

THE FLORIDA DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEAL COMMISSION

Technical Assistance Paper

APPEAL OF CORNERSTONE ACADEMY FOR HIGH STANDARDS, INC.
CHARTER APPLICATION DENIAL

APPELLANT: CORNERSTONE ACADEMY FOR HIGH STANDARDS, INC.

SCHOOL BOARD: THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

DISCLAIMER: This TAP is intended to provide a brief summary of the school district's reasons for denying the charter school application and the parties' positions regarding such reasons. This TAP does not replace or supersede the record on appeal. To the extent inconsistent, the record on appeal shall govern. Interested persons should read the full record on appeal.

INTRODUCTION & HISTORY

On June 29, 2006 the School Board of Palm Beach County, Florida (hereinafter, "School Board") held a workshop for prospective charter school applicants. Ms. Lois Smith attended the meeting as a representative for the Cornerstone Academy for High Standards, Inc. (hereinafter, "Appellant" or "Applicant").

On September 1, 2006, Appellant submitted an application to open a charter school (hereinafter, "Application") to be named the Cornerstone Academy of High Standards (hereinafter "Charter School") for review and consideration by the School Board.

On October 13, 2006 the School Board and Applicant executed an extension of the statutory sixty (60) day period for Application review and approval or denial by the School Board (School Board Exhibit 5). The date of the vote on the Application by the School Board was set for November 21, 2006.

On October 24, 2006 the School Board sent a letter to the Applicant requesting that the Application be withdrawn and that reapplication be made for the 2007-2008 school year (School Board Exhibit 6). The letter informed the Applicant that the Application would be submitted to the School Board with a recommendation for denial. The letter invited the Applicant to attend an interview to discuss the deficiencies of the Application on October 26, 2006.

On October 24, 2006 the School Board sent a second letter (it is unclear if this was sent separately or included with the other letter mentioned above) stating that the Application had been reviewed and did not meet the requirements for a recommendation of approval (School Board Exhibit 7). The letter listed the date and time for the School Board meeting as December 13, 2006 and invited the Applicant to respond either "I would like to voluntarily withdraw my application and re-apply next year" or "I would like my application to go forward to the School Board."

The letter listed the following areas of the Application as being unacceptable:

- Academic Design: Guiding Principles, Purpose, and Mission, Educational Program, Student Assessment
- Governance & Management: Profile of the Application Group and Management Team, School Governance
- Governance & Management: Length of Contract and Implementation Table, Recruiting and Marketing Plan
- Finance & Facilities: Risk Management
- Operations: Student Code
- Transportation
- Food Service

The Applicant elected to have the Application "go forward to the School Board."

On December 13, 2006 the School Board held a public meeting at which time they voted 7-0 to deny the Application (School Board Exhibit 8).

On December 20, 2006 the School Board sent the Applicant a letter stating that the Application was denied for "good cause" (School Board Exhibit 9). The letter stated that the denial was based on comments and grading of the Application by various reviewers as indicated in the "New Application

Review Feedback Sheet (2006)” and stated that a copy of the document was attached to the letter. The New Application Review Feedback Sheet is attached as School Board Exhibit 13).

Applicant filed this Appeal with the Florida State Board of Education.

ISSUE ONE:

WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE CHARTER SCHOOL APPLICATION BASED UPON: “ACADEMIC DESIGN: GUIDING PRINCIPLES, PURPOSE, AND MISSION.”

- The School Board’s Review Feedback Sheet identifies the following issues: grandiose; team teaching; career oriented to middle class mentality; class size, team teaching, make this not an issue; what are the diverse educational opportunities; parent involvement; community participation; expansion issue; summer pre-K program; position choice program; pre-teen after school and Saturday; CHAMPS; Hope Faith Based Charity; See p.9 (Appeal Response Exhibit 13).
- Charter School position: “Reviewer summarized as grandiose, we did our best to give an overview of all K-12 subjects and District adopted Reading program along with all subject areas, with objectives and on pages 1-10” (Appeal Page 2).
- School Board position: the Application failed to provide sufficient “Guiding Principles, Purpose and Mission to meet the defined Purpose of a charter school.” School Board states that the Applicant did not clearly define what their goals were or how they would be met by the Proposed School (Answer Brief Page 8).
- The pertinent Florida Statutes on this issue read as follows (emphasis added):

F.S. §1002.33(2) GUIDING PRINCIPLES; PURPOSE.--

(a) 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.
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.

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.

ISSUE TWO:

WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE CHARTER SCHOOL APPLICATION BASED UPON: “ACADEMIC DESIGN: EDUCATIONAL PROGRAM.”

- The School Board’s Review Feedback Sheet identifies the following issues: detailed description, strategies and objectives are addressed at length but there is no evidence of goals set; differentiated reading, differences are addressed but no specific research is cited; innovative, no evidence of innovation or creativity, on p. 10 there is one sentence noting an innovative nursing program; curriculum and mission are not cohesive, population and mission are not related; technology noted is basic and standard not advanced, specialized technology is not specified; need for course analysis for secondary grades; do not have a detailed description of educational services, i.e., math, science and social studies; uncertain of educational focus group, K-5, 6-12 or K-12; ESOL is written as part of ESE (not the same) (Appeal Response Exhibit 13 Pages 1-2).
- Charter school position: “Was summarized as grandiose, we did our best to give an overview of all K-12 subjects and district adopted reading program along with all subject areas, with objectives and on pages 9, 10, & 12. Reading program p. 13. ESE’s innovative learning-brain based p. 31” (Appeal Page 2).
- Charter school also states: “Our appeal says that the charter application included adoption of State and Palm Beach County’s Reading Programs, as well as, it said a decision on which of the approved programs to use would be based on the needs of the students. In other words, the teachers will focus have to gauge with their team collaborative efforts and pre-assessment processes of the particular students who choose to attend Cornerstone Academy for High Standards and will provide the necessary interventions for the students best interests when those particular students and their reading performance levels are identified. Requiring Cornerstone Academy for High Standards a new Charter Schools to be specific a year in advance knowing which students are to be taught is not logical, nor is it practical” (Appeal Page 11).
- School Board position: the Application failed to give any degree of specificity of its educational program. School Board states that where the Application does go into detail it does not describe any method that is different from that which a student would receive in a traditional setting (Answer Brief Pages 9 – 10).
- The pertinent Florida Statutes 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:

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

ISSUE THREE:

WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE CHARTER SCHOOL APPLICATION BASED UPON: “ACADEMIC DESIGN: STUDENT ASSESSMENT.”

- School Board’s Review Feedback Sheet identifies the following issues: need to be more specific and list all objectives and goals along with appropriate technology; ways to access test scores, current or previous; students need to be compared against themselves and not primarily against the district’s average; address of students’ needs in Science and Writing; strategies to obtain and disaggregate tests (diagnostics, standardized, etc) results; identification of the true lowest 25% in Reading and Math; handling of students needing PMP (old AIP) in Math, Writing and Science; target participation rate; requirements for each graduation options; specific school’s academic rigor conducive of students’ success in district and state assessments; lack of strategies for testing, test results, result disaggregation; lack of clear plan to assess students’ needs (Appeal Response Exhibit 13 Page 2).
- Applicant position: “on p. 34-38 and p. 53 and p. 54” (Appeal Page 2).
- School Board position: the Application suggests a hybrid curriculum by incorporating the Sunshine State Standards with Florida Vocational Curriculum frameworks, ethics and other citizenship components; thus, there is no objective ethical standard by which this section could be evaluated. Many of the tools that are described in the Application for measurement and assessment are in use by the School Board already and that there is no information on how the Proposed School would use these same tools to provide greater diagnostic criteria than the School Board already has. Based on the Application's lack of specificity regarding measurable goals and assessment the School Board's reviewers were unable to determine whether the Proposed School's methods comply with statutory mandates (Appeal Response Pages 10-11).
- The pertinent Florida Statutes 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:

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.

ISSUE FOUR:

WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE CHARTER SCHOOL APPLICATION BASED UPON: “GOVERNANCE AND MANAGEMENT: PROFILE OF THE APPLICATION GROUP AND MANAGEMENT TEAM; SCHOOL GOVERNANCE.”

- School Board’s Review Feedback Sheet identifies the following issues: grossly incomplete; common affiliation with church organization; need similar affiliation schools; permissions to perform background checks; bank references on involved parties or entities; specify what “SCORE” is and its nature with the school; name the founding members who will become governing board members; alignment of roles and responsibilities of the Board; parent participation in the Board; details on how board members will be selected in the future; no terms specification for board members; no timetable for board meetings; no defined grievance procedures, past a conference with the principal; vague as to requisite qualifications of Board members (Appeal Response Exhibit 13 Pages 2-3).
- Applicant position: “on p. 40-42; p. 43F. & p.45 Parent involvement surveys. Selection of the Board includes, also see appendix of some of the By-Laws of founding board” (Appeal Page 2).
- School Board position: Applicant did not include a description of the legal entity that will operate and organize the Board of Directors for the Proposed School. The Application draws no distinction between Founding Board Members and the Proposed School’s Governing Board. There is nothing specific in the Application regarding what offices will be included on the Governing Board of Directors for the Proposed School. The Application lacks specificity on management skills of the proposed named Board Members and any plan for training of Board Members. There is no timetable for Board Meetings in the Application. There is no specific management set out in the Application for the Proposed School. There is no grievance procedure policy in the Application that would provide meaningful due process in the event of a dispute between a parent and the school (Appeal Response Pages 11-12).

ISSUE FIVE:

WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE CHARTER SCHOOL APPLICATION BASED UPON: “GOVERNANCE AND MANAGEMENT: LENGTH OF CONTRACT AND IMPLEMENTATION TIMETABLE.”

- School Board’s Review Feedback Sheet identifies the following issues: requesting a 10-year charter; does not address contingency plans for unanticipated events; vague, broad view of timetable for school’s start-up; opening of school checklist (Appeal Response Exhibit 13 Page 3).
- Applicant position: “initial five years, p. 44” (Appeal Page 2).
- School Board position: the School Board requires specific reasons for any request for a charter agreement over five (5) years in length and that Applicant requested a ten (10) year agreement with no reasons for the long-term agreement listed (Answer Brief Page 12).
- The pertinent Florida Statutes on this issue reads as follows (emphasis added):

F.S. §1002.33(7)(a)(12): The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. **The initial term of a charter shall be for 4 or 5 years.** In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the district school board. A charter lab school is eligible for a charter for a term of up to 15 years. **In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the district school board.** Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

ISSUE SIX:

WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE CHARTER SCHOOL APPLICATION BASED UPON: “GOVERNANCE AND MANAGEMENT: RECRUITING AND MARKETING PLAN.”

- School Board’s Review Feedback Sheet identifies the following issues: confounded and vague; no mention of set strategies for unforeseen eventualities; based on dubious grants that are yet to be written and not at all promised to be awarded; unclear narrative; no mention of lottery or flexibility for addressing unanticipated events (Appeal Response Exhibit 13 Page 3).
- Applicant position: “p. 44” (Appeal Page 3).
- School Board position: in its Appeal Response the School Board did not address the reasons for denial in the area of marketing.

ISSUE SEVEN:

WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE CHARTER SCHOOL APPLICATION BASED UPON: “FINANCE AND FACILITIES.”

- School Board’s Review Feedback Sheet identifies the following issues: no facilities; no description of facility being sought; no concrete information provided; no facility proposed; projections too high for a first year charter; no plan for 50 or 75% capacity; no contingency plan for reduced enrollment; no start-up expense details submitted; incomplete description on what format will be used for accounting (red book); mentions of extraordinary start-up expenses, but no details provided; no cash flow data (Appeal Response Exhibit 13 page 3).
- Applicant position: “contract offer on building, see Appendix forms. Facility included with the appendix pages; potential school property and location contract offer. Projection of enrollment trends, p. 47, 48, 49 F. Student adjustments Florida Education Financial Program (FEFP)” (Appeal Page 3).
- School Board position: Application failed to describe a contingency plan to address “unanticipated financial issues.” The Application failed to include a projection of income,

outline of anticipated revenue sources and specifics of the amounts of income anticipated to be derived from student enrollment and from community support as required under F.S. §1002.33(6)(b)(2). Even though the law doesn't require that a facility be leased or purchased at the time of the Application, a description of the property and a plan for the acquisition of that property must be included. The Application did not address concurrency issues (Proposed School must be located only within an area where current schools are in excess of 100% utilization) (Answer Brief Page 13).

- The pertinent Florida Statutes 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:

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 controls that will safeguard finances and projected enrollment trends.

F.S. §1002.33(6)(b)(2): In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

F.S. §1002.33(5)(b)(1)(c): The sponsor may approve a charter for a charter school before the applicant has secured space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

ISSUE EIGHT:

WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE CHARTER SCHOOL APPLICATION BASED UPON: “FINANCE AND FACILITIES: RISK MANAGEMENT.”

- School Board’s Review Feedback Sheet identifies the following issues: regardless of Florida Statute protections, the school must still purchase General Liability, Auto Liability, Worker’s Compensation, E + O (Professional Liability), Fidelity/Crime and Property Insurance (Appeal Response Exhibit 13 Page 4).
- Applicant position: the Applicant did not address the area of “risk management” in its Appeal.
- School Board position: there was no specific information in the Application dealing with risk management and potential insurance coverage other than to list a proposed premium payment for insurance, coverage plans for health insurance coverage, worker's compensation, general liability, property insurance, director and officer's liability, or general risk liability insurance. The Applicant's statement in the Application that it “would comply with all statutory requirements and School Board regulations” with regards to risk management and insurance

was not specific enough. The Applicant only provided a general description of what would be in the emergency procedures and outlined the practice of emergency procedures without providing anything further to address contingency plans (Answer Brief Page 14).

ISSUE NINE:

WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE CHARTER SCHOOL APPLICATION BASED UPON: “OPERATIONS: TRANSPORTATION.”

- School Board’s Review Feedback Sheet identifies the following issues: contracting with the District for student transportation services is no longer an option for charter school; the District is no longer contracting with charter school to provide transportation services” (Appeal Response Exhibit 13 Page 4).
- Applicant position: “as an option...p. 62” (Appeal Page 3).
- School Board position: the Applicant proposes to contract with the School Board for transportation services. This service is not offered by the School Board to charter schools. Besides mentioning a “two mile transportation limit” there is no formula for defining “reasonable distances.” The Applicant did not have a contingency budget for their stated option of contracting with current commercial mass transit operators and/or purchasing or leasing vehicles (Answer Brief Pages 14-15).

ISSUE TEN:

WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE CHARTER SCHOOL APPLICATION BASED UPON: “OPERATIONS FOOD SERVICE.”

- School Board’s Review Feedback Sheet identifies the following issues: no mention of meeting reporting requirements; annual sanitation certification (Appeal Response Exhibit 13 Page 4).
- Applicant position: “food service, in the Appendix with Forms” (Appeal Page 3).
- School Board position: the Applicant proposes to contract with the School Board for food service and avail itself of training in the application process for the “Free and Reduced Priced Meals” program but was not specific in describing how it would meet the reporting guidelines. The Applicant did not sufficiently describe how it would meet the requirements for its annual sanitation certification (Answer Brief Pages 15-16).