny the Charter Application for the Progressive Ranch School (hereinafter “Charter Application”) submitted by the Progressive Ranch School, Incorporated of Nokomis, Florida (hereinafter “Applicant”). This denial followed School Board’s Charter Review Committee award of a perfect score on Charter Application. Written notice of denial was provided to Applicant in a letter dated October 27, 2004 (hereinafter “Letter of Denial”). On November 15, 2004, Applicant filed an appeal of the application denial to the State Board of Education (hereinafter “Notice of Appeal”). School Board filed a response to Notice of Appeal on December 4, 2004 (hereinafter “Appeal Response”).

Two major issues are in dispute. Based upon the available evidence presented by School Board and Applicant, the following is a summary of the research findings in regard to the three issues raised.

ISSUE ONE

WHETHER CONCERNS REGARDING THE EDUCATIONAL DESIGN ARE GOOD CAUSE GROUNDS FOR DENIAL, UNDER FLORIDA LAW.

A. School Board cites conflicting instructional approaches as a basis of denial.

- In its Letter of Denial, School Board contends that Charter Application contains conflicting instructional approaches and does not specify how the various approaches would be implemented and integrated into a sound, cohesive, standards-based program.
- In its Notice of Appeal, Applicant asserts that the Progressive instructional model has been an acknowledged pedagogy for a century, according to the opinion of experts recognized in Florida education. Applicant asserts that information outlining Applicant’s use of a Sunshine State Standards checklist incorporating all instructional methods to the standards was provided during the School Board work session.
- In its Appeal Response, School Board contends that only one example of a Sunshine State Standards checklist is provided by Applicant, requiring School Board to take “it on faith” that Applicant will produce suitable standards-based instructional materials.

B. School Board cites inadequate emphasis on core subjects and inadequate documentation of student growth as basis for denial.

Is there inadequate emphasis on reading?

- In its Letter of Denial, School Board finds that there is inadequate emphasis on reading in Charter Application.
- In its Notice of Appeal, Applicant states that the reading component included in Charter Application was based on “Just Read, Florida!” and analysis from the Florida Center for Reading Research. No issues regarding the reading program were raised at the School Board work session or at the October 19, 2004, School Board meeting.
- In its Appeal Response, School Board states that there is inadequate evidence Applicant “would be able and willing to effectively apply the standards and curriculum” and claims Applicant failed to list curriculum or strategies for any level of reader.

Is there sufficient evidence of professional development training?

- In its Letter of Denial, School Board finds that there is “no evidence of professional development initiatives that will align the teaching process with standards driven activities. School Board states that teachers will need assistance in accomplishing this.
- In its Notice of Appeal, Applicant refers to specific textual and budgetary provisions of Charter Application related to training teachers in the Progressive Philosophy, which includes instruction in aligning the standards with the Progressive Philosophy.
- In its Appeal Response, School Board states that the professional development component of Charter Application is “vague and non-specific,” providing no “expectation that performance will be assured.”

Is there sufficient evidence of methodology to align standards with student learning?

- In its Letter of Denial, School Board finds there is no evidence in Charter Application of how teachers will align standards with student led projects or assess master in project or experience based learning model
- In its Notice of Appeal, Applicant states that a specific standards checklist to track student achievement was included in Charter Application and discussed at the work session, and this checklist is to be used to monitor compliance with the standards in experiential and project based learning models.

- In its Appeal Response, School Board asserts that the checklist does not guarantee teachers will be able to use it effectively to determine mastery of the standards.

Is there sufficient evidence of preparation for FCAT and melding of Progressive philosophy and standards-based education?

- In its Letter of Denial, School Board contends that the Progressive Philosophy and a standards-based curriculum cannot be integrated, and Applicant is unable to assure through any “systematic plan” that the approach will guarantee adequate student performance on the FCAT.
 - In its Notice of Appeal, Applicant contends that the Progressive Philosophy and standards-based curriculum can be integrated, as explained in Charter Application and at the School Board Review Committee work session. Applicant asserts that the Florida Department of Education’s Office of Curriculum Support advised that the Progressive Philosophy could be successfully integrated with the standards, as the standards were designed to be flexible and adaptable to local needs.
- In its Appeal Response, School Board contends that failure to delineate specific percentages in Charter Application or Review Process indicates an inability to provide specific information when requested.

Is there sufficient evidence of adequate performance outcomes?

- In Letter of Denial, School Board finds that performance outcomes in Charter Application are “vaguely defined and lack specificity,” and that alignment to the Sunshine State Standards requires greater “clarification.”
- In its Notice of Appeal, Applicant contends that Charter Application was based on information regarding performance outcomes provided by School District staff. Applicant contends that specific performance percentages are appropriate for consideration during charter negotiations.
- Florida Statute 1002.33(6) provides, in pertinent part:

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

- (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.
 - (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]
- Florida Statute 1002.33(6)(h) provides, in pertinent part:

“ (h) The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement...The sponsor shall not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals.”

ISSUE TWO

WHETHER SCHOOL BOARD’S DENIAL OF CHARTER APPLICATION ON THE BASIS OF INADEQUATE EVIDENCE OR ASSURANCES OF GOVERNANCE AND LEADERSHIP IS STATUTORY GOOD CAUSE FOR DENIAL, UNDER FLORIDA STATUTES.

In its Letter of Denial, School Board alleges that “there are not sufficient assurances and evidences that the school leadership has the necessary skills and knowledge to implement, manage and govern the educational design.”

- In its Notice of Appeal, Applicant states that it has provided background information on the governing board members and consultants, in accordance with charter application requirements. A proposal for teacher training and professional development was included in Charter Application. Applicant states that charter law does not require persons with specific professions to be included on a charter school’s governing board. Applicant has agreed to place a person with financial expertise on the governing board member. The governance section of Charter Application provides for a CPA experienced with charters to provide internal financial control assistance. Applicant has further agreed to retain the services of an outside fiscal consultant with substantial school finance management.

- In its Appeal Response, School Board acknowledges that Applicant “provided many assurances in the governance standard”; however, School Board contends that it “remains unconvinced that the proposed ideas would become reality.”
- Florida Statute 1002.33(7)(a) provides, in pertinent part:
(7) CHARTER.—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. [emphasis added]

(a) The charter shall address...:

9. the financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school of those hired or retained to perform such professional services and the description of clearly delineated responsibilities and policies and practices needed to effectively manage the charter. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.
15. the governance structure of the school, including the status of the charter school as a public or private employer.