

STATE BOARD OF EDUCATION

Action Item

July 17, 2017

SUBJECT: Request for Waiver of Termination – Orange Park Performing Arts Academy
Charter School– Clay County

PROPOSED BOARD ACTION

For Denial

AUTHORITY FOR STATE BOARD ACTION

Section 1002.33(9)(n)4.c., Florida Statutes

EXECUTIVE SUMMARY

A charter school's contract is automatically terminated if the school earns two consecutive grades of "F" after all school grade appeals are final, unless the State Board of Education grants the charter school a waiver of termination.

The State Board may grant a waiver of termination if the charter school demonstrates that the learning gains of its students on statewide assessments are comparable to or better than the learning gains of similarly situated students enrolled in nearby district public schools.

The waiver is valid for one year and may only be granted once. Charter schools that have been in operation for more than five years are not eligible for a waiver. Orange Park Performing Arts Academy Charter School in Clay County earned a school grade of "F" for the 2015-16 and 2016-17 school years.

If the State Board denies the waiver request the charter school contract is automatically terminated once all school grade appeals are final. If the State Board grants the waiver the school will be permitted to operate for the 2017-18 school year.

Supporting Documentation Included: Summary; Request for Waiver of Termination submitted by charter school; Comparison data provided by Office of Accountability, Research, and Measurement, Rule 6A-1.099827; and Section 1002.33(9)(n)4., Florida Statutes

Facilitator/Presenter: Adam Miller, Executive Director, Office of Independent Education and Parental Choice

Learning Gains Comparison for “FF” Charter Schools and Nearby Schools Serving Similar Populations: 2017

Report for ORANGE PARK PERFORMING ARTS ACADEMY (OPPAA)

Charter School

100662	10	CLAY	0622	ORANGE PARK PERFORMING ARTS ACADEMY (OPPAA)
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Nearby Elementary Schools:

100232	10	CLAY	0232	GROVE PARK ELEMENTARY SCHOOL
100241	10	CLAY	0241	W E CHERRY ELEMENTARY SCHOOL
100381	10	CLAY	0321	MONTCLAIR ELEMENTARY SCHOOL

2016-17 Percent Making Learning Gains in English Language Arts

District #	School #	School Name	Prior-Year Level 1	Prior-Year Level 2	PY Level 3 and Above	ELLs	SWDs
10	0662	ORANGE PARK PERFORMING ARTS ACADEMY (OPPAA)	40	NA	38	NA	NA
10	0232	GROVE PARK ELEMENTARY SCHOOL	52	50	77	62	47
10	0241	W E CHERRY ELEMENTARY SCHOOL	63	51	59	NA	52
10	0321	MONTCLAIR ELEMENTARY SCHOOL	39	33	56	NA	25

2016-17 Percent Making Learning Gains in Math

District #	School #	School Name	Prior-Year Level 1	Prior-Year Level 2	PY Level 3 and Above	ELLs	SWDs
10	0662	ORANGE PARK PERFORMING ARTS ACADEMY (OPPAA)	19	NA	73	NA	NA
10	0232	GROVE PARK ELEMENTARY SCHOOL	42	40	72	69	38
10	0241	W E CHERRY ELEMENTARY SCHOOL	46	58	75	NA	45
10	0321	MONTCLAIR ELEMENTARY SCHOOL	45	39	58	NA	31

**Waiver of Termination Request to The State Board of Education from the Orange Park Performing Arts
Academy at Orange Park**

The Orange Park Performing Arts Academy (OPPAA), a Grade K-5 Charter school in Orange Park in the Clay County School District, School Number 0662, with address at 1324 Kingsley Avenue, Orange Park, Florida 32073, respectfully requests that the State Board of Education pursuant to Section 1002.33(9), Florida Statutes, and State Board of Education Rule 6A-1.099827, wave termination of OPPAA's charter for having received an F grade on the FSA for two consecutive years including 2016-2017 based on data provided to OPPAA by the Florida Department of Education (FLDOE). In support, thereof OPPAA makes the following assertions:

BACKGROUND

OPPAA opened in 2014 and just completed its third year of operation making it eligible for a waiver under Section 1002.33(9)(n)(4)(c), Florida Statutes. From its inception, OPPAA has committed to meeting the needs of the local community in the area of arts education. OPPAA currently has 68% of its students who are eligible for free and reduced lunch; and, Title I funding is pending. Florida Statutes Section 1002.33(9)(n)(4)(c), provides that "The state board may waive termination if the charter school demonstrates that the learning gains of its students on statewide assessments are comparable to or better than the learning gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph." Under the section 1002.33(9)(n)(4)(c), Florida Statutes, OPPAA avers that it is entitled to a waiver of termination; and on precedent of two similar low performing schools: Sweetwater Branch Academy Elementary in Alachua County and AA Dixon Charter School in Escambia County. The learning gains of these two schools, in contrast to their neighboring schools, were not comparable or better in every category. But since the State Board determined that they met the standard for a waiver of termination, then OPPAA should also receive a waiver of termination.

We are determined and committed through a newly hired, qualified experienced Clay County Principal, and a newly hired Assistant Principal with a proven track record for turning around schools and experience with successful data driven instructional methodologies, and a revived Governing Board designed to place the school on a continuous

path of improvement leading to excellence in student achievement. Additionally, Mark Griffin of Wayman Academy of Arts, has agreed to mentor the administration and staff at OPPAA. Mark Griffin has successfully led Wayman Academy of Arts from a double F Title I school to an A Title I school. The partnership will prove valuable as we go forward this year.

COMPARATIVE DATA

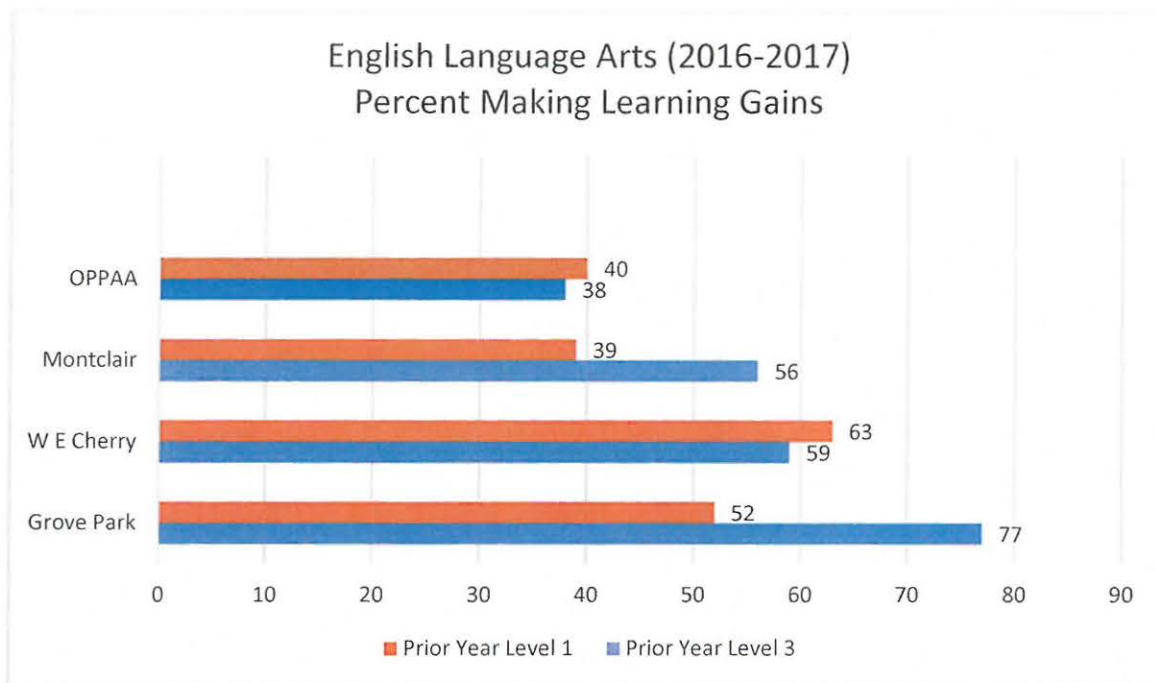
ELA

An analysis of the ELA data from the Florida Department of Education for Level 1 students shows OPPAA at a one (1) percentage point better in learning gains than Montclair Elementary. It also indicates both W E Cherry and Grove Park posted learning gains of 12 and 23 percentage points (respectively) as compared to OPPAA. So, for this Level OPPAA's learning gains were better than Montclair but lower than Grove Park and W E Cherry. In Level 3 and above OPPAA's gain of 38 percentage points were lower than Grove Park, W E Cherry and Montclair (77, 59 and 56 percentage points, respectively). In comparing differences in gains between Level 1 and Level 3 for the 4 schools, the data indicates that the percentage differences for both OPPAA and W E Cherry were similar (2 and 4 percentage points respectively), while those for Grove Park and Montclair were 25 and 17 percentage points respectively.

Regarding ELA Level 2, ELLs and SWDs: In all three categories OPPAA did not have a sufficient population (10 students) with state assessment scores to use for comparison purposes.

Table 1: 2016-17 Percent Making Learning Gains in English Language Arts

District #	School #	School Name	Prior-Year Level 1	Prior-Year Level 2	Prior Year Level 3	ELLs	SWDs
10	0662	ORANGE PARK PERFORMING ARTS ACADEMY (OPPAA)	40	NA	38	NA	NA
10	0232	GROVE PARK ELEMENTARY SCHOOL	52	50	77	62	47
10	0241	W E CHERRY ELEMENTARY SCHOOL	63	51	59	NA	52
10	0321	MONTCLAIR ELEMENTARY SCHOOL	39	33	56	NA	25



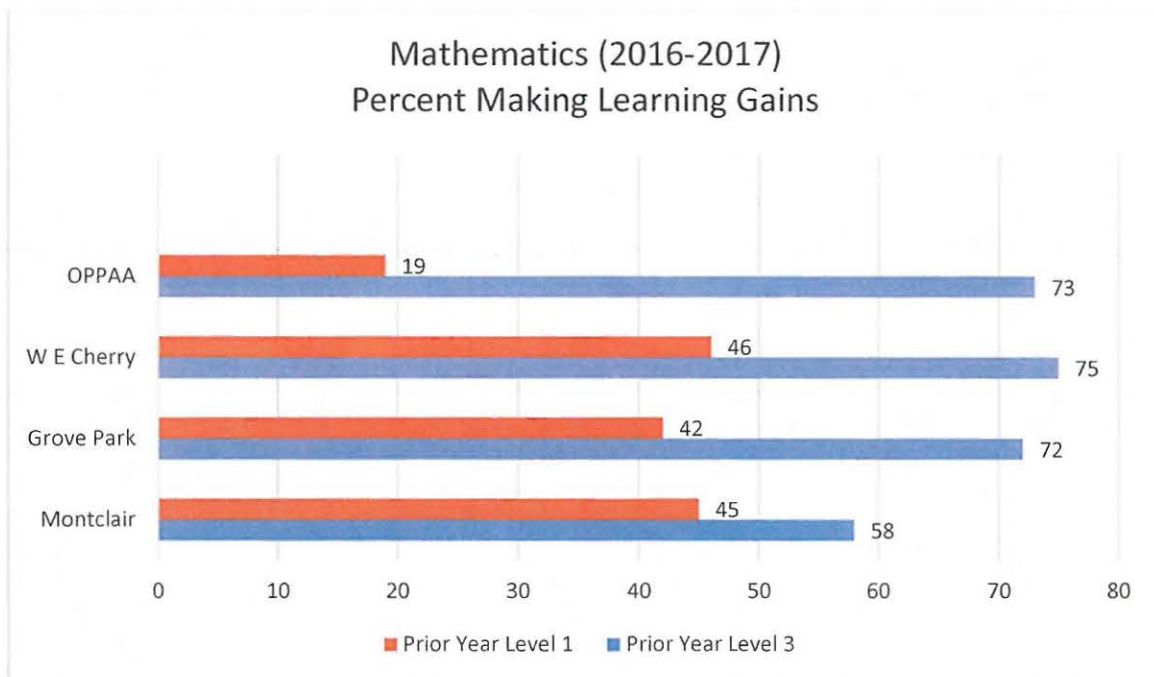
MATH

In the Level 1 category of Math, students from OPPAA registered 19 percent in learning gains. This gain was below the three comparable schools which posted gains as follows: Grove Park, 42 Percent; W E Cherry, 46 percent; and Montclair 45 percent. However, in terms of Level 3 students for Math, OPPAA with a strong gain of 73 percent outperformed two of the comparison schools: Montclair with 58 percent and Grove Park with 72 percent; and was in line with the numbers from first place W E Cherry (73 percent versus 75 percent respectively). Thus, at 73 percent Level 3 gains, OPPAA was second among our four comparison schools and above the average of the three schools (73% vs 68%). In this instance, in Level 3, OPPAA outscored the lowest comparison school by 15 percentage points, which clearly indicates a strong performance.

Regarding Math gains in Level 2, ELL and SWDs: In Level 2 and SWDs OPPAA did not have enough students for comparison. While in ELLs three of the 4 schools (W E Cherry, Montclair and OPPAA) did not have a sufficient population of students with state assessment scores to use for comparison purposes.

Table 2: 2016-17 Percent Making Learning Gains in Math

District #	School #	School Name	Prior- Year Level 1	Prior-Year Level 2	PY Level 3 and Above	ELLs	SWDs
10	0662	ORANGE PARK PERFORMING ARTS ACADEMY (OPPAA)	19	NA	73	NA	NA
10	0232	GROVE PARK ELEMENTARY SCHOOL	42	40	72	69	38
10	0241	W E CHERRY ELEMENTARY SCHOOL	46	58	75	NA	45
10	0321	MONTCLAIR ELEMENTARY SCHOOL	45	39	58	NA	31



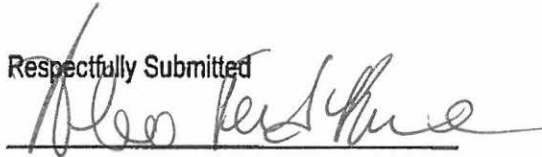
DATA COMPARISON CONCLUSION

Under the standards set for in Florida Statute Section 1002.33(9)(n)(4)(c), and the State Board of Education Rule 6A-1.099827, OPPAA showed that their percentage learning gains were better than and comparable to some of the similarly situated students enrolled in the three, nearby district public schools. Looking at the data, provided by FLDOE, OPPAA outperformed one of the comparable schools in ELA by 1 percentage point and 15 percentage points in Mathematics. Secondly, OPPAA is eligible for a waiver since it has been in operation for less than five years. We are committed under new leadership to pave the way for student excellence in keeping with the Florida Standards.

CERTIFICATIONS

I, Dr. Alesia Ford-Burse, Chair of the Governing Board of the Orange Park Performing Arts Academy (OPPAA) in Clay County School District, School Number 0662, with address at 1324 Kingsley Avenue, Orange Park, Florida 32073 respectfully request a Waiver of Termination from the State Board of Education, pursuant to Florida Statute Section 1002.33(9)(n)(4)(c), and State Board of Education Rule 6A-1.099827, this 10th day of July 2017, and certify that the Governing Board voted at a duly noticed public meeting, held on Monday July 03 at 6:30pm, to support the submission of a waiver of termination request.

Respectfully Submitted



Dr. Alesia Ford-Burse, Board Chair
Orange Park Performing Arts Academy

I, Melissa Merritt, counsel for Orange Park Performing Arts Academy, do certify that a true copy of the foregoing Waiver of Termination Request, has been served via hand delivery and email on counsel for the School Board of Clay County, Dan Sikes, at dan.sikes@myoneclay.net, and 900 Walnut Street, Green Cove Springs, Florida 32043, on this 12th day of July 2017.



Melissa Merritt, ESQ

6A-1.099827 Charter School Corrective Action and School Improvement Plans.

(1) Required Plans.

(a) A charter school that receives a school grade of “D” or “F” pursuant to Section 1008.34(2), F.S., must develop and submit a school improvement plan to its sponsor.

(b) A charter school that earns three (3) consecutive grades of “D”, two (2) consecutive grades of “D” followed by a grade of “F”, or two (2) nonconsecutive grades of “F” within a three (3) year period must submit to its sponsor a school improvement plan that includes one of the corrective actions listed in subsection (6) of this rule.

(2) Notifications.

(a) Upon release of school grades the Department of Education will publish a list of charter schools that meet the criteria in subsection (1) of this rule. The list will be published at <http://www.fldoe.org/schools/schools-choice/charter-schools/>. Upon publication of the list by the Department of Education, a sponsor shall notify, in writing, each charter school in its district that is required to appear before the sponsor and submit a school improvement plan pursuant to subsection (1) of this rule. The notification shall include the following:

1. The date, time, and location of the publicly noticed meeting that the director and a representative of the Charter School Governing Board shall appear before the sponsor. For the purposes of this rule the term “Director” shall mean charter school director, principal, chief executive officer or other management personnel with similar authority. The appearance shall be no earlier than thirty (30) calendar days and no later than ninety (90) calendar days after notification is received by the school;

2. The date by which the school must submit its proposed school improvement plan to sponsor staff for review which shall be no earlier than thirty (30) calendar days after notification is received by school; and,

3. Whether the school is required to select a corrective action pursuant to paragraph (1)(b) of this rule.

(b) Notifications may be delivered electronically with proof of receipt.

(3) Appearances.

(a) Upon receipt of notification pursuant to subsection (2) of this rule, the director and a representative of the governing board shall appear before the sponsor at the publicly noticed meeting.

(b) The director and governing board representative shall present to the sponsor a school improvement plan that includes, at a minimum, the components identified in subsection (4) of this rule.

(4) School Improvement Plans.

(a) A charter school that receives a school grade of “D” or “F”, but is not subject to corrective action pursuant to paragraph (1)(b) of this rule, shall submit to its sponsor a school improvement plan that includes, at a minimum, the following components:

1. Mission statement of school;

2. Academic data for most recent three (3) years, if available;

3. Student achievement objectives included in the charter contract or most recent sponsor approved school improvement plan;

4. Analysis of student performance data including academic performance by each subgroup;

5. Detailed plan for addressing each identified deficiency in student performance, including specific actions, person responsible, resources needed, and timeline;

6. Identification of each component of school’s approved educational program that has not been implemented as described in the school’s approved charter application or charter contract;

7. Detailed plan for addressing each identified deficiency noted in subparagraph (4)(a)6. of this rule, including specific actions, person responsible, resources needed, and timeline;

8. Identification of other barriers to student success, with a detailed plan for addressing each barrier including specific actions, person responsible, resources needed, and timeline; and,

9. Specific student achievement outcomes to be achieved.

(b) A charter school that improves at least one (1) letter grade is not required to submit a new school improvement plan but must continue to implement the strategies identified in the approved school improvement plan and continue to report annually to the sponsor pursuant to paragraph (7)(b) of this rule.

(c) A charter school that is subject to corrective action pursuant to paragraph (1)(b) of this rule shall submit to its sponsor a school improvement plan that includes, at a minimum, each of the components listed in paragraph (4)(a) of this rule and the following:

1. Governing board resolution selecting one of the corrective action options pursuant to subsection (6) of this rule;

2. A detailed implementation timeline; and,
3. A charter school may submit as part of its school improvement plan a request to waive the requirement to implement a corrective action. The waiver request must include information that demonstrates that the school is likely to improve a letter grade if additional time is provided to implement the strategies included in the school improvement plan.

(5) Approvals.

(a) A sponsor shall approve or deny a school improvement plan submitted pursuant to subsection (4) of this rule. The sponsor shall notify the charter school in writing within ten (10) calendar days of its decision to approve or deny the school improvement plan.

(b) A sponsor may deny a school improvement plan if it does not comply with subsection (4) of this rule. If denied, the sponsor shall provide the charter school, in writing, the specific reasons for denial and the timeline for resubmission.

(c) A charter school or sponsor may request mediation pursuant to Section 1002.33(6), F.S., if the parties cannot agree on a school improvement plan.

(6) Corrective Actions.

(a) Upon meeting one of the conditions in paragraph (1)(b) of this rule and receiving notification pursuant to subsection (2) of this rule, a charter school governing board shall select one of the following corrective actions for implementation the following school year:

1. Contract for educational services to be provided directly to students, instructional personnel, and school administrators. The charter school may select an Education Management Organization or Academic Management Organization to provide services to charter school students, teachers, and administrators, including services such as, but not limited to, instructional coaching, curriculum review and alignment, and data literacy.

2. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

3. Reorganize the school under a new director or principal who is authorized to hire new staff;

4. Voluntarily close.

(b) The selection of the corrective action shall be made by the governing board and is not subject to sponsor approval.

(c) A charter school is no longer required to implement a corrective action if it improves by at least one (1) letter grade, but must continue to implement the strategies identified in the school improvement plan.

(d) A charter school implementing a corrective action that does not improve by at least one (1) letter grade after two (2) full school years of implementation must select a different corrective action to be implemented in the next school year unless the sponsor determines that the charter school is likely to improve a letter grade if additional time is provided.

(7) Monitoring.

(a) Sponsors shall monitor the implementation of school improvement plans.

(b) Annually, the sponsor shall notify, in writing, each charter school implementing a school improvement plan of the requirement to appear before the sponsor to present information regarding the progress of the approved school improvement plan. The notification shall include the date, time, and location of the publicly noticed meeting at which the director and a representative of the charter school shall appear.

(8) Waivers of Termination.

(a) The State Board of Education may waive termination for a charter school that has received two (2) consecutive grades of "F" if the charter school demonstrates that the learning gains of its students on statewide assessments are comparable to or better than the learning gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for one (1) year and may only be granted once.

(b) No later than fifteen (15) days after the Department's official release of school grades, the governing board of a charter school that has received two (2) consecutive grades of "F" may submit a request to the State Board of Education for a waiver of termination. Charter schools that have been in operation for more than five (5) years are not eligible for a waiver.

(c) The charter school shall submit ten (10) hard copies of the waiver request to the Agency Clerk for the Department of Education, 325 West Gaines Street, Room 1520, Tallahassee, Florida 32399-0400.

(d) The charter school shall certify that it has provided the district school board a copy of the waiver request as provided herein by filing a certificate of service with the Agency Clerk stating the person and address to which the copy was provided and the date of mailing or other transmittal.

(e) The waiver request shall not exceed five (5) pages. Information provided beyond the five (5) page maximum will not be

discussed nor considered by the State Board of Education. The waiver request shall be on 8 1/2 x 11 inch paper, double spaced, except quoted material and footnotes. Typewritten text, including footnotes must be no smaller than ten (10) pitch spacing, and there must be no more than twenty-six (26) lines of text per paper. Margins shall be no less than one (1) inch at the top, bottom, left and right.

(f) The waiver request must include the name of the school, the Master School Identification Number, and the physical address of the school. The waiver request must be signed by the chair of the charter school governing board and include a certification that the governing board voted at a duly noticed public meeting to support the submission of the waiver request.

(g) In determining whether to grant a waiver the State Board of Education shall review student achievement data provided by the Department of Education and shall provide such data to the charter school and the sponsor no later than seven (7) calendar days prior to the State Board meeting at which the waiver request is to be considered. Analysis of student learning gains data must be based on comparisons between students enrolled in the charter school and similarly situated students enrolled in nearby district public schools and may include such factors as prior performance on state assessments, disability status, and English language learner status. Nearby district public schools shall include the three (3) geographically closest district public schools with similarly situated students. If three such schools do not exist within the school district the comparison may include less than three.

(h) The State Board of Education shall approve or deny the request.

(i) The filing of a timely waiver request under this rule that complies with the requirements in paragraphs (8)(b), (d) and (f) of this rule shall automatically stay any pending termination of the charter school requesting the waiver until such time as the State Board of Education has ruled on the waiver request.

Rulemaking Authority 1002.33 FS. Law Implemented 1002.33(9) FS. History--New 8-21-12, Amended 10-22-13, 12-20-16.

Section 1002.33, Florida Statutes

(9)(n)4. A charter school's charter contract is automatically terminated if the school earns two consecutive grades of "F" after all school grade appeals are final unless:

a. The charter school is established to turn around the performance of a district public school pursuant to s. [1008.33](#)(4)(b)3. Such charter schools shall be governed by s. [1008.33](#);

b. The charter school serves a student population the majority of which resides in a school zone served by a district public school that earned a grade of "F" in the year before the charter school opened and the charter school earns at least a grade of "D" in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department's official release of school grades. The state board may waive termination if the charter school demonstrates that the Learning Gains of its students on statewide assessments are comparable to or better than the Learning Gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

The sponsor shall notify the charter school's governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. The letter of termination must meet the requirements of paragraph (8)(c). A charter terminated under this subparagraph must follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(e)-(g) and (9)(o).