

CHANGE AGENT D/B/A
MACH 4

CHARTER SCHOOL
APPEAL COMMISSION
ANALYSIS &
RECOMMENDATION

APPEAL OF "CHANGE AGENT D/B/A MACH 4"
APPLICATION (ORANGE COUNTY)

APPEAL OF "CHANGE AGENT D/B/A MACH 4" APPLICATION

SUMMARY OF PROCEDURAL TIME LINE

DATE	ACTION
October 1, 2002	Submittal of application to School Board.
October 29, 2002	School Board work session held for applicants to make presentations.
November 4, 2002	Applicant met with School Board staff to answer questions needing clarification.
November 19, 2002	School Board meeting; recommendation by staff of school board that application be denied; MACH 4 provided additional information for clarity; School Board voted to defer action to December 10, 2002.
December 5, 2002	School Board staff met with applicant and reviewed the draft of response to the issues discussed on November 19, 2002
December 10, 2002	"Response to Written Comments" provided by MACH 4 to School Board and staff one hour prior to meeting. School Board unanimously denies application.
December 11, 2002	Letter from Superintendent to Ms. Jones/MACH 4 denying application – received by Ms. Jones on December 24, 2002.
January 23, 2003	Notice of Appeal filed with Agency Clerk, Department of Education.
February 20, 2003	Response of School Board received by Agency Clerk, Department of Education

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

REASON #	AREA OF CONCERN	SUMMARY OF REASON FOR DENIAL
1	Assessment	Lack of an accountability plan that consists of measurable student achievement objectives.
2	Curriculum	Lack of critical details involving the implementation of the proposed dual-enrollment program
3	Curriculum	Lack of a match between dual enrollment admission requirements and the applicant's targeted population
4	Curriculum	Lack of structure of the proposed internship and stipend program
5	Governance	Lack of coherent management plan
6	Finance	Failure to provide a cash flow projection for the first year of operation
7	Finance	Failure to provide a budget for each year of the proposed length of contract.
8	Finance	Submittal of a budget that is contingent upon three school districts' approval of the proposed school's application.
9	Governance	Lack of a collaborative procedure to resolve conflicts between the sponsor and the charter school.
10	Governance	Failure to provide a parent contract
11	Governance	Failure to address how the school will comply with federal, state, and local statutes, including the Sunshine Law and the Public Records Law
12	Governance	Written misrepresentation of an identified founding board member's involvement.

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

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

REASON#	EVIDENCE TO SUPPORT AND/OR REFUTE OBJECTIONS
1	Measurable student performance objectives are clearly defined in the addendum on page 3. Percentages and achievement levels are defined for reading, mathematics, and science. The determination of baseline student achievement is clearly outlined in the application (page 34) in that all students will be pre-tested using the Test of Adult Basic Education, FCAT, Sunshine Standards, and norm testing. The baseline data is to be determined immediately upon the student beginning at the charter school.
2	The addendum to the application provides very specific guidelines for student dual enrollment including teacher certification requirements.
3	One of the purposes of charter schools is to "improve student learning and academic achievement." While the targeted population is the middle majority, there is nothing to substantiate that this group of students would not be interested in or successful in pursuing dual enrollment classes, especially when they can focus on a career path that is both interesting and prepares them for their future.
4	The conditions for payment of the stipend/scholarship honorarium are outlined in the application (page 9) and further explained in the addendum (page 6).
5	The management plan is provided in detail in both the application and the addendum. There are three elements that provide a system of checks and balances: Board of Directors, Management Team, and School Governance. Per the addendum the core Board of Directors and the Management Team have been finalized. The School Governance team, director, program coordinator, lead teacher, psychologist, have been identified.
6	Budget 2003-2004 shows total revenue of \$1,887,400; expenditures of \$1,717,865; surplus of \$169,535.
7	The written Response to Comments address a budget for a five year period.
8	Addendum (page 8) states that each location will be held fiscally accountable, with operation and budgets of the MACH 4 Charter Academy independent of any other business initiatives of Change Agent Programs, Inc.
9	The addendum addresses procedures to resolve conflicts between the sponsor and the charter school. In addition, Florida Statutes provides for mediation by the Department of Education in the event there is a dispute between the sponsor and the charter school.
10	The addendum provides detail concerning the parent contract including participation at the charter school.
11	Page 10 of the addendum clarifies that the Board of Directors will comply with statutes, including the Sunshine Law, as well as school board policy as it relates to open meetings, public records, and notices for public meetings.
12	The addendum includes a letter from James Kish, Director of Career and Technical Education/Osceola County School Board, which states that he will serve as a member of the Board of Directors when the application has been approved.

SUMMARY OF FINDINGS

* REASONS FOR DENIAL WHICH ARE NOT EVIDENCED	* REASONS FOR DENIAL WHICH ARE WELL FOUNDED
Assessment – Page 3 of the Addendum defines the assessment tools and achievement levels for student assessment.	
Curriculum – Specific guidelines for student dual enrollment are included in the addendum.	
Curriculum – The applicant is proactive by assuming that the middle majority of students can be reached by providing a curriculum that will better meet their immediate needs by allowing them to learn skills that will not only provide college credit but prepare them for the workforce.	
Curriculum – The guidelines for the internship/stipend program are defined in the Addendum. The remaining provisions should be part of the contract.	
Governance – The management plan is clearly delineated in the addendum through the proposed three tiers.	
Budget submitted in Written Response to Comments shows a \$169,535 surplus.	
Written response to comments contains a five year budget.	
Written response to comments clarifies that this MACH 4 Charter school will be independently held financially accountable from any other Change Agent, Inc. entities.	
Governance – Florida Statute provides for a mediation process by the Department of Education. A process to be utilized by the charter school and sponsor should be incorporated as part of the contract.	
Governance – A parental contract is not required by law; however, the content of the parental contract is outlined in the addendum (page 9)	
Governance – The addendum clearly states that all statutes, the Sunshine Law, and school board policies will be adhered to.	
Governance – A letter from James Kish is attached to the addendum stating his willingness to participate on the Board of Directors.	

RECOMMENDATION OF THE APPEAL COMMISSION

Rendered this 7th day of March, 2003

It is recommended that the decision of the School Board of Orange County to deny the MACH 4 Charter School Application be upheld because, while the addendum to the application entered into record during the school board meeting of December 10th was responsive to the GOOD CAUSE reasons for denial, neither the school board members nor the district staff were given reasonably sufficient opportunity to consider the new evidence by the time of the vote. However, it is also strongly recommended that should the Applicant choose to reapply for the 2004-2005 school year, the district school board and the Applicant should work together to avoid further procedural errors.