

SAMPLE
CHARTER SCHOOL
APPEAL ANALYSIS

APPEAL OF “THE A+ CHARTER SCHOOL”
APPLICATION

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SUMMARY OF PROCEDURAL TIME LINE

It is important to note a few procedural anomalies in this Appeal as represented by the following timeline of events

31 July 2001	District receives letter of intent from Applicant.
01 August 2001	District sends letter of acknowledgement along with Charter School Application Packet.
01 October 2001	Applicant submits proposal for A+ Charter School.
19 November 2001	District Charter School Review Panel meets with Applicant to discuss areas of concern.
30 November 2001	Deadline for District Board to approve or deny Application is not met.
28 November 2001	District sends letter to inform Applicant of the Committee’s findings and of the Superintendent’s recommendation to deny the proposal (which Applicant did not receive due to an error in the address).
11 December 2001	Applicant submits a Revised Application.
14 December 2001	District notifies Applicant of receipt of Revised Application as well as of their refusal to consider it.
17 December 2001	School Board votes to extend the Application deadline to 21 December 2001 four to one.
18 January 2002	District Charter School Review Panel meets again with Applicant to discuss Revised Application and to point out several areas that need revision.
21 January 2002	District staff provides Applicant with written feedback on the Revised Application and requests same to submit additional revisions by 24 January 2002.
24 January 2002	Applicant provides addendum to its Revised Application in compliance with 24 January 2002 District Staff request.
25 January 2002	District staff sends letter to Applicant identifying their issues of concern with Addendum and advises them that the Charter Review Panel would recommend that the Board deny the Application.
28 January 2002	ABC County School Board votes to deny A+ Charter School Application four to one.
30 January 2002	District Superintendent issues letter of reasons for denial to Applicant.
4 March 2002	District Board Attorney receives Notice of Administrative Appeal.
27 March 2002	Applicant Amends Notice of Administrative Appeal with Office of the Agency Clerk

SUMMARY OF APPLICATION REVISIONS AND RENDITIONS

Application	Date Submitted	Purpose
Original	1 October 2001	Permitted by Statute
Revision 1	11 December 2001	Requested by Applicant and permitted by District School as per 17 December 2001 vote
Addendum (Revision 2)	24 January 2002	District staff 21 January 2002 written request

It is important to note that according to all documents submitted to the Office of the Agency Clerk, the Application which the ABC County School Board voted to deny; the Application for which the District Charter School Review Panel presented its recommendation for denial to the Superintendent; and the Application which the Superintendent recommended for denial to the ABC County School Board, was in fact the Revised Application along with the Addendum to the Revision of the original Application.

That said, it should also be noted that the Appellee's Response to the Notice of Appeal includes only the original Application while its Arguments include the District Charter School Review Panel's concerns, comments and recommendations to all three submissions. In addition, it is important to note that Applicant submitted the Revised Application along with the Addendum but not the original submission

For the purposes of this report and in order to analyze the body of evidence presented to the State Board of Education when referring to the "Application" the "Revised Application along with the Addendum to the Revision of the original Application" will be cited.

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

- (1) Applicant's intent to insure "open enrollment" is in question.
- (2) Applicant's intent to insure "separation of church and state" is in question.
- (3) In the area of "Academic Program:"
 - a. Each of the applicant's two revisions was "dramatically" different from the first and from each other.
 - b. The FCAT is not specifically mentioned for grade 3 students
 - c. The way in which applicant intends to use teacher aids is in question

- d. Curriculum is “less than well defined.”
 - e. Technology plan is unclear with respect to curriculum.
 - f. Reference to “Texas Essential Knowledge and Skills for Technology Application” is confusing to the District as they are “Texas Standards and Florida Standards are different.”
 - g. District is not clear on how a “team approach” for teachers will be implemented given the number of students and budget allocations for proposed charter.
 - h. Curriculum evaluation is entirely internal with no stated standards.
 - i. There is reference to a “Technology Teacher” but this position is not reflected in the budget.
 - j. Applicant has not adequately described a plan for ESOL students.
 - k. Applicant has not adequately explained compliance with IDEA laws and procedures.
- (4) In the area of “Facilities:”
- a. Compliances are not adequately explained in temporary building.
 - b. Administrative and Food Services, which will be donated by XYZ and Associates, are not adequately delineated.
 - c. Classrooms are small for 20 students.
 - d. There is a computer lab referenced but does not appear in building plans.
- (5) In the area of “Mission:”
- a. Mission in third revision is different from original application and second revision.
 - b. Mission involving “world of work” seems inappropriate for K-3 students.
- (6) In the area of “Student Assessment:”
- a. There is no mention of FCAT testing for grade 3.
 - b. Accountability process is not well defined.
- (7) In the area of “School Governance:”
- a. Role of governing board is not well defined.

- (8) In the area of "Finance:"
 - a. There is no proof of the pledges which applicant states totals more than 30% of the fund-raising efforts anticipated in budget.
 - b. Budget is unrealistic in the area of personnel.
 - c. There is confusion about curriculum to be expensed.
- (9) In the area of "Admissions and Registration:"
 - a. District believes that the admissions and registration plan has been taken from another charter school.
- (10) In the area of "Human Resources:"
 - a. Again, district believes that the human resource plan has been borrowed from another charter school.
- (11) In the area of "Transportation:"
 - a. Transportation plan is unclear.

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

(1) APPLICANT'S INTENT TO INSURE "OPEN ENROLLMENT" IS IN QUESTION.

The ABC County School Board (School Board), in its Response to the School Appeal, argues that the Applicant did not clarify how it would provide for "open enrollment."

Application states "All ABC County students are eligible to attend the school regardless of race, religion, creed, sex national origin, or recognized exceptionalities. Enrollment preference will be given to children who live within two (2) miles of the campus and to their siblings." If enrollment goals are not met, students "eligible for free and reduced lunch" living more than two (2) miles away will be given preference. Applicant describes the use of a lottery system in its Admissions and Registration process.

FS 228.056(7)(c)(4) states that (c) "A charter school may limit the enrollment process only to target" certain populations. Among those populations are "(4) Students residing within a reasonable distance of the charter school, as described in paragraph (13)(c)." Paragraph (13)(c) further states "reasonable distance of the charter school as determined in its charter."

(2) APPLICANT'S INTENT TO INSURE "SEPARATION OF CHURCH AND STATE" IS IN QUESTION.

There is no evidence of faith-based education in the A+ Charter School Application. For clarification, Applicant states in a letter dated 12/11/2002 to Mrs. Moore, "The only connection that the school will have to the church is its physical proximity to the sanctuary." Additional assurance is provided in the "Facilities" section of the Application in which is stated "to minimize the possibility of collusion of charter school educational material and resources and religious material the following monitoring process will be adopted . . ." Application details six processes for minimizing the risk of church/state integration. These processes are intended for both the permanent facility as well as the proposed, possible temporary facility.

(3) ACADEMIC PROGRAM

- a. *Each of the applicant's two revisions was "dramatically" different from the first and from each other.* Revisions of the three versions of this application are somewhat different. The one thread, which runs through each of the versions, is the use of technology to assist students in achieving basic academic skills and life long learning successes.
- b. *The FCAT is not specifically mentioned for grade 3 students.* On page five (5) of the Addendum in Goal 6, the Applicant states that the "A+ School student academic progress will be measured by ongoing formal and informal assessments. Strategy to accomplish this goal is explained in this way, " Each academic year, students will be assessed formally by teacher made tests, the Stanford Achievement Test, and, when applicable, FCAT." It may be assumed here that, although not "specifically mentioned" it is applicable as well as lawful to administer the FCAT in third grade.

- c. *The way in which applicant intends to use teacher aids is in question.* District questions the Applicant's description of its proposed "pull-out" program in which teacher aides are used to assist ESE resource teachers while they take "students from the general classroom" to provide "as needed" ESE services. This is a method, which is widely used to provide students with individualized educational services.
- d. *Curriculum is "less than well defined."* While Curriculum Goals, Strategies and Evaluations are delineated on pages two (2) through seven (7) of the Addendum, the Applicant has not included a Curriculum plan or design. Several instructional strategies are referenced, including an entrepreneurial strategy for motivating students to acquire necessary academic skills; however, there is no attempt to explain the scope and sequence of the academic content areas. The Applicant does state, "School's curriculum will be based on Sunshine State Standards," but does not identify a particular curriculum with which the FSSS will be aligned. If the School will develop its own curriculum, the Applicant has not included a curriculum development plan or budget.
- e. *Technology plan is unclear with respect to curriculum.* Goal 5 on page six (6) of the Addendum describes the Technology Plan, which "will be based on the "Texas Essential Knowledge and Skills for Technology Applications." Further research into this program of study reveals that (1) The technology applications curriculum has four strands: foundations, information acquisition, work in solving problems, and communication; and (2) Through the study of technology applications foundations, including technology-related terms, concepts, and data input strategies, students learn to make informed decisions about technologies and their applications. The efficient acquisition of information includes the identification of task requirements; the plan for using search strategies; and the use of technology to access, analyze, and evaluate the acquired information. By using technology as a tool that supports the work of individuals and groups in solving problems, students will select the technology appropriate for the task, synthesize knowledge, create a solution, and evaluate the results. Students communicate information in different formats and to diverse audiences. A variety of technologies will be used. Students will analyze and evaluate the results.
- f. *Reference to "Texas Essential Knowledge and Skills for Technology Application" is confusing to the District as they are "Texas Standards and Florida Standards are different."* While these are in fact Texas standards, they are broad enough to provide a good foundation for a technology program of study for K-3 students. It should also be noted that Florida does not have a set of Standards (FSSS) K-3 for Technology.
- g. *District is not clear on how a "team approach" for teachers will be implemented given the number of students and budget allocations for proposed charter.* "Instructional Methods" section of Addendum on page seven (7) describes the way in which the school will utilize a team teaching approach. This approach as described does not vary in any way from the over-all number of staff originally allocated and budgeted for – it is simply a different configuration of instructional and support staff.
- h. *Curriculum evaluation is entirely internal with no stated standards.* Here again, page five (5) of the Addendum, Goal 6, states that the "A+ School student academic progress will be measured by ongoing formal and informal assessments. Each academic year, students will be assessed formally by teacher made tests, the Stanford Achievement Test, and, when applicable, FCAT." Both the Stanford Achievement and FCAT tests are based on external, formal, nationally normed and criterion referenced standards.

- i. *There is reference to a "Technology Teacher" but is not reflected in the budget.* As the staffing budget is not detailed, employee-by-employee, it is not possible to know whether or not a "technology teacher" is reflected.
- j. *Applicant has not adequately described a plan for ESOL students.* Page nine (9) of the Addendum describes a plan for ESOL students.
- k. *Applicant has not adequately explained compliance with IDEA laws and procedures.* The Application section "Exceptional Education Students, pages nine (9) and ten (10) of the Addendum, speaks to aspects of IDEA laws, specifically following student IEP's and providing the "least restrictive environments" for ESE students.

(4) FACILITIES

- a. *Compliances are not adequately explained in temporary building.* Temporary building may or may not be used by Applicant. In the event that the temporary building must be used, necessary licenses will have to be obtained before school can open. This is a contractual issue.
- b. *Administrative and Food Services, which will be donated by Ward Temple, are not adequately delineated.* Application does not specify administrative services to be donated. It does, however, anticipate that "food costs will be \$2 per child per day based on verbal commitments from providers within the community." This too is a contractual issue.
- c. *Classrooms are small for 20 students.* Here again, building must be in compliance with district public building codes before it can serve as a school. This is a contractual issue.
- d. *There is a computer lab referenced but does not appear in building plans.* Classrooms are numbered one (1) through four (4) rather than named on the architectural plans. Any one of the classrooms could be used as a computer lab for the first two years until which time the school has need of the fourth classroom.

(5) MISSION

- a. *Mission in third revision is different from original application and second revision.* There is little clarification of School Mission in any of the Applicant's versions. The mission of a school defines the purpose of the school; provides the framework upon which a school is built; and gives the school credibility, when it is clearly communicated. In short, a school's mission says what it does, why it exists and whom it serves. These areas are not well articulated for the A+ Charter School Application.
- b. *Mission involving "world of work" seems inappropriate for K-3 students.* The Applicant's proposal to use the "world of work" in its Academic Program is not a Mission but a strategy. FS 228.056(2) states, "The purpose of charter schools shall be to . . . (c) Encourage the use of different and innovative learning methods . . . (d) Increase choice of learning opportunities for students." While district staff may find this inappropriate, it is part of the Applicant's philosophy for "motivation to achieve necessary academic skills."

(6) STUDENT ASSESSMENT

- a. *There is no mention of FCAT testing for grade 3.* On page five (5) of the Addendum in Goal 6, the Applicant states that the "A+ Charter School student academic progress will be measured by ongoing formal and informal assessments. Strategy to accomplish this goal is

explained in this way, “ Each academic year, students will be assessed formally by teacher made tests, the Stanford Achievement Test, and, when applicable, FCAT.” It may be assumed here that, although not “specifically mentioned” it is applicable as well as lawful to administer the FCAT in third grade.

- b. *Accountability process is not well defined.* “Student Assessment” section of Addendum describes method and instruments for measuring student achievement. Paragraph two (2) of this section describes the school’s pre-test, post-test plan as well as their method of communicating academic progress to parents and other stakeholders.

(7) SCHOOL GOVERNANCE

- a. *Role of governing board is not well defined.* Page twelve (12) of the Revised Application defines the role of the governing board as having “control and jurisdiction over the affairs and property of the corporation, subject to the Articles of Incorporation and By-Laws of the A+ Charter School. The Administrator will be the liaison to the board of directors. The faculty and all other personnel will work under the supervision of the Administrator.”

(8) FINANCE

- a. *There is no proof of the pledges which applicant states totals more that 30% of the fund-raising efforts anticipated in budget.* Fundraising efforts are estimated at approximately 10% of total revenue for the first year’s budget. As there does not seem to be a contingency budget, it will necessitate the raising of funds and/or the procuring of grants.
- b. *Budget is unrealistic in the area of personnel.* Salary and benefits is estimated at nearly 70% (\$178,315) of the total school budget (\$262,431). This is in keeping with expected personnel expenses for a school of this size.

(9) ADMISION AND REGISTRATION

- a. *District believes that the admissions and registration plan has been taken from another charter school.* Clearly if an admissions and registration plan has been found to be successful and a “Best Practice” by another charter school, it is in the Applicant’s best interest to utilize it. It is also in the Sponsoring District’s best interest to utilize charter school “Best Practices.” This may be looked upon positively.

(10) HUMAN RESOURCES

- a. *Again, district believes that the human resource plan has been borrowed from another charter school.* Once more, this is clearly an example of the Applicant seeking to fulfill the District Staff’s request for clarification and detail. By researching a “Best Practice” which would also be a “good fit” for the proposed charter school, the Applicant has demonstrated that it is not necessary to reinvent a well-oiled wheel.

(11) TRANSPORTATION

- a. *Transportation plan is unclear.* Page twenty-four (24) of the Revised Application states that “Transportation of students shall be provided by the A+ Charter School consistent with the requirements of Chapter 234 Florida statutes.” The school requests “contracting with the ABC County School Board transportation system to include our students along [existing] routes.”

SUMMARY OF FINDINGS

Based on the available evidence to support and/or refute the objections outlined in the School Board's "Written Reasons for Denial" and its "Arguments in Response to Notice of Appeal," the following is a summary of findings:

- (1) FS 228.056(8)(c)(4) states that (c) "A charter school may limit the **enrollment process** only to target" certain populations. Among those populations are "(4) Students residing within a reasonable distance of the charter school, as described in paragraph (13)(c)." Paragraph (13)(c) further states "reasonable distance of the charter school as determined in its charter." Reasonable distance should be established in the Charter Contract and school should have a clearly defined lottery system in its Admissions and Registration process.
- (2) There is no evidence of faith-based education in the A+ Charter School Application. Applicant details six processes for minimizing the risk of **church/state** integration.
- (3) While Curriculum Goals, Strategies and Evaluations are delineated on pages two (2) through seven (7) of the Addendum, the Applicant has not included a Curriculum plan or design in its **Academic Program**. This is fundamentally a weak area of the Applicant's proposal.
- (4) School and District can address many of the District's **facility** concerns in the Charter Contract. In the event that a temporary building must be used, necessary licenses and assurances will have to be obtained before School can open.
- (5) A school's **Mission** says what it does, why it exists and whom it serves. These areas are not well articulated for the A+ Application, and as such pose another fundamental weakness of the Application.
- (6) **Student Assessment** and Academic Accountability are defined with reference to methods and instruments for measuring academic growth. The SAT and FCAT tests are part of the School's assessment plan.
- (7) The role of the **Governing Board** is defined and separate from that of the administration. The Applicant further defines the Governing Board as having fiduciary and legal responsibility for the School.
- (8) **Budget** is realistic and in keeping with a school of its proposed size. Due to the small size of the school, efforts will have to be made for fundraising and grant acquisitions in order to supplement state funds.
- (9) Proposed **Admission and Registration** process may have been modeled after another Florida charter school, but this should be looked upon in a positive light, as there has been an attempt on the part of the Applicant to replicate a "Best Practice."

- (10) Proposed **Human Resource** plan may have been modeled after another Florida charter school, but again this should be looked upon in a positive light, as there has been an attempt on the part of the Applicant to replicate a “Best Practice.”
- (11) Applicant agrees to provide **transportation** to students consistent with the requirements of Chapter 234 Florida statutes. The school requests “contracting with the ABC County School Board transportation system to include our students along [existing] routes.”

In conclusion, two areas of weakness in the A+ Application are: 1) the Curriculum and 2) the School Mission. These are significant weaknesses in that they are cornerstones for a viable and functional School.

Additionally, due to the small size of the school – particularly in its initial enrollment – much emphasis will have to be placed on acquiring additional funds (through fund-raising and grant-writing) to supplement start-up and FTE funding. Budget, as presented, does not include a contingency fund.

APPEALS COMMISSION RECOMMENDATIONS

The Appeals Commission by a unanimous vote recommends that the district school board denial be upheld. It further recommends that the ABC School Board work with the Applicant to assist them in ameliorating the curriculum and mission weaknesses if the Applicant chooses to resubmit for the next charter school application cycle.