

THE FLORIDA DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEALS COMMISSION

Technical Assistance Paper

APPEAL OF GOOD START UNIVERSITY AND GOOD START ACADEMY
DENIAL OF CHARTER CONTRACT

APPELLANT: GOOD START UNIVERITY AND GOOD START ACADEMY

SCHOOL BOARD: OF ST. JOHNS COUNTY

INTRODUCTION & HISTORY

On September 1, 2006, Good Start University and Good Start Academy (hereinafter the “Charter School Applicant”) submitted its charter applications to the St. Johns County School Board (hereinafter the “School Board”) for approval of two charter schools. The applications proposed to offer educational services to children in grades K-3. The applications were identical, however, the Charter School Applicant represented that they would be in different locations in the same geographic area (St. Johns County). The Charter School Applicant’s mission is to “ help students develop basic academic skills, to educate them to the greatest extent possible so that they become active learners , and to teach them to be responsible and productive citizens.” (Response-Exhibit 1, Application page 2).

On September 26, 2006 the Charter School made its presentation to the School Board and was interviewed by the Review Committee. After the interview, members of the Review Committee completed the Charter School Indicator Proposal Review Instruments for each of the applications. To be recommended for approval, a charter applicant had to receive a summary score of 2.3. The Charter School Applicant received a 1.9 cumulative score on each application.

On October 24, 2006, the Charter School Applicant was provided an opportunity to readdress the concerns raised by the Review Committee and to argue in favor of the applications at the School Board Workshop meeting. The Charter School Applicant spoke at the meeting, however, the School Board echoed the Review Committee’s concerns.

On November 21, 2006, at an official School Board meeting, the School Board met to review the applications. The Superintendent cited fiscal and curriculum concerns as well as concerns related to the governing board and management as the basis for the recommendation of denying the applications. Moreover, the School Board agreed with the Superintendent and denied both applications.

On November 30, 2006, the School Board notified the Charter School Applicant, by letter, its decision to deny the application. On December 1, 2006, the Charter School Applicant received such letter.

On December 14, 2006, the Charter School Applicant submitted its Notice of Appeal to the State Board of Education and furthermore, on December 14, 2006, the School Board was notified of the appeal.

ISSUE ONE

WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE CHARTER SCHOOL'S APPLICATION BASED UPON:

A. An Inadequate Financial Plan and Improper Use of Grant Monies

- The Charter School Applicant states that its applications meets the requirements of anticipated fund balances based on revenue projections that take into account all expected sources and amounts of income including income derived from projected student enrollments and from community support. It also includes a spending plan based on projected revenues and expenses. Furthermore the applications are in compliance with charter school laws and standards. Therefore the School Board Superintendent's concern that there is a perceived inability based on the information provided in the application to sustain the schools until or unless start up grant monies arrive is not an accepted practice or standard of charter law. Moreover, the request by the Superintendent that the Charter School Applicant provide \$100,000.00 or a letter of credit as a prerequisite of approval is a discriminatory act and is a direct violation of Florida's Charter Statutes. This requirement is also a violation of the Applicant's Civil and Constitutional Rights because they deprive the Charter School Applicant's equal access and due process to charter school ownership. (Appeal page 8 and page 9).
- The Charter School Applicant further states the Superintendent's concern that the intent of the applicant to pay "himself" rent for the use of his home as "headquarters" for the schools is a perceived unnecessary drain on "the budget" and potential misuse of public funds is erroneous, unfounded and are not based on facts presented in the application. Furthermore, when the Charter School Applicant was advised by a School Board member that the home was being rented as headquarters, it challenged the accusation because it is not in the application and was not stated by the Charter School Applicant. Moreover when the School Board expressed concern about governing board members during the October 24, 2006, the Charter School Applicant advised that these concerns were outside the scope of the application and the application stage. However, the Charter School Applicant assured the School Board that it was willing to adjust to meet the standards of law. The School Board Attorney suggested more research from both sides to settle the issue. (Appeal page 9 and page 10).
- The Charter School Applicant also states that the Superintendent's concern that the intent of the applicant to pay members of the charter governing board for consulting services and grant writing is a potential conflict of interest. On October 26, 2006, the Charter School Applicant communicated with the Charter School Office at the Florida Department of Education concerning this issue and to request clarification. (Exhibit 10). This is not a valid, nor acceptable reason to deny the application. (Appeal page 9 and page 10).
- Also the Superintendent's concern that the Charter School Applicant's intent to use approximately forty-three percent (43%) of the budget for instruction is an adequate amount as St. Johns County spends approximately sixty-one (61%) , is not reason to deny the application. Furthermore, it is not required by Florida Charter School Statutes and is not indicated in the Application. Therefore requiring the Charter School Applicant to adhere to the District's budget standard is discriminating because it requires the Charter School Applicant to perform additional tasks beyond Florida's Charter School Application Standards and Laws. (Appeal page 10 and page 11).

- The School Board argues that the applications did not contain a comprehensive or realistic budget. The inadequate budget omitted recognized expenditures, had unrealistic cost expectations, and did not adequately provide for budget expansion. The budget numbers did not match the educational plan. Moreover, the financial “plan” consisted predominantly of regurgitated statutory language; yet there are no details or specifics to reflect how or when such requirements would be fulfilled. (Response page 15).
- The School Board further states that in St. Johns County, charter school generally must wait between three to six months to receive start-up grant monies and because of such wait school have had to come up with monies to cover expenses during the initial start-up period. The Charter School Applicant’s application does not provide for such situation, despite the fact that the School Board’s Chief Financial Officer raised this issue even before the applications were submitted. To the contrary, the application provides that the Charter School Applicant would be leasing a 3000 square foot building and that construction to the building would be completed with “funds” that will become available upon approval of the application.” When questioned about covering cost for the first three to six months of operation of two schools, the Charter School Applicant stated that applications contained all the information to support its budget. The School Board disagrees. Moreover, the Charter School Applicant stated it would loan money, through another organization, to the schools to cover expenses until start-up monies became available. The School Board request financial information from the Charter School Applicant to support this claim. After no such information was provided, the School Board then requested a letter of credit for the two schools in the amount of \$50,000.00 to provide evidence that the schools would open and stay open despite any lag in receiving grant money. The Charter School Applicant refused to provide any evidence, including a letter of credit. (Response page 15 and page 16).
- Moreover, the School Board argues that the Charter School Applicant stated to the Review Committee, on record, and subsequently, the School Board, on record, that “he” intended to use his home as the “headquarters” for the schools and pay “himself” \$6,000.00 per school either annually or for a three-month period. The School Board is concerned with this situation because it evidences a self-dealing that has an appearance of impropriety. When the Charter School Applicant asked if this was acceptable, he was told no. The Technical Assistance Paper, attached to the letter from the School Board’s Chief Financial Officer, was also cited (Exhibit 12 and 13) regarding the same issues. Yet, the \$12,000.00 line item was not removed from the budget. Thus, the School Board has a right and obligation to consider such item as unnecessary and/or improper. (Response page 18 and page 19).
- Similarly, when the School District expressed concerns that the Charter School Applicant intended to pay a governing board member for consulting and grant-writing an inquiry was sent to School Board. The School Board responded that such payments were improper as a conflict of interest. Yet no changes were made to the application and it was not addressed by the Charter School Applicant in the meetings. No direct mention of the payments is made in the appeal. However, this self-dealing is another, very important deficiency in the charter application financial plan. (Response page 19).
- Finally the School Board argues that the applications budgeted only 43% of its funds for instruction, with the remaining 57% going to administrative costs. This amount is significantly lower than the 61% of the budget that goes into instruction in the St. Johns School District. Moreover, there is no justification for why the administrative costs exceed the instructional budget. The Charter School Applicant argues that this is the opinion of the School Board’s Superintendent, however it is not. This discrepancy was raised as an issue to the Charter School Applicant in August 2006, before the applications were filed. No changes were made. The issue

was also raised in subsequent meetings with the Charter School Applicant. The School Board also expressed similar concerns in the workshop. Moreover, the fact that there is no justification for spending more on administration than on education at two new charter schools is a valid basis for the School Board to deny the applications. The Charter School Applicant is not being held to the 61% utilized for instruction by the District, instead, it is used as an example to the Charter School Applicant that its budgets are out of proportion on administrative costs. (Response page 19 and page 20).

B. Inadequate Curriculum

- The Charter School Applicant states that its application does meet the curriculum development component required under F.S. 1002.33. The curriculum presented this year is the same curriculum presented last year with the exception of grades four and five. The curriculum, based on the Sunshine State Standards, was debated before the School Board last year and the Charter School Applicant won. Moreover, all Districts must submit a reading plan prescribed by the *Just Read, Florida!* Office. Charter Schools have the option to participate in the District's plan and the Charter School Applicant chooses to participate in the District's plan this year because it will maintain some type of continuity for students moving from the District to the charter school and vice versa. Moreover, the District's Review Team (comprised of district department heads) did not have a concern about the reading program; neither did the members of the School Board. (Appeal page 12 and page 13).
- The Charter School Applicant also states that as to the requirement by F.S. 1002.33 to provide curriculum and strategy for students reading at or above level or provide a separate curriculum and strategy for students reading below grade level, is set forth in the District's Reading Plan. The Charter School Applicant used the same additional strategies this year that was presented last year. Again the Review Team charged with screening and evaluating the applications, did not have a problem with this issue because they know it is covered in their reading plan. Moreover, the applications do provide for reading instruction that will be implemented to address the unique needs of students and provide mandatory differentiated reading instruction. This is provided in the District's reading plan in the 90/120 minute reading blocks. Neither the District' Review Team nor the School Board had a concern about this issue because they know it is a part of the reading plan that the District has adopted upon approval by the State. (Appeal page 13 and page 14).
- The School Board argues that the Charter School Applicant's curriculum in the application is weak and substantially lacking in detail and implementation. The application failed to break out and describe unique reading programs designed for students reading above and below grade level. Instead of designing and explaining a curriculum, the applications simply state that the Charter School Applicant will adopt portions of the District's curriculum and again, recite portions of the statute as elements of their application, instead of providing the detailed information requested. Simply placing sections of the statute and referring to district procedures is not a well developed curriculum. While expressing laudable ideals for academic advancement, the applications wholly fail to provide specifics for how these academic goals will be reached beyond generalizations and vague references to a wide-variety of isolated school board programs. The Charter School Applicant is required to provide "a detailed curriculum plan that illustrates how students will be provided services.....F.S. 1002.33 (6) (a) (2)-emphasis added. The Charter School Applicant did not provide such information. (Response page 20 and 21).

- In addition to and as part of being required to develop a comprehensive curriculum that reflects some planning and detailed analysis, charter school applicants are required, by statute, to submit an application that “[d]escribes 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.” F.S. 1002.33(6) (a) (4). The Charter School Applicant’s reading curriculum is on two-thirds of page 15 of the applications, and the remainder of the section list Instructional Materials, without any discussion, taken from the St. Johns County Materials. This does not meet the minimum requirements for curriculum development, nor does it meet the mandatory requirements for a differentiated plan for readers above and below grade level. –which under the Charter School statute, requires denial. (Response page 22 and page 23).

C. Key Governing Board and Management Personnel Fail to Meet Statutory Requirements

- The Charter School Applicant argues that it fulfilled all requirements in the application reference Government and Management, and is in compliance with the review standards and laws of charter schools. Therefore denying the application without giving consideration to available alternatives such as: the Charter School Applicant reducing the size of the governing board, dealing with this issue in the charter negotiation stage, or giving consideration to members of the board who are not a concern is an example of a discriminating attitude toward the Charter School Applicant and its members and their right to operate a charter school. No member of the Charter School Applicant is or has ever been accused of or being a pedophile or child molester. No member of the Governing Board has a history of or any allegations of sexual abuse, physical abuse, or mental abuse of children or adults. Moreover, possession of a college degree and a teaching certificate are not prerequisites for charter applicants. According to Florida Law, applications may be made by individuals, parents, groups or legal entities. (Appeal page 14 and page 15).
- The School Board states that to be entrusted with the education and welfare of district children, as well with substantial tax dollars from both state and federal sources, charter school applicants must meet at the minimum requirements of “good moral character” imposed on other public school employees. Moreover, applications that provide for an individual who’s teaching certificate is revoked by the State to teach in charter schools is unacceptable. It has come to the attention of the School Board that the proposed Chief Executive Officer for both schools, as well as the director of one of the schools, had his teaching certificate revoked (Exhibit 16). It however, was represented that his certificate “expired”. (Exhibit 7 at page 30 II. 22-23, p. 70 II. 5-6). He states that he will teaching at on of the charter schools. This is improper and were the School Board to approve the applications it would be sanctioning improper conduct. Further having his teaching certificate revoked for improper activities aimed at a prior Superintendent does not reflect “good moral character.” (Response page 24 and page 25).
- Moreover, it also came to the Board’s attention that a member of the Charter School Applicant’s potential governing board, and a proposed grant writer for the schools, was sentenced to jail on two counts of Principal to Grand Theft in the Third Degree in 1996. (Exhibit 16). In addition, he was arrested in March 2001 on three charges of felony larceny that violated his probation. No final disposition on these charges are listed. These criminal offenses are by definition under Rule 11B-27.001(4) Florida Administrative Code, a breach of “good moral character”. As such, the School Board may not approve charter applications that place the board member in multiple positions

of authority within the proposed charter schools. This would undermine the School Board's ability to trust the board member with public funds and to authorize him to seek grant monies. (Response page 25 and page 26).