

CHANGE AGENT D/B/A
MACH 4
CHARTER SCHOOL
APPEAL COMMISSION
ANALYSIS &
RECOMMENDATION

APPEAL OF “CHANGE AGENT D/B/A MACH
4” APPLICATION (OSCEOLA COUNTY)

SUMMARY OF PROCEDURAL TIME LINE

DATE	ACTION
October 1, 2002	Application submitted to Osceola County School Board
November 4, 2002	Letter sent to Charlotte Jones with the Charter Review Team analysis and scoring of application
November 19, 2002	Meeting with District Staff/Addendum provided by Mach 4 based on Charter School Application Review Form and Review Compilations prepared by staff of Osceola County School Board.
December 10, 2002	After November 19 meeting, MACH 4 submitted a letter to Charter School Director, Osceola County School Board, referencing under cover a "Response to Oral Comments" (later in the same letter referred to as a second addendum). (School Board states in their Response to the Notice of Appeal that the second addendum was not included with the letter)
December 17, 2002	School Board denies charter school application (by unanimous vote 5-0). (The school board states in their Response to the Notice of Appeal that the second addendum was delivered at the school board meeting.)
December 21, 2002	Letter of Denial, dated December 18, 2002, with attached Charter School Application Review Form received by Charlotte Jones, Director of MACH 4.
January 21, 2003	Notice of Appeal filed with Agency Clerk for the Department of Education
February 24, 2003	Response filed with the Agency Clerk for the Department of Education by the Osceola County School Board

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

REASON #	* AREA OF CONCERN	SUMMARY OF REASON FOR DENIAL
1	Number of Charter Schools	Osceola County has 12 charter schools and is statutorily limited to 12 charter schools.
2	Mission	Osceola County has existing technical education programs with “many” openings for students – allowing another technical high school to open in Osceola County could detrimentally impact the School Board’s existing programs.
3	Various Deficiencies	<p>Osceola School Board’s letter of denial does not articulate the specific deficiencies in the MACH 4 Charter School Application, but references the attached Review Form. <u>However, the response to the Notice of Appeal refers to the following:</u></p> <p>Educational Plan failed to demonstrate the community support necessary to provide the scholarships, internships, and incentives described.</p> <p>Educational Plan failed to demonstrate that revenues would support the wide range of programs needed to serve the middle majority of students identified in the Charter application. The plan failed to demonstrate how the number of students would support the school-within-a-school concept and the teacher/student ratio. The business plan failed to show a financially feasible school. With only 300 students, projected revenues would not cover expenses resulting in an approximate \$300,000 deficient the first year. The proposed budget also failed to include sufficient costs for text books and equipment, and “state of the art technologies” referred to in the application, was not included in the budget.</p> <p>No facility identified that appeared to meet the building code requirements for an educational facility.</p> <p>Student assessment plan failed to demonstrate an understanding of intended assessment program.</p> <p>Specific remedial programs were not listed or differentiated by ESE, ESOL, or standard curriculum students.</p>

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

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

REASON#	EVIDENCE TO SUPPORT AND/OR REFUTE OBJECTIONS
1	Osceola does have 12 charter schools approved; however, the district or a charter school applicant can request that the State Board of Education increase the limit on the number of permitted charter schools (Section 1002.33(13)(c), F.S.) In the Notice of Appeal filed by MACH 4 Charter School, a request is made to increase the statutory cap on the authorized number of charter schools in the Osceola County School District.
2	The Mission of the MACH 4 Charter Academy states that "...to provide students with increased achievement and career preparation by providing them with a program that is defined by challenging academic and career-specific curricula that is supported by state-of-the-art technologies, enhanced dual enrollment opportunities, onsite learning experiences in Central Florida's key industries, and the opportunity to tie classroom learning with real word-of-work." In addition, the fact that there are "many" openings for students in existing technical education programs would suggest that either students are unaware of these programs or that they are not serving the students' technical education needs. In addition, there is nothing in the application which suggests this is purely a technical education program. The curriculum as outlined in the application clearly includes requirements necessary for high school graduation which surpass the State University Minimum Entrance Requirements and the Florida Academic Scholars requirements.
3 Various Deficiencies	<p>The December 18, 2002, letter by the School Board of Osceola County references the Charter School Application Review Form prepared by School district staff, which revealed several areas in the Charter School Application which were deficient. However, in addressing the various deficiencies, neither the letter nor the attached Review Form articulate the specific reason for good cause. The Review Form consists of "area(s) of strengths" and "area(s) of weaknesses." Specific reasons for good cause are not addressed. <u>Within the argument of the school board specifics were included:</u></p> <p>Community Support -- Industry partners rarely commit to contractual arrangements prior to a charter application having been approved. However, as stated in Addendum 1 and then provided in Addendum 2, there is a letter of support from Laura Hebert, Director of Transition Programs at Valencia Community College. Additional letters of support from industry include: Harris Rosen, President, Rosen Hotels and Resorts, Inc. (which includes the commitment to provide internships at their six hotels); Nathan Forde, Assistant President, Florida Hospital; Barbara Lumpkin, Associate Executive Director, Florida Nurses Association; and Douglas F. Dillon, Community Service Center of South Orange County, Inc.</p> <p>Finance – The budget submitted by the Applicant includes in Appendix G and Hypothetical Charter School Annual Operating Budget. Included in the hypothetical budget, but not in the budget worksheet prepared by the District is \$200,000 in revenue, grants and fundraising. Also included in the District's budget is \$401,000 of start-up costs. There is no explanation of what the start-</p>

up costs consist. The review form indicates that this is based on the District's model. The Applicant has included expenses for facilities, personnel, benefits, books and supplies, services and contracts.

Facilities -- The application states that MACH 4 will retain Trammell Crow Company to locate and negotiate suitable charter school facilities. In addition Harris Rosen (Rosen Hotels and Resorts, Inc.) includes in his letter of support the offer to assist in finding suitable facilities. The application clearly states that any facility acquired for use for the school will meet all state or federal mandates, laws, requirements, etc. as to safety and disabled access under any applicable state or federal Title. It is not uncommon for charter schools not to have entered into a lease or purchase for facilities prior to the approval of the charter school application.

Assessment -- Addendum 1 (page 7) sets specific student performance objectives for reading, mathematics, and writing, using the Florida Comprehensive Achievement Test as the measuring tool. In addition, specific goals for academic performance are outlined; and the process for participating in district-wide assessments is listed to include, but not be limited to: FCAT Reading, Math, Social Studies (when available) and Science (when available), Florida Writes, Metropolitan Test, and any other test required by the School Board.

Specific Remedial Instruction -- The application states MACH 4 will establish and maintain a Coordinated School Based Model for Special Education students using a "Full Inclusion" model. The services will be met either through contracted services or by certified MACH 4 staff. In addition, the application states that MACH 4 will employ a certified special education teacher to serve as a case manager and service provider for identified exceptional students. Procedures for LEP students are discussed at length on pages 41-47 of the application including assessment procedures and specific scores relating to placement of the students. In addition, the application includes an abbreviated "Reinforcement Session" to be added to the school's program to give the students who are falling behind or failing to make up any deficit.

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," summarize findings:

* REASONS FOR DENIAL WHICH ARE NOT EVIDENCED	* REASONS FOR DENIAL WHICH ARE WELL FOUNDED
	Osceola County has 12 charter school applications approved. Section 1002.33(13)(c), F.S., clearly gives the school board and/or the applicant the right to ask the State Board of Education to raise this cap.
<p>"Good Cause" does not include duplication of programs or loss of revenue to school district. In addition, there are numerous letters of community support including businesses which could be directly impacted by trained graduates of the charter school.</p>	
<p>Florida Statute 1002.33(6)(a)2., specifically states that "...the district school board shall, within 10 calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the charter school application." The Review Form as attached to the denial letter by the School Board of December 18, 2002, does not articulate reasons of good cause. The review form articulates "strengths" and "weaknesses." Good cause has not been established.</p> <p>In response to issues outlined in the response of the school board:</p> <p>There is clear evidence of support from industry partners in the Addendums.</p> <p>Finance – The District includes \$401,000 for start-up costs based on the District's model in the Revenue and Expenditure Report included with their comments. This start-up cost is not explained or itemized. The applicant's budget includes all of the expenses that would be start up expenses. In addition, the Applicant includes in revenue \$200,000 in grants and fundraising. As evidenced by the letters of community support, there is the anticipation of partnerships which would increase available funds.</p>	

MACH 4 has stated they will retain professional services in finding a suitable site. In addition, they have the offer of help from Rosen Hotels and Resorts, Inc.

Student Performance Objectives and assessment instruments have been included in Addendum 1 which includes the FCAT as the measuring tool.

Remedial instruction for Exceptional Students and LEP students. The application includes provisions and services for exceptional students to be made when necessary while using a "full inclusion" model. In addition, the application includes assessment procedures for LEP students. The procedures for identification, placement, screening, and classification for LEP students will be aligned to the Florida Department of Education ESOL's agreements and flowcharts under the terms of the "META consent Decree" (page 41).

APPEALS COMMISSION RECOMMENDATION

Rendered this 6th day of March, 2003

It is recommended that the decision of the School Board of Osceola County to deny the MACH 4 Charter School Application be overturned as the Appellee was unable to provide "good cause" evidence for denial. The Commission did not consider the issue of whether the fact that the district was already at its cap should constitute GOOD CAUSE in this matter. Therefore, in keeping with charter school law, and in order that the Applicant be able to open next school year, the State Board of Education must consider the applicant's request to lift the cap for the number of charter schools in Osceola County.