

THE FLORIDA DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEAL COMMISSION

Technical Assistance Paper

APPEAL OF: LIFE SKILLS CENTER, PALM SPRINGS INC.
CHARTER APPLICATION DENIAL

APPELLANT: LIFE SKILLS CENTER, PALM SPRINGS 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.

History – Life Skills Center, Palm Springs, Inc.

1. August 1, 2007 - Life Skills Center, Palm Springs submitted an application to the Palm Beach District School Board.
2. September 6, 2007 – Meeting of representatives of the charter school and the district review committee.
3. October 31, 2007 – Conference to review two remaining sections of the application.
4. November 7, 2007 – District notified the Charter School that the charter school’s application would be considered at the November 14, 2007, District School Board meeting.
5. November 8, 2007 – Charter School requested that consideration of the Charter School’s application be considered at the December School Board meeting.
6. November 9, 2007 – Charter School was advised of the sections determined to partially meet the standard.
7. December 12, 2007 – District School Board accepted the recommendation of the district review committee to deny the application (prior to the public hearing).
8. January 8, 2008 – Charter School requested that the application be considered at a subsequent Board meeting with an opportunity for public comment.
9. January 23, 2008 – Application was heard at the School Board meeting and was denied.
10. February 13, 2008 – Charter School’s application to the Florida Schools of Excellence Commission was denied.
11. March 13, 2008 – Charter School filed an appeal with the Charter School Appeal Commission.
12. April 21, 2008 – District School Board filed a response to the Charter School appeal.

ISSUE ONE

WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE APPLICATION OF THE CHARTER SCHOOL FOR WEAKNESS IN THE AREA OF STUDENT ASSESSMENT.

- The Charter School states that the goals and objectives, promotion and graduation standards, student assessment and statewide assessment program are detailed in Life Skills Center-Palm Springs application.
The District Review Committee asked that Life Skills Center-Palm Springs explain how non-graded students would comply with graduation requirements. The application and response clearly address compliance with Florida graduation requirements. As set forth in the application and interview, meaningful detail is provided and does not require important, additional information be provided in support of the application. The designation that the application “partially meets” the standard is not supported by the reviewers’ comments. The district fails to support that there are material weaknesses with regard to section 5, entitled “Assessment.”
- The District states that Section 5 of the Model Florida Charter School Application relates to student performance, assessment and evaluation. Life Skills application was rated as “partially meets the standard” in the area of student assessment. District reviewer Sandra Raymond Roberts noted that the application was “unclear regarding non-graded students complying with all graduation requirements.” Graduation requirements for all high school students are prescribed by statute.
The Charter School omits important information regarding how the students at Life Skills will specifically meet the graduation requirements. The district questions how credits are awarded in such a system, when a combination of 24 is needed to graduate. The district questions what curriculum is in place to give students the opportunity to complete the course graduation requirements (i.e. 4 credits English, 4 Math, 3 Science, etc.) under the statute.
The Charter School does not explain in detail how non-graded students can comply with the statutory requirements for graduation.
The answer the Charter School stated in the application is misleading with respect to the ability of its governing board to provide alternative graduation requirements. The Life Skills application states that “the unique situation and needs of our at-risk youth are similar to those defined in Section 1003.43(6) Florida Statutes, therefore the Board of Directors may determine additional credits and/or alternatives for graduation requirements to better meet the needs of our students.”
The Life Skills application is for a Charter School for minor-aged students in grades 9-12. The Board of Directors for Life Skills can not substitute its own judgment in place of the Legislature’s in determining alternatives for graduation requirements. Life Skills’ application somehow grants its Board of Directors an ability to “determine additional credits and/or alternatives for graduations requirements,” citing a statute that isn’t applicable to the school, its Board of Directors, or its students.

The pertinent Florida Statutes on this issue read as follows:

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.

ISSUE TWO

WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE CHARTER SCHOOL APPLICATION BASED ON “THE RESPONSE PROVIDED BY LIFE SKILLS WITH RESPECT TO EXCEPTIONAL STUDENTS IS CONTRARY TO FEDERAL AND STATE LAWS AS WELL AS FLORIDA STATE BOARD OF EDUCATION RULES.”

- The Charter School states that Life Skills Center was required in its application to describe how the school will comply with federal and state requirements for serving students with disabilities, including the procedures that will be utilized for identifying students with special needs, developing individual educational plans and providing a full range of services.

The Life Skills Center, Palm Springs application addressed ESE students on pages 39-42 in section 8, entitled “Americans with Disabilities Act and section 504”. The application addresses the Americans with Disabilities Act, Section 504 by responding to what is required to be provided within the application.

Life Skills Center, Palm Springs has an inclusive model. The school provides educational services to support the needs of students with disabilities to ensure their success, including accommodations/modifications as necessary to allow the student to have access to technology based learning and the related service provided to the students on the student’s Individual Education Plan (IEP.) Attention is provided to individualize learning and accommodations/modifications reflect an inclusive educational environment. Life Skills Center will work with the school district (LEA) to ensure that the needs of those students will be met in the most appropriate setting. The district reviewer indicated that Life Skills Center, Palm Springs had only partially met standards based on the comment “IEPs may not be changed to fit a placement.” The applicant fully details the process in its application with regard to IEPs. The staff at Life Skills Center will work with the School District (LEA) to ensure the needs of those students will be met in the most appropriate setting...The Intervention Specialist(s) (ESE teacher) and the School’s Administrator will be responsible for the general supervision of the identification, location, and evaluation activities/services for students that are identified as or suspected of being disabled and for the provision of a Free and Appropriate Public Education to Exceptional Education Students attending the school. Students whose IEP indicates they will be using an alternative assessment will be provided these assessments under the same guidelines as other students with disabilities in Palm Beach County Public Schools, in compliance with the district’s procedures noted in their “Special Programs and Procedures.” A comprehensive program is offered with regard to students with disabilities that are fully explained in the application including not only education, but developing employment skills, job seeking skills, and self advocacy skills. The district fails to substantiate that Life Skills Center has only partially met the applicable standard. The application does not reference the IEP will be changed. Further, during the interview it was explained that an IEP is only amended after “interim meeting with the parents, the student, the administration, and someone from the district if it is appropriate to change the IEP into what the program has to offer.” If not, it was explained, that accommodations are made.

- The District states that Section 6 of the Model Florida Charter School Application relates to exceptional students. Applicants are required to present information demonstrating “an understanding of the requirements of the school to serve all students and provide a concrete plan for meeting the broad spectrum of educational needs and providing all students with a quality education.” It is never appropriate to change an Individual Education Plan, or IEP to fit the program in which an exceptional student is enrolled. The duty is on the Local Education Agency, or LEA, or in this case, Life Skills, to present a program that meets an exceptional student’s needs by providing a Free and Appropriate Public Education (FAEP) in the Least Restrictive Environment (LRE). The Individuals with

Disabilities Act (IDEA) provides only a limited amount of circumstances where an IEP should be revised.

Florida law and the State Board of Education Rules on the subject of exceptional education students are derived from and are uniform with federal law on the subject. Making a placement decision prior to the development of an IEP is a serious violation of IDEA.

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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.

ISSUE THREE

WHETHER THE SCHOOL BOARD HAD GOOD CAUSE TO DENY THE APPLICATION OF THE CHARTER SCHOOL DUE TO THE SCHOOL'S FAILING TO PRESENT A REALISTIC BUDGET TO ENSURE FINANCIAL VIABILITY.

- The Applicant states that Life Skills Center staff provided the revenue and expense projections, spending priorities, and fund raising plan with-in the application. The district reviewer took exception to the inclusion of an implementation grant within the proposed budget.

If the grants are not awarded with regard to start up grants as they have been in the past, the fact that it is done differently is not a basis to declare Life Skills Center, Palm Springs has only partially met the standard. The budget provided is a projected budget. The review referenced in the evaluation instrument “[a]pplicant did not complete homework on looking at the FLDOE website regarding grant requirements and new amount awarded.” The reason provided would not substantiate a “material weakness” especially in light of the revenues and expenditures being projections.

- The District states that Section 19 of the application pertains to budget. Two specific issues arise with the answer provided by Life Skills. First, the answer specifically states that the school is relying on a \$300,000.00 Implementation Grant, which was included in the budget proposal. To include those monies in a proposed budget would not present a realistic assessment of a source of revenue as required in the application.

Life Skills indicates that it will contract with White Hat Management, LLC., as an educational service provider. In exchange, Life Skills will pay White Hat Management ninety-seven percent (97%) of the school’s gross revenue, with only three percent (3%) remaining in the school and its Board of Directors. Life Skills maintains that it will not need to participate in any external fund-raising campaigns as the school will be funded by White Hat Management.

Based on this proposal the Charter School would divert virtually all of the public monies (97%) that would come into the school based on FTE to a private, for profit corporation, White Hat Management.

The District feels such a relationship does not ensure financial viability of the school since the school could not survive independently without White Hat Management, neither does the plan allow the governing board to act independently of White Hat Management.

It is the District’s contention that in addition to severely limiting the governing board’s ability to oversee the finances of the school, the proposed plan would allow public monies (FTE funding) to be shifted from the school to a private company.

The pertinent Florida Statutes on this issue read as follows:

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1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
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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.

(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 DISTRICT PROVIDED THE CHARTER SCHOOL WITH DUE PROCESS PURSUANT TO SECTION 1002.33(6)(b)3., FLORIDA STATUTES.

- The Charter School states that the District has failed to comply with the statutory provisions relating to providing written justification with regard to the denial of a charter school application.

It is questioned as to the process the District School Board engaged in at a December 12, 2007, Board meeting where the application was placed on the consent agenda and voted on prior to any public hearing. Then, on January 23, 2008, outside the allotted time period for the district to decide on the charter school application, the District School Board voted to deny the application. The applicant was provided three minutes to

address the Board regarding the District Review Committee's failure to find good cause for the denial. The failure of the District School Board to follow applicable law should result in the granting of this appeal.

- Section 1002.33(6)(b)3., Florida Statutes, requires a sponsor to notify the applicant within 10 calendar days, in writing, the specific reasons for the denial of the application. Life Skills was provided such notice after the December 12, 2007, School Board Meeting in correspondence sent to Mr. Paul Jungkunz which was dated December 17, 2007. A representative from Life Skills contacted the District and requested that he be heard prior to the School Board's decision, which did not happen at the December 12, 2007 meeting. The School Board afforded the representative such an opportunity to be heard by rescinding its December vote at the January meeting and allowing the representative to speak at the January meeting prior to voting on the recommendation for denial.

The pertinent Florida Statutes on this issue read as follows:

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

(b) 3. A sponsor shall by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days, articulate in writing the specific reasons, based upon good cause, supporting its denial of the charter application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education supporting those reasons.