

THE FLORIDA DEPARTMENT OF EDUCATION
CHARTER SCHOOL APPEAL COMMISSION

Technical Assistance Paper

APPEAL OF: P ADAH'S ACADEMY CHARTER APPLICATION DENIAL

APPELLANT: P ADAH'S ACADEMY

SCHOOL BOARD: THE SCHOOL BOARD OF HILLSBOROUGH 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 – Padah’s Academy

July 21, 2008 – Charter School submitted an application to Hillsborough County School District.

October 8, 2008 – Charter School interviewed by School District.

November 18, 2008 – School District voted to deny the application of the charter school.

December 1, 2008 – Charter School received the School District’s denial letter.

December 23, 2008 – Charter School appealed the denial of its application to the State Board of Education.

January 20, 2009 – District responded to the Charter School’s appeal of the denial.

1. Whether the Application of Pдах’s Academy complies with sections 1003.33(6)(a), and 1002.33(7)(a) 9., Florida Statutes, regarding the application process and addressing the financial and administrative management of the school in the charter.

The Applicant states:

- The letter of denial from the Hillsborough County School District states that without an active founding board, the professional experience or competence of those individuals applying to operate the school is difficult to predict. Pдах’s Academy states no charter agreement has been entered into between the District and Pдах’s Academy which is what is required under this statute. The Applicant is unsure how the application could have been denied under this statute.

The letter of denial from the Hillsborough County School District states that the same application has been submitted by the same group who has submitted two previous applications that were denied. There has been no significant attempt to remedy the shortcomings identified by Hillsborough County School District and upheld by the Charter Schools Appeal Commission and the State Board of Education. The applicant states that Pдах’s Academy put forth every effort to obtain technical assistance from the district beginning September 26, 2007. The Applicant states that the District did not provide the technical assistance to Pдах’s Academy that it declared to the commission that it provides to applicants.

The letter of denial states that the District found that the primary contact, and only member of the board who participated in the applications this year, is a person who was unsuccessful in the operation of a charter school and whose charter was terminated. Pдах’s Academy believes this statement is so vague and ambiguous there are difficulties in addressing it because the identity of the person is not given and details of how the person was unsuccessful in the operation of a charter school is not revealed nor the name of that charter school.

The School District states:

- The Academy cannot meet the criteria necessary for approval under this statute. Although the appeal brief indicates the lack of understanding of the applicability of the statute, Academy’s misconceptions of the State’s requirements for the provision of education to students are just another basis for denying the application.

The District noted that the founding board consisted of four (4) members, only one of which was available to the District during the application process.

That there was no attempt by the Applicant to remedy the shortcomings of the previous two applications identified by the District, is clearly evident throughout this response, as most of the findings made in denying the 2008 application had previously been at issue the 2006 and 2007 applications. Additionally, during the interview process, Mary White indicated the only substantial change to the 2008 application was its new format.

Florida law compels the District ensure that the applicants are competent and have the professional experience necessary to manage the charter school, and one effective method is through the examination of the applicant's history within the charter system. Mary White's previous involvement with the operation of a charter school whose charter was terminated reveals evidence of incompetence and the Academy's 2008 application process has not demonstrated the necessary experience or competence to operate a charter school.

The pertinent Florida Statutes on this issue read as follows:

Section 1002.33(6)(a), F.S.

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(7)(a)9., F.S.

(7) CHARTER.--The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing body of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address, and criteria for approval of the charter shall be based on:

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

2. Whether Padah's Application for a charter school complies with Sections 1002.33(6)(a)5., and 1002.33(6)(b)2., Florida Statutes, regarding the financial plan and fiscal responsibility of the school.

The Applicant states:

- They complied fully with the statute because its application contains both a budget and a Revenue Worksheet for Charter Schools.

Padah's Academy utilized DOE's Revenue Estimate Worksheet for Charter Schools in Hillsborough County to arrive at its per pupil funding and based its budget projections on those numbers. Projections for the five year requested charter are based on current weighted FTE numbers. These numbers are solely for the purpose of projection and budget forecast for the first five years of operation. The Applicant states it is fully aware that the FTE dollars will change based on legislative agendas each school year.

The Applicant has budgeted for Education Technology at a total of \$80,000 which is inclusive of the purchase of computers and NovaNET.

The school to work program is inclusive in the NovaNET program. The budget shows a total for Educational Technology at \$80,000, Audit/Legal at \$12,000, and \$26,000 for Instructional materials which is inclusive of the school to work program, recruitment/marketing and payroll services.

The School District states:

- The application does not comply with Sections 1002.33(6)(a)5., and 1002.33(6)(b)2., Florida Statutes, because there is no narrative to explain the budget therefore it is difficult to identify revenue and expenses. The budget contained no evidence of the capacity necessary to purchase and administer the academic program mentioned in the application. In the appeal brief, the Academy chooses only to address the purchase of the academic program. In the interview, Mary White did not know the cost of the academic program. The Academy never addressed the costs of administration of the program.

The District found that the academic program identified by the Academy is computer based, yet there was no budget for computers. The Academy's only response to this finding is that the money budgeted for the purchase of the academic program is inclusive of computers. The Academy's assertion does not comport to the application, which states that classrooms will provide one computer per student. There is no discussion in either the Academy's application or appeal brief, of how the budgeted \$80,000 will be allocated to cover these costs.

The District found that there was no evidence in the budget for the following items: school to work program, recruitment and marketing plan, or payroll company services. The Academy failed to provide any substantive argument evidencing the appropriate budgeting for these programs in its appeal brief. The Academy stated the school to work program is budgeted into the same \$80,000 that will purchase the academic program and the computers for each student. The District believes this budget is insufficient.

The District found that the rent of \$3,000, inclusive of utilities is unrealistic for the area. The Academy presented many different rent proposals during the application process. The application stated the budget was \$3,000 per month for rent and \$800 per month for either utilities or the installation of computers, phones electricity, water, and garbage disposal. At the interview, the \$4,000 budget was discussed as possibly unreasonable for one hundred students, but the Academy noted that they previously used a facility for \$2,000 per month plus utilities.

The pertinent Florida Statutes on this issue read as follows:

Section 1002.33(6)(a)5., F.S.

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., F.S.

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

(b) A sponsor shall receive and review all applications for a charter school. Beginning with the 2007-2008 school year, a sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may receive applications later than this date if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of an application upon the promise of future payment of any kind.

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.

3. Whether the Application for Padah's Academy complies with Section 1002.33(6)(a)2., Florida Statutes, regarding the curriculum plan.

The Applicant states:

- The Application does not imply or declare that the implementation of Padah's Reading Program will rest only with the reading teacher for implementation, but very clearly declares that the program is a school wide effort that rests with the involvement of the entire staff.

Padah's instructional staff will be trained so they understand instructional assessments in each of the major reading components which we will address in staff training, ongoing professional development, efficient use of instructional time, differentiated instruction and appropriate use of technology.

The reading program will be implemented with involvement of teachers, reading personnel, administration and parents. Padah's Academy reading program infrastructure supports the teaching of literacy, including the training

of teachers and believes all aspects of its school should be involved. Padah's believes reading is a school wide initiative and priority.

Padah's Academy will not be totally reliant on NovaNET for its sole delivery of the educational process; it has chosen additional materials to use and clearly stated that a combination of NovaNET and supplement materials will be used for graduation requirements. Using a combination of NovaNET and the supplemental curriculum materials, the curriculum will have the breadth and depth to provide students with the required courses to comply with the Sunshine State Standards and Florida's graduation requirements to earn a Standard Diploma.

The curriculum at Padah's Academy is very different from that found in traditional high school, with two primary differences being (1) the NovaNET technology is integrated into the curriculum, not separate; and (2) students have an opportunity for school to work programs. Padah's curriculum is organized around competencies related to the State Sunshine Standards, career pathway, jobs and/or occupational cluster.

The School District states:

- The application clearly states that only one certified reading instructor would be hired. According to the application, this one instructor would be responsible for designing, implementing, and evaluating the program while supporting all classroom teachers and reporting to all parents. While the application indicates other persons including teachers and parents will be involved, the application does not demonstrate their role in the implementation of the reading plan.

The 2008 application indicated that supplemental materials would be utilized, but it failed to substantively describe these materials or discuss how these materials would be employed in the classroom.

The application solely states that NovaNET will be integrated and that the curriculum will be organized related to Sunshine State Standards, without any description of how this is to be accomplished. At the interview, the Academy was unable to identify details of how the school day would be divided between computer time and academic instruction or between the instruction of core subject areas.

The pertinent Florida Statutes on this issue read as follows:

Section 1002.33(6)(a), F.S.

(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.