

CHARTER SCHOOL APPEAL ANALYSIS WORKSHEET

BEACHES CHARTER SCHOOL VS. BAY COUNTY SCHOOL BOARD

SUMMARY OF PROCEDURAL TIME LINE

DATE	ACTION
August 28, 2002	Letter of Intent to create a new charter school submitted by Senior Pastor Markus Bishop, Faith Christian Family Church, to the Bay County School Board.
October 1, 2002	School Board received "Application for Establishment of a K-8 School" as submitted by Faith Christian Family Church to the Bay County School Board.
November 18, 2002	Request from D.E. Marlinelli (Faith Christian Family Church) to reschedule meeting with Bay County Charter School Review Committee and reschedule their appearance at the Bay County School Board meeting to December 11, 2002.
December 5, 2002	Meeting with Applicants (including representative of Edison Schools) and Bay County Charter School Review Committee. Letter from High Tucker, Chairperson of the Charter School Review Committee, to Superintendent McCalister stating "Based on our review of the selection criteria as outlined in Bay District School Board Policy 8.701, we recommend that the Application for a Charter School submitted by Faith Christian Family church be accepted and that the comments of the Review Committee be noted in the Bay district School Board Meeting on December 11, 2002."
December 11, 2002	School Board met, with the Faith Christian Family Church Application on the agenda. Because there was not a member of the Charter School Board present to answer questions, the School Board voted to defer vote.
December 13, 2002	Letter from Jimmy Maddux (Bay County School Board staff) to Pastor Bishop stating a date certain of January 15, 2003, for school board to meet and consider application. Attachment listing concerns included.
January 9, 2003	Follow-up letter from Jimmy Maddux to Pastor Bishop restating concerns expressed in attachment to December 13, 2002, letter.
January 15, 2003	Denial of Application by School Board – unanimous vote.
January 24, 2003	Notification by School Board to Charter School Applicant of denial.

February 24, 2003	Notice of Appeal filed by Applicant with Agency Clerk, DOE.
March 24, 2003	Response of School Board filed with Agency Clerk, DOE.

**SUMMARY OF THE REASONS FOR DENIAL BY THE BAY COUNTY
SCHOOL BOARD**

REASON #	* AREA OF CONCERN	SUMMARY OF REASON FOR DENIAL
1	Governance	<p>Application was incomplete</p> <p>a. Contained no Articles of Incorporation of the entity to be chartered as required by Bay District School Board Policy. "All correspondence the School Board had received regarding the Application has been on the letterhead of the Family Christian Family Church, usually signed by you as "Senior Pastor."</p> <p>b. References were not submitted in accordance with School Board policy (summarized from page 2 of letter of denial).</p>
2	Management	The instability of Edison Schools, Inc.
3	Procedure	The applicant has attempted to amend the application prior to Board approval.
4	Procedure	The indemnification is not properly executed.
5	<p>Governance</p> <p>Ed. Program</p> <p>Governance</p>	<p>Applicant failed to meet three of the Bay District Schools Charter School Application Selection Criteria.</p> <p>a. Qualifications and diversity of staff, governing body, and organizers. The applicant and the makeup of the Board of Directors remain unclear. The Application does not correspond with the representations made to the Charter School Review Committee.</p> <p>b. Extent of parental involvement.</p> <p>c. Financial and business history of the applicant or incorporator.</p>

* i.e., mission, curriculum, assessment, finance, governance, etc.

**EVIDENCE TO SUPPORT AND/OR REFUTE OBJECTIONS RAISED BY
THE BAY COUNTY SCHOOL BOARD**

For each of the district school board's reasons for denial, it is essential that **good cause as evidenced by charter school application and/or Charter School Statute** be identified.

Application was incomplete

a. Contained no Articles of Incorporation of the entity to be chartered as required by Bay District School Board Policy. "All correspondence the School Board had received regarding the Application has been on the letterhead of the Faith Christian Family Church, usually signed by you as "Senior Pastor."

All correspondence included in the appeal and the response to the appeal were transmitted on letterhead of the Faith Christian Family Church as stated in the reason for denial.

There is no requirement in statute that the Articles of Incorporation be filed prior to an application being approved.

b. References were not submitted in accordance with School Board policy (summarized from page 2 of letter of denial).

The requirements relating to references are based on Bay County School Board Policy as follows:

"At least three references will be submitted by each member of the governing board. Those persons listed as references must have known the proposed Director for at least five years prior to the charter application date and shall not be a member of the proposed Director's family; shall not be an employee of the proposed Director; and, shall not be employed by any entity which is owned by or under the control of the proposed Director. One of the required references must be from a person in the banking or financial community who has had a direct working relationship with the proposed Director and one other of the required references must be from a person who knows the proposed Director on an individual basis."

Section 1002.33(7)(a)9. outlines as part of the Charter (the contract) that

"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 responsibility and the policies and practices needed to effectively manage the charter school."

References were included in the application submitted on October 1, 2002, for the five proposed Board members as follows:

Dr. Hal C. Cowen (Clinic Director for Chironetwork Health Care Center) – Letters were included from:

Dr. Kamel Elzawahry has known Dr. Cowen for 10 years.

Dr. R. Darr McKeown has known Dr. Cowen for approximately three years.

Dr. Maria U. Tedtaotao (Also proposed to be on this Board) – No indication of length of time she has known Dr. Cowen

A.D. Harris, Jr. (husband of Corrine Harris) Previously employed by the Bay County School Board as a middle school science teacher.

Dr. Linward I. Barnes, Principal of Oscar Patterson Elementary School, Bay County School Board – has known Mr. Harris for the past 30 years. (The School Board [page 6] states in its response that it has no record of receiving this letter.)

Mary Swinson – has known Mr. Harris for over 37 years. (The School Board [page 6] states in its response that it has no record of receiving this letter.)

Corrine Harris – retired Business Owner

Dr. Linward I. Barnes, Principal of Oscar Patterson Elementary School, Bay County School Board – has known Mrs. Harris for the past 30 years. (The School Board [page 6] states in its response that it has no record of receiving this letter.)

Mary Swinson – has known Mrs. Harris for over 37 years. (The School Board [page 6] states in its response that it has no record of receiving this letter.)

Mr. James William Tedtaotao (husband of Maria Tedtaotao) – Office Manager, Respiratory Therapist, Nurse, Zoe Family Care Clinic

City of Lynn Haven Manager, John B. Lynch – no indication of length of time he has known Mr. Tedtaotao

Lieutenant Frank S. Rego – has known Mr. Tedtaotao for over 3 years

Dr. Maria U. Tedtaotao, Zoe Family Care Clinic

City of Lynn Haven Manager, John B. Lynch – no indication of length of time he has known Dr. Tedtaotao

Pastor Donald W. Moon – has known Dr. Tedtaotao for over a year

Additional references (Tab 12) were provided on January 7, 2003, to include:

An unsigned letter provided on Faith Christian Family Church letterhead referencing an enclosed letter for Pastor Bishop and stating that they want to reserve the right to add him in the future to the Board of Directors. The enclosed letter was from Richard D. Youd, Bay Bank and Trust, stating that he has known Pastor Bishop for over 20 years, and that all of his dealings “have been handled in a very professional and satisfactory manner.”

Letter from Eugene F. Clement, Jr., First National Bank Northwest Florida, stating that Dr. Cowen has banked with them for an excess of 10 years and is “one of our most valued customers.”

Letters from Greg Frith, Panhandle Educators Federal Credit Union, for both Mr. and Mrs. Harris, stating they have been members for 25 years.

Letters from David Powell, Peoples First Community Bank, stating that both Dr. and Mr. Tedtaotao have been customers since September 2000.

The following references are included in the Notice of Appeal; however, the School Board alleges in its response to the appeal (page 6) that they were never submitted to the School Board.

Letter from Dr. Robert M. Copp stating he has known Dr. Cowin for twelve years.

Unsigned and undated letters for A.D. and Corrine Harris from Panhandle Educators Federal Credit Union stating they had been members for 25 years and were in “good standing with us.”

Letter from Lieutenant Commander Mark Simpson stating he had served with James Tedtaotao in the Coast Guard from 1992 through 1996.

Letter from LCDR Clifford Scott Bates, U.S. Coast Guard, stating he has known James Tedtaotao since 1993.

Letter from Lisa M. Angeles, USAA Federal Savings Bank, stating that Mr. Tedtaotao is an “established customer in good standing.”

Letter from Shirley Carroll, Bay Bank and Trust Company, for Mr. and Dr. Tedtaotao stating they had accounts with them from 1997 through 2001 and closed in “good standing.”

Letter from Dr. Palep N. Rao, stating he has known Dr. Tedtaotao for over five years.

2. The instability of Edison Schools, Inc.

The proposal by this Governing Board is to contract with Edison to provide services. The Founding Board of Directors (page 10 application) will govern the school and, therefore, have financial oversight.

3. The applicant has attempted to amend the application prior to Board approval.

On December 13, 2002, a letter as evidenced in Tab 22 of the Notice of Appeal, Jimmy Maddux, Bay County School District, specifically requested that Pastor Bishop review the items of concern included on the report from the Charter School Review Committee and submit the needed information to his office by Tuesday, January 7, 2003, so that it may be duplicated and forwarded to the members of the Bay District School Board prior to its meeting on Wednesday, January 15, 2003. The letter continues to state that “Attention should be given to the reference sections, the make-up of the Board of Directors, the name of the school, the need for the school, the plan to grow the school, the indemnification and hold harmless agreement, plans for parent involvement, and the administrative oversight plan.”

On January 9, 2003, an additional letter was sent by Mr. Maddux to Pastor Bishop stating that "you may bring additional information for the meeting." (Tab 23)

4. The indemnification is not properly executed.

The indemnification and hold harmless agreement was requested in the letter from Jimmy Maddux, Bay County School Board, to Pastor Bishop on December 13, 2002. In a follow-up letter Mr. Maddux again asked for this information and stated that additional information may be taken to the School Board meeting. Both the appeal (page 6) and the response to the appeal (page 14) acknowledge that the indemnification agreement was presented to the School Board meeting on January 15, 2003.

School board policy requires the indemnification to be executed by the applicant and members of the board. The indemnification presented at the School Board meeting was signed by each member of the proposed board as "Directors." The specificity required by the School Board is not included in statute.

5. Applicant failed to meet three of the Bay District Schools Charter School Application Selection Criteria

a. Qualifications and diversity of staff, governing body and organizers. The applicant and the makeup of the Board of Directors remain unclear. The Application does not correspond with the representations made to the Charter School Review Committee.

The application submitted on October 1, 2002, included a list of five people as the Board of Trustees, Hal C. Cowen, A.D. Harris, Corrine Harris, James Tedtaotao, and Maria Tedtaotao.

At the School Board Review Committee on December 5, 2002, (page 60) when Pastor Bishop is asked directly what his relationship to the Board is, he states he is on the Board and then clarifies that he was supposed to be on the board.

Included in the supplemental information for the Board (TAB 7) is an unsigned letter from Faith Christian Family Church requesting that they reserve the right to add Pastor Bishop to the Board.

b. Extent of parental involvement.

There is no indication in the application that volunteer hours are required by parents.

The application (Tab 8) includes four letters of support for the proposed charter school.

c. Financial and business history of the applicant or incorporator.

Each member of the proposed Board did receive a letter of reference from a financial institution as noted above.

Documentation presented by the Bay County School Board included a Notice of Commencement of Case Under Chapter 13 of the Bankruptcy Code, dated January 28, 1992, for proposed board members Corrine and A.D. Harris. (Chapter 13 of the Bankruptcy Code is designed to enable a debtor to pay debts in full or in part over a period time pursuant to a plan.)

A copy of an "Amended" Judgement of Guilt and Placing Defendant on Probation was submitted by the School Board. The judgement, dated February 21, 2001, involved David Martinelli,

defendant, for two counts of Solicitation to Commit Aggravated Battery, which are third degree felonies. This information is relevant due to responses by Mr. Martinelli at the School Board Review Committee meeting on December 5, 2002 (page 61). Mr. Martinelli describes himself as being "a member of the church and a friend of Marcus and have done all the labor" with Pastor Bishop adding "financial advisor."

SUMMARY OF FINDINGS

1. Articles of Incorporation were not included in the original application.

Florida Statute requires that "...a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school..." must be included in the Charter. The specificity of what type, what information is to be provided, and how many references are required are Bay County School Board Policy. References were submitted with the original application and with the information supplied by the applicant on January 7, 2003. Nine additional letters were included in the Appeal, however, the School Board denies that they were ever submitted.

2. The proposal submitted by the Governing Board includes Edison Schools as a subcontractor to provide services. The Founding Board of Directors (per its application) will govern the school and, therefore, have financial oversight.
3. Jimmy Maddux, Bay County School District, sent two letters to Pastor Bishop concerning the application. The first letter was sent on December 13, 2002, asking that they review the items of concern included on the report from the Charter School Review Committee and submit the needed information to his office by Tuesday, January 7, 2003. The second letter was sent on January 9, 2003, stating that "you may bring additional information for the meeting."
4. The indemnification and hold harmless agreement was submitted at the January 15, 2003, meeting. School Board Policy requires that the indemnification must be executed by the applicant and members of the board. The indemnification presented at the School Board meeting was signed by each member of the proposed board of directors.
5. The application lists five members as the Board of Trustees.

Pastor Bishop stated he was on the Board but then clarified that he was supposed to be on the Board. An unsigned letter from Faith Christian Family Church was submitted stating that they reserved the right to add Pastor Bishop to the Board.

The application does not require volunteer hours by the parents.

Four letters of support for the charter school were submitted in the original application.

Two of the Board Members, a married couple, filed for Chapter 13 Bankruptcy.

A member of the church involved in the application process, self described as having done all the labor and referred to by Pastor Bishop as a "financial advisor" has been convicted of two third degree felonies.

* Provide reasons for determining whether reasons for denial are well founded or not evidenced.