

THE FLORIDA DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEALS COMMISSION

Technical Assistance Paper

APPEAL OF EDWARD W. BOK ACADEMY
CHARTER APPLICATION DENIAL

APPELLANT: LAKE WALES CHARTER SCHOOLS, INC.

SCHOOL BOARD: THE SCHOOL BOARD OF POLK COUNTY, FLORIDA

INTRODUCTION & HISTORY

Prior to September 1, 2005 Lake Wales Charter Schools, Inc. (hereinafter “Applicant” or “Appellant”) submitted a charter application (hereinafter “Charter Application”) to open the Edward W. Bok Academy (hereinafter “School”) to the School Board of Board of Polk County, Florida (hereinafter “School District” or “School Board”).

On September 14 and 15, 2005 School District staff reviewed the Charter Application and prepared a report (hereinafter Evaluation Report”) recommending to the members of the School Board that the Charter Application be denied.

On October 5, 2005 the Applicant responded to the Evaluation Report with a letter to the School District Superintendent and the School Board.

On October 11, 2005 the School Board voted to deny the Charter Application.

On October 21, 2005 written notice of the denial was sent by the School Board to the Applicant (hereinafter, “Letter of Denial”).

On November 18, 2005 the Applicant filed a Notice of Appeal from Denial of Charter Application (hereinafter “Appeal”) with the Florida Department of Education (hereinafter “FLDOE”).

On December 19, 2005 the School Board filed a document with the FLDOE entitled Brevard Public Schools – School Board’s Response to Charter School Appeal – West Brevard Charter School dated December 14, 2005 (hereinafter “Appeal Response”).

ISSUE ONE:

WHETHER THE SCHOOL BOARD WAS CORRECT IN DENYING THE APPLICATION ON THE GROUND THAT THE APPLICATION FAILED TO DESCRIBE AN APPROPRIATE READING CURRICULUM AS REQUIRED BY FLORIDA STATUTE §1002.33(6)(a)(4).

- The School Board states that the Application lacks 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 as required by Florida law (Appeal Exhibit 5, page 1).
- The School Board states that the Application sets out with specificity the Appellant’s decision not to select a reading curriculum as part of the application process (Appeal Exhibit 5, page 1).
- The Appellant states that while they have not specifically defined the actual reading program(s) to be used at the school, they have described the method by which they will

select and implement the specific reading programs for the targeted groups (students performing at or above grade level and students performing below grade level) (Appeal pages 10 – 12).

- The Appellant states that the school will divide students into two targeted groups, “Target One” and “Target Two” depending on whether the student is high achieving or whether the student has not been given adequate educational support. Teachers will then select one or more of the reading series described in the Application once the students are identified. The Appellant states that to do otherwise would lock the school into a program without seeking the opinions of the teachers who will be delivering the reading program (Appeal pages 11-12, Appeal Exhibit 1, page 8).
- ANALYSIS: The Application states that the school will follow the Polk County School’s K-12 Comprehensive Research Based Reading Plan (Appeal Exhibit 1, page 26). The parties appear to agree that the school proposes to select a reading program at a later time based on students’ skills and needs. The issue is whether the Appellant is required to state a specific reading program in order for the Application to be considered statutorily sufficient or whether the reading program may be determined by the Appellant at a later date.
- The pertinent Florida Statute on this issue reads as follows (emphasis added):

F.S. §1002.33(6): APPLICATION PROCESS AND REVIEW.--Beginning September 1, 2003, applications are subject to the following requirements:

(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.**

ISSUE TWO:

WHETHER THE SCHOOL BOARD WAS CORRECT IN DENYING THE APPLICATION ON THE GROUND THAT THE APPLICATION FAILED TO ADEQUATELY ADDRESS STUDENT ACCOUNTABILITY.

- The School Board states the Application does not specify entrance requirements, nor does it demonstrate an expectation of rigor nor include sufficient detail to allow the School Board an understanding of its specific goals or how they would be attained (Appeal Response page 5).
- The School Board states that the Appellant’s goal to “meet or exceed the district average FCAT scores” is generic, non-specific, and non-measurable (Appeal Response page 13).
- The Appellant states that it agreed in the Application to comply with the law and compare the progress of students at the school to district schools with comparable students populations and further agreed to meet or exceed school district average FCAT scores (Appeal Exhibit 1, page 36).
- The Appellant states that a comparison to the School District’s level of performance is the standard for measuring charter school performance, and there is no legal authority permitting the School Board to require a charter school to set a standard higher than the legal standard (Appeal pages 14, 16).
- ANALYSIS: The Application states that the staff will compare the progress of students at the proposed school to School Board schools with comparable student populations. The proposed school will meet or exceed the district average FCAT scores (Appeal Exhibit 1, page 36). The parties appear to agree that this is the accountability standard the Appellant has proposed in the Application. The issue is whether the Appellant is required to state different accountability standards in order for the Application to be considered statutorily sufficient.
- The pertinent Florida Statute on this issue reads as follows (emphasis added):

F.S. §1002.33(6): APPLICATION PROCESS AND REVIEW.--Beginning September 1, 2003, applications are subject to the following requirements:

(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.