

THE FLORIDA DEPARTMENT OF EDUCATION  
CHARTER SCHOOL APPEALS COMMISSION

# Technical Assistance Paper

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APPEAL OF IMAGINE-DUVAL COUNTY, LLC.  
CHARTER APPLICATION DENIAL

APPELLANT: IMAGINE-DUVAL COUNTY, LLC.

SCHOOL BOARD: THE SCHOOL BOARD OF DUVAL 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.**

## Imagine-Duval History

February 12, 2007 – Meeting between Imagine-Duval and the School Board to discuss the School Board’s denial of an application for the 2007-2008 school year.

March 5, 2007- Imagine-Duval attended the School District’s Charter Application Orientation Meeting.

March 30, 2007 – Imagine-Duval submitted its Letter of Intent indication it would be applying to open a charter school in Duval County during the 2008-2009 school year.

May 3, 2007 - Imagine-Duval attended a charter applicant work session with the school district’s Choice Coordinator.

May 15, 2007 - Imagine-Duval submitted an application to open a charter school for the 2008-2009 school year.

June 7, 2007 - Imagine-Duval attended a one-on-one work session with the School District to discuss its application.

July 3, 2007 - Imagine-Duval attended a one-on-one work session with the School District to discuss the school’s budget.

August 1, 2007 – Imagine-Duval submitted an application for a K-8 charter school for the 2008-2009 school year.

September 5, 2007 - Imagine-Duval received a letter dated September 20, 2007, advising Imagine-Duval that the School District Staff would recommend denial of the application at the October 2, 2007, School Board meeting.

October 2, 2007 – The School District offered to hold an informal hearing regarding the recommendation to deny the application. Imagine-Duval declined to attend the informal hearing.

October 2, 2007 – The School Board voted to deny the application of Imagine-Duval.

October 12, 2007 – Imagine-Duval received the denial notice from the School Board dated October 11, 2007.

November 13, 2007- Imagine-Duval County filed an appeal of the School Board’s denial with the State Board of Education.

December 13, 2007 – The School Board filed a response to the notice of appeal filed by Imagine-Duval.

## ISSUE ONE

### **WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE APPLICATION OF THE CHARTER SCHOOL BASED “THE FAILURE TO ADEQUATELY ADDRESS ACADEMIC DESIGN, BASED ON: (1) GUIDING PRINCIPLES, PURPOSE AND MISSION; (2) EDUCATIONAL PROGRAM; AND (3) STUDENT ASSESSMENT.”**

- The School Board states the response in subsection 4b states that through Project Child “all students’ learning needs are met.” However, it does not outline how that will happen. The reading support listed on page 12 is vague, grade levels are not listed, and River Deep is not a reading intervention program. The response in Section 4d is insufficient to generate a score of “adequate” or above. DCSB disagrees that this topic was covered “extensively” as stated on page 15 of the Notice. Regarding Section 4e, measurement of learning outcomes, the information provided on page 17 of the initial application is very generic and includes statements such as “Our teachers will use a variety of assessments” and “Moreover, they will know how to apply and integrate assessment data to improve student performance on our standards-based curriculum requirements.” There is no indication of how the school intends to ensure that teachers have been, or will be, trained to use a variety of assessments or to apply and integrate assessment data.

Regarding Section B2, the applicant lists the three publishers currently supplying core reading series materials to our schools. Simply listing these publishers is not adequate, even though they are “research-based.” There is no mention of engaging in review of new, Florida-approved publishers’ materials which will be available for next year. The applicant states that the listing of three publishers only means they will choose between them once they identify the needs of their population. This was not articulated in the application. DCSB maintains that sufficient detail was not provided to warrant a score of “adequate” or above. On page 35 of the application, three sentences are devoted to this for intermediate learners. Not enough detail exists to warrant a score of “adequate” or above. It is required that all Level 1 FCAT readers in middle school be serviced in an intensive reading course. On page 54, it states that “an additional 30 minutes of immediate intensive reading instruction from an approved intervention program (Read 180 for Middle School)” will be used. Read 180 is an expensive intervention program which requires 90 minutes daily to implement. As stated in the comments section of the matrix, this reading plan does not seem well-thought out. Regarding section 1B.3, 4, 5, and 6, there is not sufficient detail in these sections to warrant a score of “3.” Regarding sections 1B.8 and 9, these “0” scores were scored the same as a N/A. Regarding section 1B.10, simply stating that extended learning opportunities will be offered before, during and after school is not sufficient. Only “during school” interventions are discussed in any detail. Indicator I.B.13e requires the applicant to respond to the following elements: Describe the composition of the Individual Education Plan (IEP) Team in developing the IEP and Transition IEP,

- A. Include the members required by law
- B. Identify the members of your staff who will serve on this team
- C. List the possible invited members to the IEP or TIEP meetings

The score was rated as “limited” for the following reasons:

- A. The Applicant response does not include all of the members required by law. The Evaluation Interpreter is not included on the list of members required by law.
- B. The Applicant does not make reference to the specific members of the staff who will serve on this team in its response.
- C. The list of possible invited members to the IEP or TIEP meetings is limited. Reference to this element is made by using the term “Others (therapists, Duval County School District Staff, agencies, etc.)” “The IEP Team Members” document that was provided to the Applicant described a more thorough list of “possible invited members to the IEP or TIEP meetings.”

Indicator I.B.13f requires the applicant to respond to the following elements:

- A. Identify and describe the academic and behavioral interventions that will be attempted prior to referral for Exceptional Student Education
- B. Include how the charter school will incorporate TARGETeam process of the four phases
- C. Identify the members of your staff who will serve on these different teams

The score was rated as “limited” for the following reasons:

- A. The Applicant identifies and describes limited and generic academic and behavioral interventions that will be attempted prior to referral for Exceptional Student Education Services. The Applicant response includes “The following is a list of some of the interventions that will be attempted and is not inclusive.”
- B. The Applicant does not make reference to the TARGETeam process as the indicator requests. Responses to prompts I.B.13e and I.B.13f were reviewed for this element. Specific information regarding how the charter school will incorporate the TARGETeam process is not present in the responses reviewed.
  - i. The narrative in I.B.13e. appears to describe a process that is part of the Duval County Public Schools’ TARGETeam and Response to Intervention but there is no reference to the term TARGETeam or Response to intervention. The narrative discusses activities of the IEP team, which is a team for a student who is already eligible for Exceptional Student Education Services. Prompt 13f. is referring to processes prior to referral for Exceptional Student Education Services. There is no evidence of how the school will incorporate the TARGETeam process in the Applicant response to I.B.13f. Element B.
  - ii. I.B.13f does include the identical procedure as the one provided by Duval County Public Schools. (Attachment B) There is no additional information provided regarding how the charter school will incorporate TARGETeam process.
- C. The Applicant does not “identify the members of your staff who will serve on these different teams.”

Regarding subsection 1B.14a through 1B.14f, DCSB concedes that an error occurred. Imagine is entitled to forty-five (45) additional weighted points on this section. Sections 14a, 14c and 14f are now rated “4” and 14b, 14d and 14e are scored “3.” However, that does not change their failing score on the “Academic Design” component of the application, which is a threshold requirement, or their overall failing score. On Academic Design the score went from 321 to 366. However, a minimum passing score was 387. The total score went from 729 to 774. However, a minimum passing score was 810.

Regarding the Student Assessment section, there is no indication of how the Stanford Diagnostic Reading Test (SDRT), and assessment intended to diagnose deficiencies in a student’s being able to read, is a means to “ensure they are making adequately yearly progress.” The SDRT is diagnostic tool, not a tool used to measure progress. There is an indication of the use of the LeapTrack System to “ensure that the Florida benchmarks are mastered before the student begins working on the next skill.” There is no indication of how the teacher will proceed should a student be unable to master a skill after multiple attempts at instruction.

- The Applicant states the application contained clear, complete and statutorily sufficient responses to each of the subsections relating to guiding principles, purpose and mission. The Application was scored a “2” in Subsection I.A.4b., relating to provision of increased learning opportunities for all students with a special emphasis on low-performing students and reading. With respect to providing differentiated instructional strategies, the Project Child program and middle school teaming approaches are ideal. They involve a delivery method of instruction in which teachers use varied strategies and differentiation to meet the needs of each and every student in their classroom, whether or not each student has special learning needs. This attribute of Project CHILD and middle school teaming were clearly presented by Imagine Schools in the Application. Moreover, Imagine Schools chose to utilize the State’s and School District’s own best practices for reading. The proposed Project CHILD program would also include the LeapTrack individual learning paths for each student, which is a new innovative feature to Project CHILD. There are no schools in the School District with either a fully-implemented Project CHILD program throughout the school or with the LeapTrack feature. To the extent that the School District argues that it already utilizes some portion of the Project CHILD program or the middle school teaming, the fact that a certain technique is used in some parts of a school district does not render that technique non-innovative. The measurement of learning outcomes and assessment are covered in depth in a number of places throughout the Application. The application proposes additional assessment and monitoring of students beyond what is conducted by the School District. These measurement tools are not only aligned with the clear goals of the proposed school, the Sunshine State Standards and FCAT preparation, they also serve to measure individual learning gains.

There was no competent and substantial evidence to support the School Board’s denial based on an allegedly inadequate educational program,

specifically with respect to reading curriculum, goals and objectives for student learning, innovation of the proposed school, courses and instruction plans for secondary schools, expanded learning opportunities, IEP teams, ESE interventions and TARGETTeams, and LEP. The Application contained clear, complete and statutorily sufficient responses to each and every subsection related to the education program at the Imagine School at Duval. Imagine Schools used the School District's reading plan as a basis for its proposed reading plan so it could collaboratively work with the School District on professional development and any reading requirements set by the School District and the State. The proposed reading program is outlined in detail in the Application. There are three publishers listed for potential reading program texts, each of these publications are scientifically research-based and currently used within the School District. Imagine Schools does not intend to choose a particular publisher until it has selected a final school site and has a better indication of the particular demographics of the students it will be serving. The Charter Statute does not require that a charter applicant commit to a specific publisher for its reading program, only that the reading program and the proposed publishers that the charter application will use be scientifically researched-based. The Application was rated a "zero" for Subsections I.B.8. and I.B.9., relating to the courses and instructional staff for secondary schools. "Zero" is not even on the scoring scale for the scoring matrix. In fact, since these two Subsections relate to secondary charter schools, and the Application is for a proposed K-8 charter school, these Subsections should have been shown as "N/A" and removed from the overall total possible points. As currently shown, 18 weighted points were added to the overall minimum score for these two items, and the Application was improperly penalized by this error. The Application was rated a "2" in Subsection I.B.13f., relating to ESE interventions and the TARGETTeam (Teachers Accessing Resources through General Education Team) process. The approach outlined in the Application for TARGETTeam is identical to the one used by the School District. The Application was rated a "1" ("Minimal") for Subsections I.B.14a. through I.B.14f., relating to Limited English Proficiency ("LEP") students and services. The LEP program for the proposed school is thoroughly discussed in the Application and follows the School District's own LEP manual which was provided to Imagine Schools by School District staff. Presumably this manual is acceptable to the School District, so it is unclear how all these Subsections could be rated a "1." There are comments at the end of the Educational Program Section regarding the use of River Deep. The District found "over \$500,000 of start up expenses but only approximately \$250,000 for start up expenses." However, River Deep is referenced only as an example of style of instructional tool that may be used. There was no competent and substantial evidence in the record to support this basis for denial of the Application. Imagine Schools has been unable to locate any discrepancy in start-up costs in the Application, so it is unclear the basis for the comment relating to a discrepancy in start-up costs. There was no

competent and substantial evidence to support these bases for denial of the Application.

There is no competent substantial evidence to support the School District's denial of the Application based on an inadequate discussion of student assessment (Subsections I.C.1-3 on the Scoring Matrix), pertaining specifically to reading assessment, academic monitoring and tracking, and accountability tracking. School District staff provided no negative comments on this portion of the Draft Application, so it is unclear how the Application could be rated a "2" in these Subcategories. The Application actually includes additional assessment beyond what is conducted by the School District.

- The pertinent Florida Statutes on this issue read as follows:

Section 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.

(b) Charter schools shall fulfill the following purposes:

1. Improve student learning and academic achievement.
2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.
3. Encourage the use of innovative learning methods.
4. Require the measurement of learning outcomes.

(c) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.
2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.
3. Expand the capacity of the public school system.
4. Mitigate the educational impact created by the development of new residential dwelling units.
5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

Section 1002.33 (6) APPLICATION PROCESS AND REVIEW.--Charter school applications are subject to the following requirements:

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

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 HAD GOOD CAUSE TO DENY THE APPLICATION OF THE CHARTER SCHOOL BASED ON “THE FAILURE TO ADDRESS FACILITIES/LOCATION.”**

- The School Board states on the section of the application entitled “Facilities/Location,” Imagine was rated as “limited” on subparagraphs IIIA.1 and 2, but “adequate” on subparagraphs 3 and 4. In short, “Facilities/Location” is a valid statutory factor, and there was abundant substantial competent evidence to score the response as “limited” primarily because Imagine had not located a suitable school facility.
- The Applicant states there is no statutory requirement that a charter applicant show a specific location or site plan for its proposed school. No negative comments were offered by School District staff during the review of the Draft Application. Moreover, details regarding a proposed school site are typically dictated in the charter contract.
- The pertinent Florida Statutes on this issue read as follows:

Section 1002.33(6) APPLICATION PROCESS AND REVIEW.--Charter school 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.

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.

Section 1002.33(5) SPONSOR; DUTIES.--

(b) *Sponsor duties.*--

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 THREE

**WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE APPLICATION OF THE CHARTER SCHOOL BASED ON “FAILURE TO ADEQUATELY ADDRESS FINANCIAL OPERATIONS, BASED ON: (1) BUSINESS AND (2) BUDGET SERVICES.”**

- The School Board states Imagine makes unsupported assertions that the only changes made to this section of the application from the prior application were those suggested by school district staff. In fact, in a draft copy of Imagine’s application, Section I.A. of the business section was answered “Would this be the same as our four year projections” (Exhibit 6). This indicates Imagine was making changes before the district reviewed the application which is contrary to their assertion.

Clearly DCSB was justified in scrutinizing the proposed financial operations of Imagine. Several of the statutory factors concern financial ability. “The application did not include a detailed strategic business plan but only made a reference back to the five year budget and financial breakdown. This does not provide evidence on how the applicant intends to run the business aspect of the charter school.” It is well known that a business plan is important to the foundation of strong business. Regarding subsection IV.A.1b., concerning safeguarding of assets, Imagine’s Notice of Appeal states that they did cover the ways fixed assets are safeguarded. The Notice further states that fixed asset management was discussed in detail later in the application. However, the application states on page 136, “Provide, in detail, how cash and fixed assets will be safeguarded.” There were no details in the answer specific to fixed assets, such as using property tags. The statements were general, such as “Monthly reconciliations are performed” and “[Financial control] consists of multiple layers of reviewing and monitoring.” The application required details. No details specific to fixed assets were pointed out. Since the school must be set up as a

separate not-for-profit entity, its parent company's sales tax exemption may not apply, and the school would have to maintain its own exemption. Thus, there was substantial competent evidence to support the "limited" rating. Related-party transactions are transactions in which there is a potential for a board or staff member to benefit from the transaction, such as hiring a spouse of a board member to provide computer repair services because he/she is giving a discount. In Imagine's application, on page 141 it states "the transactions will be handled using the same process as an independent vendor" and thus, there is not different process for related-party transactions.

Questions 1a through 1c received a score of "2" based upon the fact that minimal information was provided on pages 148-149 of the application. Although the start up budget is detailed, there are major discrepancies within that detail which makes it impossible to determine which possibility will actually be used by the school. Although the application states that the FF&E will be leased on page 147, the total start-up funding pledged by the parent company is \$250,000 (Exhibit 12). This discrepancy is not clarified within the body of the application. Question 1c of the application requires a narrative showing how the budget line items in the start up budget will be aligned with the academic programs. The application recaps the FF&E, such as computers and furniture, that is expected to be purchased, but does not describe which academic program they will be used to support. In addition, there is no mention of the first part of the start-up budget, which includes facilities.

- The Applicant states there was no competent and substantial evidence to support denial of the Application based on an allegedly inadequate discussion of the business and budget services for the Imagine School at Duval. Imagine Schools had a separate meeting with School District staff, including one of the Charter Review Committee members, to discuss this particular portion of the Draft Application, and made all the changes suggested by staff. The only changes made to this section of the Application from the Prior Application were those suggested by School District staff. The difference in the scores of this section in the Prior Application versus this Application are inexplicable and call into question the veracity of the scoring process.

There was no competent and substantial evidence to support the School District's denial of the Application in the area of business (Section IV.A. of the Scoring Matrix), particularly related to inclusion of a "strategic educational business plan," the policies and procedures manual and property purchased through third-party financing or loans. Moreover, the level of detail required by the School District is not required by the Charter Statute and thus does not constitute a valid statutory basis for denial of the Application. The comments at the end of the Financial Operations Section contain a statement that "[t]he application did not include a strategic business plan, but only made a reference back to the five-year budget and financial breakdown." However, Imagine Schools specifically did not include a separate strategic business plan because it was instructed by Maureen Martin, who was then the School District's School of Choice Coordinator, to reference the 5-year Proforma/Budget as the detail strategic business plan and not

provide a separate document. Ms. Martin told Imagine Schools that she considered the whole Application to be the charter school's "strategic business plan." To the extent this Subsection was rated a "2" because there was no specific document in the Application entitled "comprehensive strategic educational business plan," this basis for denial is not supported by the Charter Statute. With respect to Subsection IV.A.1b., which asked for how cash and fixed assets would be safeguarded, there is a comment that the answer to this Subsection did not discuss fixed assets. Fixed asset management was discussed in detail in the Application in response to Subsection IV.A.1.i. Subsection IV.A.1i, relating to the charter school's policies and procedures manual was also rated a "2." However, each of the items in this Subsection was addressed on pages 140-142 of the Application. There is also a comment with respect to this Subsection stating that while it "asks how related party transactions will be handled, and the answer [in the Application] describes how invoices are handled, [the Application] does not discuss if there will be differences if a related party is involved." However, the Application contains an explanation of how related party transactions would be handled if the proposed charter school should have them. (Exh. C:141). Subsection IV.A.2c., requires a description of how the "strategic educational business plan explains the importance of understanding such financing [presumably supplemental financing] in [the proposed charter school's] operations." The Application clearly demonstrates Imagine Schools' understanding of the importance of supplemental revenue and its appropriate use in attaining a financially sustainable charter school. To the extent that this Subsection requests anything more than has been provided in the Application, it is not a valid statutory basis for denial of the Application. Subsection IV.A.5b., relating to property purchased through third party financing or loans, also received a score of "2." However, this answer was fully explained on Page 147 of the Application.

The Application contains a detailed explanation of the start-up budget, including a listing of expenses, funding sources, and an alignment of these budget items to the academic programs to be offered at the proposed school. The Application contains a detailed explanation of revenues and expenditures for each year of operation of the proposed school.

The District alleges that the Financial Operations Section revenues and expenditures in the Application are not separated, so that it appears that the Application proposes to use public funds to support fee-based before and after care programs and an activities director at the proposed school. This allegation is inaccurate. The 5-year Proforma in the Application clearly segregates supplemental (non-public) revenue, including fee-based before and after care revenue. The Application shows that such fee-based programs at the proposed school would be self-sustaining, and that any surplus funds from these programs would be used to defray other costs incurred by the proposed school. The comments at the end of the Financial Operations Section also allege that the Application does not contain a breakdown of revenues for the proposed school and that such a breakdown is important to assess, for example, whether Imagine Schools properly calculated "a reasonable level of ESE and ESOL, and added a

reasonable amount of revenue for transportation.” However, Attachment 21 to the Application shows revenue broken down between state and local (FEFP), capital outlay and supplemental revenue. No further breakdown of state and local revenues is possible, except by year. Imagine Schools offered to include an FEFP page for each year of operation of the proposed school during meetings with School District staff but was told it was unnecessary to do so. School District staff provided Imagine Schools with the School District’s percentages to use to budget for the number of anticipated ESE and ESOL students as well transportation, which Imagine Schools used in developing both the revenues and expenditures shown in the Application. The comments at the end of the Financial Operations Section allege that there are discrepancies between the finance and budget section relating to start-up costs (\$250,000 versus \$500,000) and that they will be “funded by the parent company,... who will not have to be paid back with public funds.” (Comp. Exh. D-4:28). The Application shows that a total of \$250,000 would be advanced by ISNP and paid back in financially feasible increments from the revenues of the proposed school. There is no competent and substantial evidence in the record establishing that the amount of start-up costs is unreasonable or the plan to pay back ISNP is financially infeasible. As noted above, while the comments also reference “almost \$500,000 in start-up costs, Imagine Schools could not locate any reference in the Application to \$500,000 in start-up costs, so the basis for this comment is also unclear.

- The pertinent Florida Statutes on this issue read as follows:  
Section 1002.33

6) APPLICATION PROCESS AND REVIEW.--Charter school 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.

Section 1002.33(6)(b)2

(6) APPLICATION PROCESS AND REVIEW.--Charter school applications are subject to the following requirements:

(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.

#### ISSUE FOUR

### **WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE APPLICATION OF THE CHARTER SCHOOL BASED ON “FAILURE TO ADDRESS OPERATIONS, BASED ON: (1) RECRUITING AND MARKETING PLAN, (2) UNITARY STATUS, (3) HUMAN RESOURCES, (4) STUDENT INFORMATION MANAGEMENT SYSTEM, AND (5) FOOD SERVICE.”**

- The School Board states on this section of the application, Imagine’s response was rated as “minimal” regarding subparagraph A.1, and “limited” regarding subparagraph A.7. Subparagraph A.1 asks for a detailed description of the total student population. Subparagraph A.7 asks for the area of town to be used for student recruitment. Regarding subparagraph V.A.7., the application response merely states that Imagine “will target the Mandarin and Englewood target zones....” This is an extremely large area of Jacksonville for a K-8 school. No additional information was given. Therefore, DCSB had competent and substantial information to rate the response as “limited.”

Any type of discrimination is unacceptable and could drastically impact academic performance. Imagine did not describe its policies. It merely stated that it would be in full compliance with Florida law. DCSB had competent and substantial evidence to score this as a “limited” response.

Regarding section V.G.1., the question asked for a description of how the school would recruit teachers and administrators. As the comment noted: “The application indicated a rigorous hiring process, but did not specify or outline that specific process.” DCSB validly viewed the response as limited because it did not specify its “comprehensive recruiting strategy,” but just essentially referred to advertisement. On Section V.G.2.d., which asks for a description of Imagine’s human resource policies governing dismissal, although an operations manual was submitted, in the table of contents, DCSB could not locate a section pertaining to employee dismissal.

Imagine’s application was scored as “minimal” in Section V.I.2. The question and response are as follows:

Describe your plan for implementing electronic data transfer to the Student Information Management System.

The Imagine’s school of Duval school will be set up to receive and transfer information from the student information management system from the Duval County School District.

Obviously, the response does not describe any plan. There is no description of a plan to provide hardware, connections, etc. for implementing electronic data transfer to the SIMS. Therefore, this response was appropriately rated “minimal.”

The applicant did not indicate in the budget they had any revenues to cover any area of food service. Food service operations directly impact both the academic and financial performance of the school.

- The Applicant states there was no competent and substantial evidence to support the School District's denial of the Application for allegedly inadequate description of the recruiting and marketing plan, particularly in relation to description of the target population and the areas of town that would be used for student recruitment. The Application specifically states that the proposed charter school "will be targeting a regular student population in the southern area of the [School District]." Imagine Schools also engaged the services of a local demographer to provide data on population demographics, including free and reduced lunch, ethnicity, mobility rate, truancy rate and area of town. Only general areas of town were identified for student recruitment because Imagine Schools has not yet selected a school site. Given the investment that Imagine Schools is planning to make in a school building, it is not practical to select a school site before receiving charter application approval. Therefore, it was not possible to provide any more specific detail.

The comments at the end of this section state that "[t]he application indicated a rigorous hiring process, but did not specify or outline that rigorous process." However, Page 163 of the Application contains a clear statement of these techniques. Subsection V.G.2d., relating to a description of human resource policies governing dismissal was rated a "2." This information is found in Imagine Schools' Operations Manual. Imagine Schools was specifically instructed by Ms. Martin to provide only a copy of the Table of Contents from the Operations Manual in the Application itself. A complete copy of the Operations Manual was provided to Ms. Martin on the same day that the Application was submitted to the School District and a note to this effect is included in the Application. The Subsections relating to the role of teacher certification status in recruiting and eligibility of potential hires not yet certified in Florida, were both rated a "2." The comments at the end of the section ask "[w]ho will determine the eligibility for those new to the teaching profession. It takes 30-45 days for a Statement of Eligibility/Ineligibility to be issued-what will your policy be for those waiting for a response to confirm eligibility?" A detailed discussion relating to teacher certification and those who are not yet certified in Florida is found on pages 164-165 of the Application. While the comments ask who will determine eligibility for those new to the teaching profession, the application form does not request this information, so it is not reasonable to evaluate the Application on this basis, nor is this a valid statutory basis for denial. The Subsection relating to notification of parents of students being taught by out-of-field instructors, was rated as a "2." However, this procedure was clearly outlined on Page 166 of the Application, and a sample of the document that would be used to notify parents is included in the Application as Attachment 32. The District asked "what are the educational backgrounds of your board members?" However, the resumes of the governing board members, which included educational backgrounds, were provided in Attachment 24 to the Application. The subsection

relating to implementing electronic data transfer to the SIMS and updating student data received a”1”. Data transfer between the School District and the charter school is a collaborative effort between the School District and the charter school. Moreover, there is no statutory requirement for a charter application to independently establish how it will accomplish the data transfer prior to charter application approval. Likewise, although Imagine Schools also provided a reasonable response to Subsection V.I.4., noting how and when updates will occur, there is no statutory requirement that a charter school applicant demonstrate how it will update its student data.

The District application required an applicant to choose one of three options for food service. Except for the first option, there is no indication that any further information is required beyond the selection of the option. Imagine Schools chose Option #2, which provides that the proposed school would participate in the National School Lunch Program, but it would not use the School District as a provider. The comment at the end of the section states that “[t]his school refers to a FRP to provide Food Service; however it does not indicate they [sic] type of menu or counting and claiming procedures they will use. There is no statutory requirement that a charter applicant identify a type of menu or counting and claiming procedure, nor does the application form even request this information. In fact, there is no statutory requirement that a charter applicant provide any information related to food service.

The pertinent Florida Statutes on this issue read as follows:

Section 1002.33(6) APPLICATION PROCESS AND REVIEW.--Charter school 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.
  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.