

**STATE BOARD OF EDUCATION  
CHARTER SCHOOL APPEAL COMMISSION**

RENAISSANCE CHARTER SCHOOL, INC.,  
and RENAISSANCE CHARTER HIGH  
SCHOOL OF PALM BEACH,

Applicant/Appellant,

vs.

Case No.: \_\_\_\_\_

THE SCHOOL BOARD OF  
PALM BEACH COUNTY, FLORIDA,

School Board/Appellee.

**THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA'S  
RESPONSE TO RENAISSANCE CHARTER SCHOOL, INC.'S  
APPEAL OF THE DENIAL OF AN APPLICATION TO OPEN A CHARTER SCHOOL,  
RENAISSANCE CHARTER HIGH SCHOOL OF PALM BEACH**

Appellee, the SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA ("School Board"), files this Response to the appeal<sup>1</sup> of the denial of RENAISSANCE CHARTER SCHOOL, INC.'s ("the Applicant") application ("Application") to open a charter school, RENAISSANCE CHARTER HIGH SCHOOL OF PALM BEACH. As explained herein, the State Board of Education ("SBE") should uphold the School Board's denial of the Application, which was based upon good cause.

**I. STATEMENT OF MATERIAL FACTS AND PROCEDURAL HISTORY**

On August 3, 2015, the District's Department of Charter Schools received the Application. (Exhibit 2 to Notice of Appeal.) After District staff reviewed the Application, the Applicant was provided with the reviewers' comments and an interview was scheduled between the Applicant

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<sup>1</sup> Hereinafter the written notice of appeal filed by the Applicant with the Agency Clerk for the Department of Education on December 10, 2015, with the attachments thereto, will be referred to as its "Notice of Appeal."

and the reviewers. (Exhibit "A" at 2-12.<sup>2</sup>) The District then held an interview with the Applicant on September 22, 2015, in order to allow the Applicant to respond to questions and comments from District staff about the Application, a transcript of which is found at Exhibit 4 to the Notice of Appeal. After the interview, on September 24, 2015, James Pegg, Director of the Department of Charter Schools, sent the Applicant a letter providing seven days notification and the opportunity for the Applicant to provide *non-substantive* clarifications. (*Id.* at 33.)

Next, on October 28, 2015, Mr. Pegg sent the Applicant a letter informing it that the School Board would consider the Application at its Special Meeting on November 4, 2015. (*Id.* at 44-45.) In the letter, Mr. Pegg explained that "it was determined that *substantive changes* to the Application would be needed to cure the deficiencies in [the Application] and the School District does not accept *substantive changes*." (*Id.*) Specifically, the Section relating to Mission, Guiding Principles & Purpose was rated as "Does Not Meet the Standard," while five other Sections (Exceptional Students ("ESE"); English Language Learners ("ELL"); Student Recruitment and Enrollment; Budget; and Action Plan) were rated as "Partially Meets the Standard." Mr. Pegg also informed the Applicant of the date of the School Board Special Meeting and how the Applicant could exercise its right to speak at the meeting. (*Id.*)

At the Special Meeting on November 4, 2015, several people spoke on behalf of the Applicant, including a member of the Applicant's governing board, parents of students currently attending Renaissance-operated schools in Palm Beach County, and a student and teacher at a Renaissance school. (Exhibit 5 to Notice of Appeal at 7-31.) Several of the speakers discussed programs and practices at Renaissance schools that they believed were "innovative." (*See id.*)

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<sup>2</sup> While the Applicant provided the November 13, 2015 denial letter as an exhibit, it did not include the attachments. Accordingly, the School Board has included the attachments as a composite exhibit to this response, Exhibit "A."

Several Board Members spoke about the issues raised by the speakers before a vote was taken. (*See id.* at 49-53.) The Applicant asserts that these Members “acknowledged that RCS’ charter schools were, in fact, more innovative than their own district schools[.]” (Notice of Appeal at 5.) This is a mischaracterization of their comments. Rather, with respect to communication between school staff and parents and smaller school sizes, Board Member Dr. Debra Robinson stated that “of course, we want those things,” and District-operated schools “have to do better.” (*Id.* at 50.) Board Member Karen Brill simply “mirror[ed] Dr. Robinson’s comments,” while explaining that, for things like “personal learning plans, the daily reports to parents, I think the things that you’re getting, yes, we do need to do better in our District as well.” (*Id.* at 50.) These Members did not say that Renaissance schools were innovative, much less “more innovative” than District-operated schools. Instead, they said that the District needed to do a better job with respect to the programs and practices that parents enjoyed at Renaissance schools. (*Id.* at 49.)

The School Board unanimously denied the Application.<sup>3</sup> (*Id.* at 55.) By letter dated November 13, 2015, the School Board notified the Applicant of the denial, and provided the specific reasons for the denial based upon good cause in compliance with section 1002.33(6)(b)3.a., Florida Statutes. (Exhibit 1 to Notice of Appeal.) The Applicant then filed its Notice of Appeal, which the District received on December 10, 2015. This Response follows.

## II. STANDARD OF REVIEW

The Charter School Appeal Commission (“CSAC”) and SBE review the School Board’s decision for whether it was based on good cause and supported by competent substantial evidence. *See Sch. Bd. of Volusia Cty. v. Acads. of Excellence, Inc.*, 974 So. 2d 1186, 1189-92 (Fla. 5th DCA

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<sup>3</sup> Of note, the Applicant’s incorporation of a newspaper article about the Board Meeting is inappropriate, as it is not properly part of the record on appeal. *See* Fla. Admin. Code R. 6A-6.0781(1)(b). The Applicant may offer its opinion about what occurred at the Board Meeting in its written arguments; the article has no place in these proceedings.

2008) (reviewing decision by CSAC, which was adopted by SBE, that school board did not have competent substantial evidence and good cause for denying application). “[A] denial based on good cause contemplates a legally sufficient reason.” *Sch. Bd. of Osceola Cty. v. UCP of Cent. Florida*, 905 So. 2d 909, 914 (Fla. 5th DCA 2005). Competent substantial evidence, meanwhile, is “such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred; that is, such relevant evidence as a reasonable mind would accept as adequate to support a conclusion.” *Washington v. State*, 162 So. 3d 284, 289 (Fla. 4th DCA 2015) (quoting *Pauline v. Lee*, 147 So. 2d 359, 362 (Fla. 2d DCA 1962)).

### III. ARGUMENT

#### A. The School Board had good cause to deny the Application based on deficiencies in five sections.

The School Board adopted the findings of District staff who reviewed the Application and concluded that it was deficient in six sections: Mission, Guiding Principles & Purpose; ESE; ELL; Student Recruitment and Enrollment; Budget; and Action Plan. The first of these was rated “Does Not Meet the Standard” under the Florida Charter School Application Evaluation Instrument (“Evaluation Instrument”),<sup>4</sup> while the others were rated as “Partially Meets the Standard.”

The Applicant does not specifically address the deficiencies in the sections that were rated as partially meeting the standard. Instead, the Applicant contends, without any citation to legal authority, that “the School Board cannot deny a charter application on grounds that it only partially meets a certain required legal standard[.]” (Notice of Appeal at 18.) The Evaluation Instrument, however, defines “Partially Meets the Standard” as a response that “addresses most” – and therefore not all – “of the criteria,” but for which “the responses lack meaningful detail and

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<sup>4</sup> The School Board was required to use the Evaluation Instrument. *See* Fla. Admin. Code R. 6A-6.0786.

require important additional information.” Fla. Admin. Code R. 6A-6.0786, Form IEPC-M2 (June 2012) (emphasis added (“e.a.”)). In other words, it is deficient. As explained herein, the sections of the Application which only partially met the standard failed to satisfy all requirements of the Model Application or the Charter School Statute, meaning the School Board had good cause to deny the Application based on deficiencies in those sections.<sup>5</sup> *Cf. Sch. Bd. of Volusia Cty.*, 974 So. 2d at 1191 (a district school board would have had good cause to deny an application on basis that is required by the application template, the standard application, or the Charter School Statute).

The Applicant also contends that issues with the sections that were rated as partially meeting the standard were clarified or refuted during the Applicant interview. While some issues were clarified at the interview, the majority were not clarified or would require *substantive changes* to the Application.<sup>6</sup> The issues discussed below were not clarified during the interview and fully supported the reviewers’ ratings and the School Board’s denial of the Application.

1. Mission, Guiding Principles & Purpose (Section 1)

Reviewer James Pegg found that Section 1 did not meet the standard because the Applicant failed to satisfy School Board Policy 2.57, specifically the Rubric for Charter School Application Review of Innovative Methods which is attached to the Policy. The Applicant contends that this basis for denial did not constitute good cause for several reasons, all of which lack merit.

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<sup>5</sup> This fact is consistent with the Charter School Statute, which only permits an applicant to make “technical or *nonsubstantive* corrections or clarifications,” such as grammatical or typographical errors, before a district school board approves or denies the final application. § 1002.33(6)(b), Fla. Stat. (2015); *cf. Sch. Bd. of Volusia Cty.*, 974 So. 2d at 1191 (school board lacked good cause to deny application based on typographical error that applicant had indicated it was willing to correct). Accordingly, any missing “important additional information” that would cause an application to only partially meet the standard could not be added after the application was submitted.

<sup>6</sup> The School Board acknowledges that the issues in Section 19, Action Plan, were clarified at the interview and that that one Section should have been rated as meeting the standard.

First, the Applicant contends that the School Board adopted a definition of “innovation” (or “innovative”) that contravenes the requirements of the Charter School Statute.<sup>7</sup> The School Board’s definition of the term “innovative” in School Board Policy 2.57 and the attached Rubric do not contravene the requirements of the Charter School Statute. Section 1002.33(2)(b), Florida Statutes, sets forth one of the mandatory purposes of a charter school as “[e]ncourag[ing] the use of innovative learning methods.” In Section 1 of the Model Application, the applicant is required to “[d]escribe how the school will meet the **prescribed purposes** for charter schools found in **section 1002.33(2)(b), F.S.**” Fla. Admin. Code R. 6A-6.0786, Form IEPC-M1 (August 2015) (e.a.). The Model Application then quotes from section 1002.33(2)(b), which provides that “charter schools shall fulfill the following purposes . . . Encourage the use of innovative learning methods.” *Id.* (quoting § 1002.33(2)(b), Fla. Stat.). Additionally, section 1002.33(5)(b)e requires the School Board to “ensure that the charter is innovative[.]”<sup>8</sup>

In the Policy,

[t]he School Board defines innovative as introducing or using new ideas or methods or having new ideas about how learning methods can be performed in this School District. Being innovative is about looking beyond what is currently done well, identifying the great ideas of yesterday and/or tomorrow and putting them into practice. True innovative learning methods are those products, processes, strategies and approaches that improve significantly upon the status quo within this

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<sup>7</sup> Notably, the prescribed method for asserting that an agency rule is an invalid exercise of delegated legislative authority is found in section 120.56, Florida Statutes, as part of the Administrative Procedure Act.

<sup>8</sup> The Applicant’s argument that the duty to ensure the charter is innovative applies to the charter contract and not to the charter school itself is specious. The charter governs how the charter school will operate. The term “charter” in that context clearly encompasses the instructional program of the charter school, which is the charter school’s duty to implement. That is why the sponsor is also required to ensure that the charter is consistent with the state educational goals in section 1000.03(5), Florida Statutes, which sets forth “[t]he priorities of Florida’s K-20 education system[.]”

geographical area of the School District, and result in heightened qualities and outcomes of teaching and learning.

School Board Policy 2.57(3)(d)(ii)(D) (Exhibit "A" at 14-28). The Rubric, meanwhile, provides that an application that meets the standard will have evidence of "[t]he use of innovative teaching and learning goals and interventions targeting academic support to all students especially for historically low performing students" as well as being "[i]nclusive, deliberate, and a monitored process that measures innovative goals and practices within the school." Rubric for Charter School Application Review of Innovative Methods (Exhibit "A" at 26-28).

School Board Policy 2.57 validly defines the term "innovative," which is not defined in the Charter School Statute. Such policies are valid and enforceable. *See Imhotep-Nguzo Saba Charter Sch. v. Department of Educ. and Palm Beach County Sch. Bd.*, 947 So. 2d 1279, 1284 (Fla. 4th DCA 2007) (upholding a School Board policy regarding criteria for charter applicants, and upholding the denial of a charter application based on requirements set forth in the School Board policy). The School Board's definition of "innovative" is consistent with the Statute, as it tracks the dictionary definition<sup>9</sup>: "innovative" means "introducing or using new ideas or methods; having new ideas about how something can be done." *See "Innovative" at Merriam-Webster.com.* Merriam-Webster, n.d. Web. (last accessed Nov. 20, 2015). Policy 2.57 and the Rubric then provide specific illustrations of what is required for a proposed charter school to be innovative.

The fact that the information required by School Board Policy 2.57 and the attached Rubric is not expressly contained in the Model Application does not prohibit the School Board from asking for this information in the Application. The Charter School Statute plainly allows a district school board to require additional information in an application to open a charter school: an

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<sup>9</sup> *See Steniarecki v. State*, 756 So. 2d 68 (Fla. 2000) (in absence of a statutory definition, words of common usage are construed in their plain and ordinary sense and, if necessary, the plain and ordinary meaning of the word can be ascertained by reference to a dictionary).

applicant “shall prepare and submit an application on a model application form prepared by the Department of Education which: . . . **Contains additional information a sponsor may require,** which shall be attached as an addendum to the charter school application described in this paragraph.”<sup>10</sup> § 1002.33(6)(a)6, Fla. Stat. (2015) (e.a.). The information required to be in the Application by School Board Policy 2.57 and the Rubric is information the School Board may require as sponsor, in accordance with the Charter School Statute requirements that the school demonstrate how it will encourage the use of innovative learning methods and that the sponsor ensure the charter as a whole is innovative.<sup>11</sup> *See id.* § 1002.33(2)(b) & (5)(b)e.

The courts have upheld such policies. For example, in *Imhotep-Nguzo Saba*, the applicants challenged the application of a School Board policy that looked to the academic and financial success of the applicant’s existing school as a requirement for starting a new school, when that criteria was not required by the statute. The applicants argued that the School Board’s adoption of the policy was *ultra vires* because the Charter School Statute generally exempts charter schools from School Board policies. 947 So. 2d at 1281. The court concluded that the challenged policy was valid and affirmed the denial of the applications. *Id.* at 1285. The court explained that the exemption then in § 1002.33(5)(b)4 stating the “sponsor’s policies shall not apply to a charter

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<sup>10</sup> Section 1002.33(6)(a)6 does not require that the Applicant “agree” to providing such information.

<sup>11</sup> The Applicant also argues that the CSAC and SBE “specifically rejected the ‘lack of innovation’ argument” in an appeal last year. (Notice of Appeal at 7.) Notably, the CSAC did not expressly comment on the School Board’s innovation argument in its recommendation (CSAC Recommendation, *Fla. Charter Ed. Found. v. Sch. Bd. of Palm Beach Cty.*, Case No. 2015-3112, Apr. 15, 2015), nor did the SBE in its Order (SBE Final Order, *Fla. Charter Ed. Found. v. Sch. Bd. of Palm Beach Cty.*, Case No. 2015-3112, Apr. 23, 2015). Accordingly, neither the CSAC recommendation nor the DOE’s final order from that appeal constitute precedent on the issue of innovation. Furthermore, the School Board has appealed the SBE’s ruling to the Fourth District Court of Appeal, and the appeal involves the meaning of the term “innovative” in the Charter School Statute. *See Sch. Bd. of Palm Bch. Cnty. v. Fla. Charter Ed. Found., Inc.*, No. 4D15-2032 (Fla. 4th DCA, initial brief filed Sep. 28, 2015).

school”<sup>12</sup> was “aimed at giving charter schools some measure of academic and administrative freedom, [but] we do not read this provision to prohibit the School Board from adopting and enforcing policies related to the creation, renewal or termination of the charter schools they sponsor.” *Id.* at 1282.

Undaunted, the Applicant also contends, in the alternative, that its Application did demonstrate innovation and proceeds to identify a series of “innovative” practices. (Notice of Appeal at 11-17.) But the District reviewer, the Director of the Department of Charter Schools, reviewed these various practices and, applying his knowledge and expertise about education and what is already available to the students in Palm Beach County schools, concluded that the Application failed to satisfy the statutory criteria as clarified in School Board Policy 2.57 and its Rubric. (Exhibit 2 to Notice of Appeal & Exhibit “A” at 30.)

Even looking at the statutory text alone, without looking to School Board Policy 2.57 or its attached Rubric, the Applicant still failed to meet the standard for Section 1 of the Application. As noted above, by its dictionary definition, “innovative” means “introducing or using new ideas or methods; having new ideas about how something can be done.” *See* “Innovative” at *Merriam-Webster.com*. Merriam-Webster, n.d. Web. Relying on this definition alone, the Applicant failed to demonstrate how its school would encourage the use of innovative learning methods. Encouraging the use of innovative learning methods plainly means encouraging the use of *new* learning methods. Learning methods that are already implemented or practiced in schools within the School District are not new and, therefore, not innovative.

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<sup>12</sup> The current version of the statute similarly states: “The sponsor shall not apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school.” § 1002.33(5)(b)1.d, Fla. Stat. (2015). The *Inhotep-Nguzo* court emphasized that the statute does not “prohibit the School Board from adopting and enforcing policies related to the creation, renewal or termination of the charter schools they sponsor . . . because the legislature has delegated primary decision-making authority to the school boards over these basic decisions.” 947 So. 2d at 1284.

Further, many of the practices identified by the Applicant were arguably not even learning methods, i.e., ways of learning. For instance, the Applicant discusses Personalized Learning Plans, but describes them as measurement tools in its Notice of Appeal. (See Notice of Appeal at 9.) The Data Chats, Ongoing Professional Development, and Quality Education for Students and Teachers, meanwhile, all concern professional development for instructors and administrators and are therefore also not innovative learning methods for students. The Freshman Academy is similarly not an innovative learning method, but rather an organizational support structure for ninth grade students. The same is true of the Senior Project and Volunteer Hours requirements, which may be beneficial for students, but are not innovative learning methods. The College Preparatory/Career Academies and Cambridge Program are likewise not innovative learning methods.

The purportedly innovative learning methods identified in the relevant section of the Application (pages 5 through 7), such as student-centered learning and blended learning, were also not innovative under the plain meaning of the term, while other practices, such as the school's grading philosophy, were again not learning methods at all. This is also true of the practices identified by Mr. Haiko during the Board Meeting, such as the school's celebratory summer summit and "value-driven decision-making process." (Exhibit 5 to Notice of Appeal at 8.) Those do not qualify as new, innovative student learning methods in this District.

Finally, while the parents who spoke at the Board Meeting explained why they wanted their children to be able to attend a Renaissance high school, they too failed to identify any innovative learning methods. In any event, this *substantive* information was required to be in the Application and could not be provided at the Board Meeting.

In sum, the School Board rightly concluded that the Application failed to meet the statutory standard for Section 1 of the Application. This is true under School Board Policy 2.57 and the

Rubric, which require information from the Applicant that the School Board, as sponsor, is permitted to require. But it is also true looking only at the statutory requirement that the Applicant “[d]escribe how the school will meet the prescribed purposes for charter schools found in section 1002.33(2)(b), F.S.,” including how it will “[e]ncourage the use of innovative learning methods.” Fla. Admin. Code R. 6A-6.0786, Form IEPC-M1 (August 2015). The deficiencies in Section 1 alone provided good cause to deny the Application.

2. ESE (Section 6)

The Application was also deficient with respect to one of the requirements in Section 6 of the Model Evaluation Instrument and was therefore properly rated as only partially meeting the standard. The Evaluation Instrument provides that a response that meets the standard will include “[a] realistic enrollment projection (SWD) and a staffing plan that aligns with the projection.” Fla. Admin. Code R. 6a-6.0786, Form IEPC-M2 (June 2012). The Applicant projected that its population of students with disabilities would amount to approximately 10% of the student population. (Application at 100.) The District reviewer properly noted that this was “low” based on the District’s percentage of ESE students, which she stated was approximately 14%. The Evaluation Instrument unmistakably requires a *realistic* enrollment projection, which necessarily means a projection that is tied to the school district where the school would operate. Yet the Applicant based its projection on “other high schools in Florida that are managed by Charter Schools USA” and “the schools in Palm Beach that are already in existence” but which were “not high schools.” (Exhibit 4 to Notice of Appeal at 5.) The Applicant failed to provide a realistic enrollment projection as required by the Evaluation Instrument.

### 3. ELL (Section 7)

“Students with disabilities and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.” § 1002.33(10)(f), Fla. Stat. (2015). Accordingly, for Section 7 of the Application, a response that meets the standard must present, *inter alia*, “[d]emonstrated capacity to meet the school’s obligations under state and federal law regarding the education of English language learner students.” Fla. Admin. Code R. 6A-6.0786, Form IEPC-M2 (June 2012).

The District reviewer rated Section 7 of the Application as partially meeting the standard because it failed to reference compliance with the Resolution Agreement between the School District of Palm Beach County and the United States Department of Justice, the purpose of which was to resolve a federal investigation into complaints about the District’s policies and practices for registering and enrolling students in District schools and for administering student discipline. Under the Resolution Agreement, which was entered into on February 26, 2013, the School District is to ensure that students do not face barriers to enrolling in or attending District schools on the basis of national origin, immigration status, or language status, and it is to administer discipline in a fair and non-discriminatory manner that does not lead to exclusion of students from the classroom on the basis of race, national origin, language status, or other impermissible ground. The reviewer explained at the interview that this is now required in the Application because the District had been audited in 2014 “and the charter schools didn’t do well[.]” (Exhibit 4 to Notice of Appeal at 7.)

Thus, when the Applicant failed to reference compliance with the Resolution Agreement, it failed to demonstrate its capacity to meet all of the proposed charter school’s obligations under federal law regarding the education of English language learner students. The section was appropriately rated as only partially meeting the standard.

#### 4. Student Recruitment and Enrollment (Section 13)

In the Application, there is a minimum volunteer hour requirement for parents of students at the school. (Application at 153-54.) The Department of Education has opined that parent volunteer contracts are enforceable and that failure to satisfy the volunteer requirement is sufficient grounds for a charter school to deny admission to the student the following year. *See Fla. Dep't of Ed., Memorandum Op. 13-01 (May 9, 2013)*. The Model Application, however, requires an applicant to explain "any student and/or family contracts that will be used as a requisite for initial and continued enrollment" and to describe "if and how the school will enforce such contracts." Fla. Admin. Code R. 6A-6.0786, Form IEPC-M1 (August 2015). The Evaluation Instrument, meanwhile, requires "[a]n enrollment and admissions process that is open, fair, and in accordance with applicable law." Fla. Admin. Code R. 6A-6.0786, Form IEPC-M2 (June 2012).

As the District reviewer noted, the Applicant failed to describe "if and how" the charter school would enforce the volunteer requirement because there was no information about what would occur when parents did not meet the required number of hours by the end of the school year. (Exhibit 2 to Notice of Appeal.) During the interview with District staff, the Applicant conceded that this information was not in the Application. (*See Exhibit 4 to Notice of Appeal at 12 and 20.*) Unquestionably, then, the Applicant failed to include information required to be in the Application.<sup>13</sup> This section was appropriately rated as only partially meeting the standard.

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<sup>13</sup> Even at the interview, the Applicant would only state that enrollment for the next school year would be "questioned" where the volunteer requirement was not fulfilled. (*See Exhibit 4 at 17.*) Though given repeated opportunities to do so, the Applicant failed to explain "if and how" the volunteer requirement would be enforced. (*See id.* at 11-23.) This information was crucial to confirm that the school's enrollment process would be fair, as required by the Charter School Statute. The failure to describe an enforcement plan meant that District reviewers (and in turn the School Board) were provided no assurances against arbitrary (i.e., unfair) enforcement of the volunteer requirement.

## 5. Budget (Section 17)

Section 17 of the Florida Charter School Application Evaluation Instrument directs a reviewer to look for three things, two of which are:

- Budgetary projections which are consistent with all parts of the application.
- A realistic assessment of projected sources of revenue and expenses that ensure the financial viability of the school.

Fla. Admin. Code R. 6A-6.0786, Form IEPC-M2 (June 2012). Applying these criteria, the reviewer, the District's Budget Director, found that the proposed budget lacked consistency with parts of the Application and did not represent a realistic assessment of the projected sources of revenues and expenditures.

First, the Applicant budgeted the total number of ESE students at 10%, but the District average is 20%, which resulted in an understatement of revenue and a greater understatement of expenditures. (Exhibit 2 to Notice of Appeal.) As explained at the interview, applicants were informed of the District average of 20% at the training provided for new applicants, but the 10% figure was even below the previous year's figure, which was 15%.<sup>14</sup> (Exhibit 4 to Notice of Appeal at 39.) As discussed above, the Applicant based its ESE projection only on other schools managed by Charter Schools USA, which was made up mostly of schools elsewhere in Florida and some schools in Palm Beach County that were not high schools. (*See id.* at 5, 40.) The District reviewer specifically explained, however, that the School District of Palm Beach County has a larger ESE population than other counties in the State of Florida. (*Id.* at 41-42.) By using figures based on schools in other areas, the Applicant understated its ESE population and therefore failed to provide

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<sup>14</sup> As discussed above, the District reviewer for Section 6 utilized a number closer to the previous year's figure, 14%, when she was reviewing that Section. In any event, 10% was well below both the previous year's figure and the one provided to applicants for this year's application cycle.

“[a] realistic assessment of projected sources of revenue and expenses that ensure the financial viability of the school.” Fla. Admin. Code R. 6A-6.0786, Form IEPC-M2 (June 2012) (e.a.).

Second, the Applicant budgeted its average teacher salary as \$37,000, with the average benefits cost being between 17 and 17.7%. The District reviewer observed, however, that the average teacher salary for charter schools operating in Palm Beach County was \$2,500 higher than the Applicant’s projection. (Exhibit 2 to Notice of Appeal.) More importantly, however, even the average teacher salary at other schools managed by Charter Schools USA was \$1,670 higher than the Applicant’s projection. (*Id.*) The average benefit rate for charter schools in Palm Beach County, meanwhile, was 25% over 7% higher than the Applicant’s projections. (*Id.*) The result of the low projections would be high teacher turnover and fewer certified teachers. (*Id.*) The District reviewer explained at the interview that, in particular, it was unlikely that the school would be able to obtain and retain the teachers it would need to instruct its gifted population. (Exhibit 4 to Notice of Appeal at 46.) The Applicant thus again failed to provide “[a] realistic assessment of projected sources of revenue and expenses that ensure the financial viability of the school.” Fla. Admin. Code R. 6A-6.0786, Form IEPC-M2 (June 2012) (e.a.).

The Applicant contends that “the fact that the School Board might question the . . . projections of the proposed charter school because it would have used different numbers is not legally sufficient reasons [sic] to deny the Application,” and cites *School Board of Volusia Cty. v. Academies of Excellence, Inc.*, 974 So. 2d 1186 (Fla. 5th DCA 2008). (Notice of Appeal at 19.) The Applicant misapplies the holding of the case it cites. In *Academies of Excellence*, the Fifth District Court of Appeal affirmed a finding by the SBE that a school board lacked competent substantial evidence to support a finding that an application was statutorily deficient in the areas of finance/class size requirements. *Id.* at 1191. Importantly, the court in *Academies of Excellence*

did not state that a disagreement about the appropriate numbers that should be used can never be a legally sufficient reason to deny a charter school application. Instead, it rejected the findings by the district school board in that case because they were either rebutted by the applicant or they were based on mere opinion or speculation. *Id.* at 1188, 1191. Here, by contrast, the Applicant did not sufficiently rebut the District reviewer's findings about deficiencies in its proposed budget. Furthermore, the District reviewer's findings were not based on her opinion, but were instead based on specific data about the School District of Palm Beach County and, with respect to teacher salary, other schools managed by Charter Schools USA. As noted above, the budget section of the Application must present a **realistic** assessment of projected sources of revenue and expenses. Fla. Admin. Code R. 6A-6.0786, Form IEPC-M2 (June 2012). Because the Application did not do this, it was appropriately rated as only partially meeting the standard.

**B. The School Board's denial was not barred by the doctrine of collateral estoppel.**

The Applicant asserts that "basically" the same application has been approved seven times before and that the School Board is barred by the doctrine of collateral estoppel with respect to its review of this Application. (Notice of Appeal at 19.) "Collateral estoppel is a judicial doctrine which in general terms prevents identical parties from *relitigating the same issues* that have already been decided. In addition, the particular matter must be fully litigated and determined in a contest that results in a final decision of a court of competent jurisdiction." *State v. McBride*, 848 So. 2d 287, 290-91 (Fla. 2003) (e.a.; internal quotes and citation omitted).

Setting aside the fact that the Applicant has not shown that the review of any past applications resulted in a final decision by a court of competent jurisdiction,<sup>15</sup> this Application did

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<sup>15</sup> Application of collateral estoppel "requires examination of extrinsic evidence," namely "the pleadings and judgments in the prior litigation[.]" *Univ. Hosp., Ltd. v. State, Agency for Health Care Admin.*, 697 So. 2d 909, 912 (Fla. 1st DCA 1997). The Applicant has offered no evidence regarding past applications.

not involve the same issues as previous applications submitted by Renaissance Charter Schools, Inc., to the School Board of Palm Beach County. For instance, in the case cited by the Applicant, the doctrine of collateral estoppel barred a surety company from relitigating the issue of whether certain mortgages were subject to documentary stamp taxes, where the surety company failed to show that the mortgages in the case at bar “differ[ed] in their substance or that the legal issue presented [was] different in any way.” *Dep’t of Revenue v. Accredited Sur. & Cas. Co.*, 690 So. 2d 614, 616 (Fla. 5th DCA 1997). Here, the Application was to open a high school, while the schools currently operated by Renaissance Charter School, Inc., in the School District of Palm Beach County are K-8.<sup>16</sup> An application to open a high school is substantially different from applications to open schools serving younger age groups, even if the legal criteria in reviewing the various applications may have been the same. *Cf. Sch. Bd. of Seminole Cty. v. Renaissance Charter Sch., Inc.*, 113 So. 3d 72, 75 (Fla. 5th DCA 2013) (“Common sense dictates that a middle school, which covers only grades 6 through 8, is materially different from a K through 8 school.”). Because review of the instant Application did not involve the same issues as past applications, that reason alone shows the doctrine of collateral estoppel is inapplicable.

**C. The administrative appeal process in the Charter School Statute is unconstitutional.<sup>17</sup>**

Section 1002.33(6)(c), Florida Statutes, is unconstitutional as it fails to include due process protections and allows the SBE to exceed its constitutional powers of oversight of the state system of education, and to infringe on the School Board’s exclusive constitutional power to operate,

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<sup>16</sup> See Notice of Appeal at 2 (“RCS intended to open the Renaissance Charter High School of Palm Beach to provide further education to the large number of students it was already educating in Palm Beach County who wanted to stay with its school program through high school.”).

<sup>17</sup> Although it is not within the purview of the SBE to rule on the constitutionality of statutes, the SBE’s exercise of its authority to reject the School Board’s denial of the Application would also be unconstitutional and the SBE should decline to exercise it. The School Board also raises this argument to preserve the issue for further appellate review.

control, and supervise public schools.

First, substantive due process protects against arbitrary government action. *See Chicago Title Ins. Co. v. Butler*, 770 So. 2d 1210, 1214-15 (Fla. 2000). Procedural due process requires reasonable notice and a fair and meaningful opportunity to be heard by an impartial decision-maker, *see Jennings v. Dade County*, 589 So. 2d 1337, 1340-41 (Fla. 3d DCA 1991), as well as a defensible rationale or justification. As a federal appellate judge has explained, a constitutional hearing must afford 11 aspects of due process, including a tribunal that issues “[a] written statement of reasons” for its decision, which is “almost essential if there is to be judicial review.” Hon. Henry J. Friendly, *Some Kind of Hearing*, 123 U. Pa. L. Rev. 1267, 1292 (1975).

Section 1002.33(6)(c)3.a is vague as it provides no criteria or parameters for the SBE’s decision. Although the SBE must “consider” a recommendation from the CSAC, it is not bound by that recommendation. § 1002.33(6)(e)2, Fla. Stat. The statute merely says: “The State Board of Education shall by majority vote accept or reject the decision of the sponsor.”<sup>18</sup> *Id.* § 1002.33(6)(c)3.a. It provides no criteria or standards for the vote, nor any guidance for evaluating a recommendation from the CSAC. Although the “State Board of Education’s decision is a final action subject to judicial review in the district court of appeal,” *id.* § 1002.33(6)(d), this provision is illusory in light of the unconstitutionally flawed statutory process which fails to require any statement of any rationale or a procedure to demonstrate competent substantial evidence for the SBE’s decision. These flaws frustrate the guarantee of judicial recourse and render the administrative appeal process invalid.

Second, the Constitution limits the powers of the appointed SBE, which has a general

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<sup>18</sup> State Board of Education Rule 6A-6.0781, regarding procedures for appealing the denial of an application, reiterates the very limited statutory appeal process.

supervisory role over the state educational system: "The state board of education shall be a body corporate and have such *supervision of the system of free public education* as is provided by law." Art. IX, § 2, Fla. Const. (e.a.). It is anomalous that the SBE, which has general oversight of the statewide system of education under the Constitution, would be allowed to make binding decisions compelling local school boards to take on the substantial responsibility and impact of sponsoring a charter school whose application the school board has already determined to be deficient. The statute exceeds the SBE's constitutional power under article IX, § 2, Fla. Const., which is focused on general oversight of the state system of education. Thus, the administrative appeal process in section 1002.33(6)(c) is unconstitutional.

Finally, the administrative appeal process in section 1002.33(6)(c), (d), Florida Statutes, allows the SBE to override the School Board's denial of charter school applications, effectively allowing the SBE to authorize charter schools. This process undermines the School Board's power to establish, authorize, and operate public schools under article IX § 4(b), Fla. Const.

Article IX, Section 4 of the Florida Constitution provides that school boards "shall operate, control and supervise *all free public schools* within the district." (e.a.). "All charter schools in Florida are *public schools*." § 1002.33(1), Fla. Stat. (2015) (e.a.). In violation of article IX, the administrative appeal process grants the authority to the SBE to accept a charter school application where the same application was previously denied by a school board exercising its "primary decision-making authority ... over these basic decisions." *Cf. Imhotep-Nguzo Saba Charter Sch.*, 947 So. 2d at 1284. Thus, the administrative appeal process undermines a school board's ability to determine and meet the needs of children within its own district. The application appeal statute conflicts with the School Board's constitutional powers, as it allows the SBE to accept applications for Charter Schools over the authority of the School Board, which has the sole constitutional power

under article IX § 4(b), Fla. Const., to authorize and operate public schools in this county.<sup>19</sup> Further, the charter appeal statute conflicts with the SBE's general powers, which are limited to "recommend[ing] that a district school board take action consistent with the state board's decision relating to an appeal of a charter school application." § 1001.02(2)(q), Fla. Stat. (2015) (e.a.).

#### IV. CONCLUSION

The SCHOOL BOARD respectfully requests the SBE uphold the decision of the SCHOOL BOARD based on good cause to deny the Application and deny the Applicant's appeal for reasons stated in this Response.

Respectfully submitted,



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SCHOOL BOARD  
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<sup>19</sup> The Applicant may argue that the Fifth District Court of Appeal in 2008 rejected an assertion "that, because the act of operating and controlling all free public schools in [the] County is conferred exclusively on the School Board, section 1002.33(6)(c) is unconstitutional because it permits the State Board to open a charter school." *School Board of Volusia County*, 974 So. 2d at 1191. To save the statute, the Fifth District reasoned, *inter alia*, that "[g]ranting a charter application is not equivalent to opening a public school." *Id.* at 1193. That reasoning is flawed, however, as approval of the application plainly begins the establishment of the school. With the statutory authority to overturn school board decisions and unilaterally direct school boards to approve charters, the SBE is ultimately in control of a charter school's establishment and operation. Accordingly, the Fifth District's decision in *Academies of Excellence* should not dissuade the SBE from recognizing that the administrative appeal process in the Charter School Statute is unconstitutional or declining to exercise its statutory authority to reject the School Board's denial of the Application.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon by overnight delivery this

8th day of January, 2016, upon:

Stephanie Alexander, Esq.  
TRIPP SCOTT, P.A.  
110 S.E. 6th Street, 15th Floor  
Fort Lauderdale, FL 33301  
sda@trippscott.com  
*Counsel for Applicant/Appellant*



A. DENISE SAGERHOLM, ESQ.  
Florida Bar No.: 849200

**RENAISSANCE CHARTER SCHOOL, INC., and  
RENAISSANCE CHARTER HIGH SCHOOL OF PALM BEACH**

**vs.**

**THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA**

**TABLE OF CONTENTS**

<b>Exhibit #</b>	<b>Bates Stamp #</b>	<b>Description</b>
Exhibit A	001-109	Attachments to School Board's November 13, 2015 Letter of Denial of Charter Application – Renaissance Charter High School of Palm Beach

ATTACHMENT 1





Pamela Seeley <pamela.seeley@palmbeachschools.org>

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## Fwd: New Applicant Interview - Renaissance Charter HS

1 message

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**Lyn Bryant** <lyn.bryant@palmbeachschools.org> Tue, Nov 3, 2015 at 3:47 PM  
To: Pamela Seeley <pamela.seeley@palmbeachschools.org>

fyi

----- Forwarded message -----

From: **Lyn Bryant** <lyn.bryant@palmbeachschools.org>  
Date: Thu, Sep 3, 2015 at 1:02 PM  
Subject: Re: New Applicant Interview - Renaissance Charter HS  
To: "Kelmanson, Derek" <dkelmanson@charterschoolsusa.com>  
Cc: Jim Pegg <jim.pegg@palmbeachschools.org>

The rescheduled New Applicants Interview for Renaissance Charter High School is

**Tuesday, September 22, 2015 @ 8:30am - 9:30am**  
**Charter Department, 3300 Forest Hill Blvd, IBIS Bldg E**

Please call Lyn Bryant with questions.

Thanks

Lyn

On Thu, Sep 3, 2015 at 12:55 PM, Kelmanson, Derek  
<dkelmanson@charterschoolsusa.com> wrote:

Hi Lyn,

Since our team is in Tampa for the first part of the week and Jim is out later in the week, he suggested that consider the next week. Please let me know if the afternoon on Monday 9/21 is available?

Thank you,

---

Derek Kelmanson

Senior Manager of Business Development

Charter Schools USA

(954) 416-4056

[www.charterschoolsusa.com](http://www.charterschoolsusa.com)

*"Putting Students First"*

From: Lyn Bryant [mailto:[lyn.bryant@palmbeachschools.org](mailto:lyn.bryant@palmbeachschools.org)]

Sent: Thursday, September 03, 2015 10:42 AM

To: Kelmanson, Derek <[dkelmanson@charterschoolsusa.com](mailto:dkelmanson@charterschoolsusa.com)>

Cc: Jim Pegg <[jim.pegg@palmbeachschools.org](mailto:jim.pegg@palmbeachschools.org)>

Subject: New Applicant Interview - Renaissance Charter HS

Good Morning,

The New Applicant Interview for Renaissance Charter High School of Palm Beach has been scheduled for:

**Monday, September 14th, 8:30am to 9:30am**

**Charter School Department, 3300 Forest Hill Blvd, IBIS Building E**

If you have any questions please contact Lyn Bryant at 561-434-8189.

Thanks

Lyn

--  
Lyn Bryant, Statistical Analyst  
Department of Charter Schools  
IBIS Building E  
3300 Forest Hill Blvd  
West Palm Beach, FL 33406  
Office: 561-434-8189  
Fax: 561-434-7498  
lyn.bryant@palmbeachschools.org

Disclaimer: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

--  
Lyn Bryant, Statistical Analyst  
Department of Charter Schools  
IBIS Building E  
3300 Forest Hill Blvd  
West Palm Beach, FL 33406  
Office: 561-434-8189  
Fax: 561-434-7498  
lyn.bryant@palmbeachschools.org

--  
Lyn Bryant, Statistical Analyst

11/4/2015

School District of Palm Beach County Mail - Fwd: New Applicant Interview - Renaissance Charter HS

Department of Charter Schools  
IBIS Building E  
3300 Forest Hill Blvd  
West Palm Beach, FL 33406  
Office: 561-434-8189  
Fax: 561-434-7498  
lyn.bryant@palmbeachschools.org

**ATTACHMENT 1-A**

**Reviewers' Comments from Charter Tools (09/03/15)**

# RENAISSANCE HIGH SCHOOL

## Section 1

**Does Not Meet the Standard**

**Jim Pegg**

**No Notes on Charter Tools**

## Section 6

**Partially Meets the Standard**

**Cathy Weech (9/1/15 4:08 PM)**

Clear description of the levels of service the school will provide to students with disabilities: Application states that "school will provide services to students with disabilities by offering a continuum of services including consultation and support facilitation in the regular classroom environment." Dropdown selection in section 6A indicates the school will be an "80/20" school, but provision for providing direct instruction (i.e., pullout) for up to 20% of the day could not be found in the document. For Gifted students, section 6I specifies that "...gifted students will receive enrichment through regularly scheduled gifted consultation provided by a gifted endorsed teacher," but section 6E implies direct services with, "Teacher of gifted students will collaborate with general education teachers..." A clear description of how the school will ensure that students with disabilities will have an equal opportunity of being selected for enrollment: Found in application. Section 6B specifies that the school's enrollment application does not request information on disability status and that students with disabilities will have an equal opportunity of being selected for enrollment. Marketing strategy materials are mentioned that will specify that the charter school serves students with "exceptionalities" and "disabilities." An understanding and commitment to collaborating with the sponsor to ensure that placement decisions for students with disabilities will be made based on each student's unique needs: Evident in application An appropriate plan for evaluating the school's effectiveness in serving exceptional students, including gifted: Evident. Strategies include progress toward IEP goals, promotion/retention rates, discipline data, and state mandated assessments. A realistic enrollment projection (SWD) and a staffing plan that aligns with the projection: Application states that 10% of students in the school are anticipated to be ESE, based on data of public schools in the market they are considering (i.e., area between Turnpike and I-95, along Southern Blvd). This is low, compared to the District percentage of ESE students of approximately 14%. Section 6H lists passing scores on Florida K-6, 1-6, Pk-3 subject area exam as possibilities for staff qualifications. It is unclear why these subject areas would pertain to a school serving only high school students. Subject Area exams are mentioned as well, however. Application under Section 6H specifies school's instructional staff will include teachers who are Gifted certified/endorsed. It is not clear if such a position is supported by the budget, unless one of the teachers listed under Function 5100-Basic Instruction as "Classroom Teacher Salaries" is going to fulfill this role. It is also unclear as to where contracted therapists are funded in the budget, though they are referenced in the application.

**Section 7**

**Partially Meets the Standard**

**Stephen Byrne (8/24/15 12:29 PM)**

Schools must reference compliance with the District agreement with the United States Department of Justice which was signed by the Superintendent on February 26, 2013.

**Section 13**

**Partially Meets the Standard**

**Jason Link (9/8/15 9:06 PM)**

Section 13 D states: Explain any student and/or family contracts that will be used as a requisite for initial and continued enrollment in the school. Describe if and how the school will enforce such contracts.--- Application states that parents will be required to volunteer a minimum of 20 or 30 hours per school year, depending on the number of children enrolled from the same household. If parents do not meet the required mandatory number of volunteer hours by the end of the school year, even after notification letters are sent, what then occurs?

**Section 17**

**Partially Meets the Standard**

**DOCUMENT IS IN SCHOOL'S FOLDER**

**Section 19**

**Partially Meets the Standard**

**Ariel Alejo (10/28/15 2:23 PM)**

Section # 19 fails to provide flexibility for addressing unanticipated events.

**ATTACHMENT 1-B**

**Reviewer's Comments**

**Sections 17**

**Date:** August 23, 2015

**Application:** Renaissance Charter High School of Palm Beach

**Reviewer:** Heather Knust

**Section:** 17 Budget

**Rating:** Does not meet Standards

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**Conclusion**

The budget lacks consistency with parts of the application and does not represent a realistic assessment of the projected sources of revenues and expenditures. Florida Statute 1002.33(6)(a)(5) and (b)(2).

Refer to detailed analysis below:

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**1. Mission, Guiding Principles and Purpose**

Applicant:

The mission of Renaissance Charter High School of Palm Beach (School) is to prepare students for college and careers by creating a learning environment that integrates a research-based curriculum, a culture of student safety and success, and concentration on academic rigor while focusing on citizenship and experiential learning through student engagement.

- Blended learning - Students will have the opportunity to experience various blended learning models (flipped, rotation, a la carte, individualized, etc.) to learn content in a new and innovative way. A unique aspect of being a part of the CSUSA network is that students will have the opportunity to take courses that are offered in other CSUSA schools, while physically being located in this School. To facilitate effective blended learning strategies, the School will use state-of-the-art technology resources, including interactive displays, tablets, laptops, document cameras, production rooms, and more.

District: The applicant stresses blended learning although does not include a budget for academic software or contracted services. Assuming 25% of the student population participate in blended courses representing 150 FTE in year 1 up to 300 in year 5 the additional cost is estimated at \$60,000 in year 1 up to \$120,000 in year 5 based on an estimate of \$400 per FTE for content. See below for budget impact.

**4. Curriculum**

Applicant: English Language Arts, Math, Social Studies (World History, US History, US Government, Economics), Science, foreign language, fine arts, other electives?)

District: The applicant budgeted for 4 books per student, no academic software, and no consumable books. Based on the curriculum the school will need 6 to 8 books (Language Arts, Math, Science, Social Studies (at least two books), Arts, Foreign Language, others?). See below for budget impact of adding 2 additional books.

**6. Exceptional Students**

Applicant: Budgeted the number of ESE students at 10%.

District: Palm Beach County ESE population is 20% county-wide resulting in an understatement in revenue and even greater understatement of expenditures. See below for budget impact.

#### **14. Facilities**

Applicant: Regardless of whether an existing building is purchased or is built the facility layout will be based on previous plans that have been successfully deployed by the ESP for charter schools serving similar populations. The facility is expected to be 70,000 – 100,000 square feet in size, occupying one to three floors. Regardless of the source of funds, the School will make rent payments for the facility adequate to cover the cost of servicing the associated debt/lease costs.

District: The budget for rent in year one is \$7.09 per sq. ft. for a 30,000 sq. ft. building increasing to \$17.71 per sq. ft. by year 5. In accordance with GASB Codification L20 scheduled rent increases that are artificially low should be measured on a straight-line basis over the lease term or estimated fair value of the rental. No draft lease agreement is provided as supporting documentation. In addition, 70,000 sq. ft. is on the low end for a high school if the school plans to offer athletic events as stated in the application at some point in the future.

#### **17. Budget**

Applicant: Average teacher wage is assumed at \$37,000 with average benefits offered of 17.7% in year one decreasing to 17% in year 5.

District: Average teacher salary for Palm Beach County Charter Schools is \$39,500 (district average salary is \$49,300). Average teacher salaries for Charter School USA schools operated in Palm Beach County is \$38,670 based on teacher salary information reported to Palm Beach County for teachers paid over \$18,000. Proposed average salary is well below that of other charter schools in the area as well as Charter School USA Schools. Average benefit rate for charter schools in Palm Beach County is 25%, 17% is well below the average. The result will be high teacher turnover and the fewer certified teachers. See budget impact below based on an average salary of \$38,670.

No support provided for the donation in the planning year, as a result it was deducted from the budget. See budget impact below.

No support provided for loan for FFE and capital purchases in the first year, as a result it was deducted from the budget. Proposed Management Agreement with ESP does not address any loans. See budget impact below.

#### **Financial Impact of Adjustments**

The original budget submitted has a net income ranging from \$12,674 to \$364,860. After making adjustments for the numerous issues noted above, the school would be operating at a cumulative deficit.

	Planning	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
Net Revenue	-	166,884	12,674	191,736	346,842	364,860
ESE (6)		(85,342)	(129,525)	(175,458)	(178,466)	(181,533)
Books (4)		(60,000)	(30,000)	(30,000)	-	-
Salaries at \$38,670 (17)		(61,731)	(100,005)	(128,450)	(131,019)	(133,640)
Benefit Rate at 17% (17)		(10,494)	(17,001)	(21,837)	(22,273)	(22,719)
Benefit Rate at 25% (17)		(100,847)	(167,029)	(217,522)	(226,044)	(234,737)
Academic Software (1)		(60,000)	(90,000)	(120,000)	(120,000)	(120,000)
Donation (17)	(117,988)					
Loan (17)		(866,184)				
Loan (17)		66,409	250,379	250,379	250,379	250,379
Rent (14)		(497,085)	(175,039)	202,117	223,902	246,106
Total Annual Impact	(117,988)	(1,508,390)	(445,546)	(49,036)	143,320	168,717
Total Cumulative Impact		(1,626,378)	(2,071,924)	(2,120,960)	(1,977,640)	(1,808,923)

Excluding the adjustments for the loan, rent, and benefits also results in a deficit each year:

	Planning	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
Net Revenue	-	166,884	12,674	191,736	346,842	364,860
ESE (6)		(85,342)	(129,525)	(175,458)	(178,466)	(181,533)
Books (4)		(60,000)	(30,000)	(30,000)	-	-
Salaries at \$38,670 (17)		(61,731)	(100,005)	(128,450)	(131,019)	(133,640)
Benefit Rate at 17% (17)		(10,494)	(17,001)	(21,837)	(22,273)	(22,719)
Benefit Rate at 25% (17)		(100,847)	(167,029)	(217,522)	(226,044)	(234,737)
Academic Software (1)		(60,000)	(90,000)	(120,000)	(120,000)	(120,000)
Donation (17)	(117,988)					
Loan (17)						
Loan (17)						
Rent (14)						
Total Annual Impact	(117,988)	(110,683)	(353,857)	(284,009)	(104,916)	(93,031)
Total Cumulative Impact		(228,671)	(582,528)	(866,538)	(971,454)	(1,064,485)

**ATTACHMENT 1-C**

**School Board Policy 2.57**

**With**

**Rubric of Innovative Methods**



Book	School Board Policies
Section	Ch. 2. General Administration
Title	Charter Schools
Number	2.57
Status	Active
Legal	
Adopted	February 5, 1997
Last Revised	May 27, 2015
Last Reviewed	May 27, 2015

### 1. PURPOSE AND INTENT

The School Board of Palm Beach County ("School Board" or "Sponsor") shall sponsor charter schools to provide educational options in accordance with Florida law. The provisions within this policy shall be interpreted consistently with Florida and federal laws.

### 2. ELIGIBILITY FOR CHARTER SCHOOL APPLICATION ("APPLICATION")

The School Board shall sponsor charter schools within Palm Beach County that serve any of these grades: Pre-kindergarten (Exceptional Student Education Only) and from kindergarten through grade 12 or as otherwise allowed by Florida law. To establish a charter school, an applicant must meet the criteria within Fla. Stat. §§ 1002.33(2) (a) & (b), (3), and (6) (a), the State approved evaluation instrument and any additional information required by the School Board as stated below. In addition, applicants can apply to open virtual charter schools, high-performing charter schools and blended-learning charter schools in accordance with Florida law as designated by the Commissioner of Education.

### 3. APPLICATION PROCESS AND REVIEW

a. Applicants: Applicants are encouraged to participate in the Florida Department of Education (FLDOE) orientation webinar, if available, to review the charter school application process. In order for applicants to become familiar with District procedures, the School District ("District") strongly encourages applicants to also attend the applicant training provided by the District. Technical assistance from the District is available to interested applicants prior to the application deadlines and may be obtained by contacting the Superintendent's designee. If the applicant is a management company or other nonprofit organization, it is strongly encouraged that the charter school principal and the chief financial officer or his or her equivalents also participate in the training.

b. Application Deadlines: Consistent with Fla. Stat. §§ 1002.33(6) (b), all applications must be received in the Superintendent's designee's office (currently the District's Department of Charter Schools) no later than 5:00 p.m. EDST on May 1 (the draft application deadline) or August 1 for prospective charter schools intending to start operations by the beginning of the subsequent school year. All applications must be complete, containing all sections of the Model Florida Charter Schools Application and any necessary exhibits and addenda. Applications, including the exhibits and additional information required by the School Board as an addendum, shall be submitted electronically to the Sponsor using the Sponsor's current application software and by submission of a flash/travel drive data storage device. If the applicant has difficulty downloading the documents to the Sponsor's system, it shall notify the District's Charter School Department for

assistance and/or timely submission by an alternative method. The software will indicate the date and time when the application is submitted and received by the District. To verify its time of receipt, the applicant will sign-in with the District upon submitting the flash/travel drive data storage device and the time and date will be reflected. If the District allows the submission by an alternative method, the application will be date and time stamped. All of these submissions must be received timely and no late applications or portions thereof will be accepted. If May 1 or August 1 occurs on a Saturday, Sunday, legal holiday, or other non-business day of the District, the deadline for application submission shall be extended to 5:00 p.m. EDST on the next day that is not a Saturday, Sunday, legal holiday, or other non-business day of the District. No additional, supporting substantive documentation will be accepted after the deadline.

i. Applications must be submitted on the most current and applicable DOE Model Florida Charter Schools Application form through the process described in Section 3, (b) above, in compliance with Florida State Board Rule of Education (SBER) 6A-6.0786(1) and include any School Board required additional information as an addenda. The Model Florida Charter Schools Applications can be found on the [Florida Department of Education's website](#).

ii. Charter schools shall not use or bear the name of an existing traditional public, charter, or private/parochial school in Palm Beach County, Florida.

c. May 1 Application Reviews:

Pursuant to Fla. Stat. §§ 1002.33(6) (b), "an applicant may submit a draft charter school application on or before May 1 with an application fee of \$500. If a draft application is timely submitted, the sponsor shall review and provide feedback as to material deficiencies in the application by July 1. The applicant shall then have until August 1 to resubmit a revised and final application. The sponsor may approve the draft application."

The application must be submitted using the software made available by the School District as referenced above in Section 3, (b).

Additional information, as set forth in Section 3, d, II below, must also be submitted by the applicant and considered by the reviewers in their feedback.

d. August 1 Application Reviews:

i. The application must be submitted using the software made available by the District as well as the flash/travel drive data storage device as stated above in Section 3, (b). The entire application will be accessible to various departments within the District or other qualified individuals who will review designated component sections on behalf of the District. Applications will be evaluated using the most current and applicable Florida Charter School Application Evaluation Instrument and consider the additional information required by the School Board. The Florida Charter School Application Evaluation Instruments can be found on the [Florida Department of Education's website](#). Each section of a properly submitted application will be rated as "Meets the Standard," "Partially Meets the Standard," or "Does Not Meet the Standard". Persons who review the sections on behalf of the District shall provide written commentary to explain the rating given to each particular section if that section is rated as partially or does not meet the standard. After evaluation, each reviewer shall provide to the Superintendent's designee all sections of the application he/she reviewed as well as completed evaluation instruments for those sections.

ii. Pursuant to Fla. Stat. §§ 1002.33 (6) (a) 6, the School Board may solicit additional information from the charter school applicant. The School Board will solicit and require an applicant to provide information and/or documents for all of the additional items as an addendum to the charter application as follows:

A. A completed budget worksheet in the format prescribed by the District.

B. The name, academic (including ESE compliance) and prior charter school-related and business-related financial history and background of a) individual

applicants, b) applicant entity, c) founding and governing boards and their individual members, and d) ESP/management company. This information shall include, but not be limited to, a demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school and those hired or retained to perform professional services.

C. Information concerning whether the applicant, any of its founding/governing board members and/or ESP/management company, have had any management/ESP contract, position, or employment with any previously denied, failed, terminated, or voluntary terminated charter schools, or any other related charter schools. If they had this relationship, a description of the nature of that relationship, what were the circumstances of the closure and when it occurred, whether a final audit was performed, and whether all unencumbered public funds and property were returned/reverted to the School District or the Department of Education.

D. A detailed and specific description of how it encourages and implements innovative learning methods and measurement tools that are innovative.

The School Board defines innovative as introducing or using new ideas or methods or having new ideas about how learning methods can be performed in this School District. Being innovative is about looking beyond what is currently done well, identifying the great ideas of yesterday and/or tomorrow and putting them into practice. True innovative learning methods are those products, processes, strategies and approaches that improve significantly upon the status quo within this geographical area of the School District, and result in heightened qualities and outcomes of teaching and learning. The criteria for making this determination are set forth on the document that is attached hereto.

E. The strength and clarity of policies, responsibilities and practices of effective management of the school. A description of internal audit procedures and establishment of controls to ensure that the financial resources are properly managed must be included.

The additional information shall be used by the School Board to evaluate the applicant's proposed governing board's and proposed management company's ability to operate a charter school and shall be considered when the Superintendent decides whether to recommend approval or denial of an application and the School Board acts on the recommendation.

The track record for success in prior operations of a charter school include but not limited to compliance with the terms of the charter and provisions of applicable federal and State laws and regulations, demonstrating significant annual student learning gains, satisfactory school grades, and no significant financial issues.

iii. The applicant and School Board may mutually agree, in writing, to extend the statutory timeline for the District to consider the charter application. Such agreement shall detail the extension date or timeframe.

iv. The Superintendent will recommend approval only if the application meets all the standards. Only applicants who have presented a quality plan with no material weaknesses and have demonstrated the capacity to operate a quality charter school will be recommended for charter approval.

e. Applicant Notification: The Superintendent's designee shall in writing notify by email, with read receipt requested (if email address is known), and mail the applicant the results of the charter application evaluation, noting which sections have been rated "Partially Meets the Standard," or "Does Not Meet the Standard". If it appears that technical or non-substantive corrections and clarifications may cure the deficiencies in the application, the letter may notify the applicant, that upon receipt of the letter, the applicant has (seven) 7 calendar days to make technical or non-substantive corrections and clarifications as per the Statute but that substantive

changes will not be accepted.

f. **Limited Opportunity to Cure:** Within seven (7) calendar days after receipt of the District's written notice, an applicant may submit in writing, per Fla. Stat. § 1002.33 (6) (b), technical and non-substantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, that relate to any deficiency noted by a reviewer on the application evaluation instrument, if such errors are identified by the District as cause to deny the application. Technical corrections and clarifications cannot materially alter the application. Applicants may NOT submit this additional information after the seven (7) calendar day period expires and the District will NOT consider substantive changes.

g. Applicants shall not be provided with the opportunity to make substantive changes, but shall retain the right to reapply for a charter school in the subsequent school year without prejudice. Examples of substantive changes include, but are not limited to, the school's mission, the students to be served, the ages and grade to be included, the focus of the curriculum, the instructional methods to be used, budgetary assumptions, and distinctive instructional techniques to be employed.

h. **Optional Applicant Interview:**

i. If sections of the application were rated as "Does Not Meet the Standards" or "Partially Meet the Standards" due to technical or non-substantive deficiencies in the evaluations, and an interview could be helpful in providing these clarifications to the application, the parties may mutually agree to schedule an interview.

ii. Reviewers for the District, who have rated any section of a charter application as "Partially Meets the Standard" or "Does Not Meet the Standard" shall be present during the interview. Should the District reviewer be unable to attend, a designee will attend. The applicant should have present at the interview person(s) knowledgeable about the contents of the application and who have authority to act and speak on behalf of the applicant.

iii. At the interview, NO ADDITIONAL WRITTEN INFORMATION WILL BE ACCEPTED FROM THE APPLICANT OR ON THE APPLICANT'S BEHALF and no substantive changes will be considered.

iv. The Superintendent's designee will attempt to electronically record the interview but the District is not required to have it transcribed.

i. Reviewer(s) on behalf of the District will evaluate deficient sections considering the applicant's written non-substantive or technical corrections/clarifications if the applicant submits any and any interview responses. The reviewers will then submit their results to the Superintendent's designee. The District will request that an applicant undergoing this review agree to an extension of the statutory time for application approval or denial by the School Board for at least thirty (30) days.

j. **Non-substantive Application Review Notification:** After the technical and non-substantive reviews described above in Section (3) (f), (g) & (i), the Superintendent's designee shall contact each applicant in writing to inform the applicant of the results of the interview and application evaluations. This written notification will include the Superintendent's recommendation that will be made to the School Board, as well as notice of the time and date of the School Board meeting for action on the application. Applicants may also be asked if they want to withdraw their application.

k. For applicants that did not submit any changes to their application, if they did not meet standards, the Superintendent's designee may also ask them if they want to withdraw their application. If the application is not withdrawn, a written notification from the District to the applicant will include the evaluation results and the Superintendent's recommendation that will be made to the School Board, as well as notice of the time and date of the School Board meeting for action on the application.

l. In determining whether to approve or deny an application for a charter school (except for an application filed by a high-performing charter school or system), the School Board shall consider whether the application meets the criteria set forth in Fla. Stat. § 1002.33, the applicable State Board of Education approved DOE Application form, the applicable Florida Charter School Application Evaluation Instrument as required by SBER 6A-6.0786(2) and the additional information required by the School Board in Section (3), (d) (ii).

m. The School Board shall by majority vote, approve or deny the application. During the public meeting where the vote is taken, the applicant shall have the opportunity to be heard by the Board if the applicant makes the appropriate and timely request as required by the Board's public comment procedures or if Board Members have questions to ask the applicant.

n. Notice and Appeal: Within ten (10) calendar days after the School Board's decision to deny an application, the School Board shall provide written notice to the applicant, per the provisions of SBER 6A-6.0781, of the specific reasons, based upon good cause, for the denial of any application along with supporting documentation. The letter shall also state the procedure to appeal and shall be sent to the Florida Department of Education. Pursuant to Fla. Stat. § 1002.33(6) (c), an applicant may appeal to the Florida State Board of Education a denial of the application or the School Board's failure to timely act on an application pursuant to the procedure as set forth in SBER 6A-6.0781. The applicant must also file a copy of its appeal notice and supporting documents with the School Board's clerk or as otherwise provided by statute or rule.

#### 4. SPECIAL APPLICATION PROCEDURES FOR HIGH-PERFORMING CHARTER SCHOOLS

Applications submitted by a high-performing charter school are governed by Fla. Stat. §§ 1002.33(6) and 1002.331. The application process for a charter school that is defined as a high-performing charter school is determined by the Commissioner of Education per the provisions of Fla. Stat. § 1002.331(3) (a)

#### 5. CHARTER SCHOOL CONVERSION PROCESS

a. Per the provisions of SBER 6A-6.0787(1), the [S]chool Board, the principal, teachers, parents, and/or the school advisory council at an existing public school that has been in operation for at least two (2) years may submit a request in writing to the school administrator to conduct a vote for conversion. The request shall be submitted no later than ninety (90) days prior to the August 1 deadline for charter applications. The administrator shall initiate the ballot process within sixty (60) days of receipt of the written request and the ballot process shall be completed no less than thirty (30) days prior to the charter application deadline.

b. The secret ballots proposing to convert an existing public school to a charter school must demonstrate the support of teachers and a majority of the teachers employed at the school and a majority of the voting parents in accordance with Fla. Stat. § 1002.33(3) (b) and SBER 6A-6.0787(2). A majority of parents eligible to vote must participate in the ballot process. See SBER 6A-6.0787(5)(d).

c. "If a majority of teachers employed at the school and a majority of voting parents support the charter proposal, the conversion charter application must be submitted by the application deadline that follows the ballot. The ballot results may not carry over to another school year or application period. If a majority of parents and/or teachers do not support the charter proposal, the application may not be submitted to the sponsor." See SBER 6A-6.0787(3).

#### 6. CONTRACT NEGOTIATIONS, LAPSE, AND AMENDMENTS

a. Pursuant to Fla. Stat. § 1002.33 (6) (h): Within thirty (30) days after approval of an application by the School Board, District staff shall forward to the charter school applicant a contract proposal that is consistent with Florida and federal laws and, the standard State-approved charter with strike-throughs and underlines of changes to the standard charter as proposed by the Sponsor, as an initial proposed charter. Within forty (40) days after receipt of the District's initial proposed charter, the charter school and District staff shall negotiate the terms of the charter contract (based upon the District's proposed Charter) and the agreed upon contract shall be noticed to the School Board for final approval.

An extension of this time period is possible upon the agreement of the charter school and District

staff. The decision not to extend the negotiation period shall be at the sole discretion of the Sponsor. The application, absent mediation within Fla. Stat. § 1002.33 (6) (h), shall be automatically rescinded, without further action by the Sponsor, if the applicant does not enter into or conclude contract negotiations within the timeframe specified by law or the date of extension for negotiations which has been mutually agreed upon in writing by both parties.

b. The initial contract shall be for a term of four (4) or five (5) years, although it may be longer if allowed by law, subject to negotiations.

c. An existing charter contract may be amended in writing upon mutual agreement between the charter school and the School Board.<sup>1</sup> Pursuant to Fla. Stat. §§ 1002.33(7) (c), "[m]odification may include...consolidation of multiple charters into a single charter if the charters are operated under the same governing board and physically located on the same campus, regardless of the renewal cycle."

i. All contract amendment requests from charter schools shall be submitted in writing to the District's Charter School Department by an authorized agent of the charter school. The charter school shall provide evidence of governing board approval for all proposed amendments (e.g., governing board resolution, governing board meeting minutes).

ii. The School Board reserves the right to deny any such proposed amendment if the proposed amendment does not contain appropriate documentation or the amendment or the remaining charter do not conform with existing federal or State law or rules or the standard charter agreement.

iii. Requests for amendments involving an increase in student enrollment will also require, unless otherwise provided by Florida law, at minimum, updated budget information and documented facility capacity to accommodate the increase in student enrollment.

iv. Charter schools requesting the addition of grades, i.e. elementary schools requesting to add middle school grades, unless otherwise provided by Florida law, must also submit detailed plans, including but not limited to, those involving budget, facility, curriculum, transportation and food service.

d. New and renewal charter agreements must contain provisions, pursuant to the February 26, 2013 Resolution Agreement between the U.S. Department of Justice and the School Board, that the charter school will implement the District's enrollment and discipline policies consistent with the Agreement.

e. New, amended and renewal charter agreements, subject to negotiations, will contain provision that at least fifty-one percent of the Governing Board members must reside in Palm Beach County, Florida.

f. Additionally, these agreements, subject to negotiations, shall contain a provision that the charter school facility cannot be located in the vicinity of a District-operated school that has the same grade levels and programs.

g. The agreements shall also provide that the charter school will provide services to ELL students and students with disabilities as required by Federal and State laws.

h. Charter contract negotiations between the District and a high-performing charter school and amendments to its charter are governed by Fla. Stat. §§ 1002.33(6) & 1002.

i. Delegation of Authority: As set forth below, the School Board has delegated authority to the Superintendent/Superintendent's designee performing the following functions:

- i. negotiating the terms of the charter contract for presentation to the School Board.
- ii. granting extensions of time to negotiate charter contracts up to an additional six

months.

- iii. granting a one year deferral for the start-up of a charter school for good cause shown.

## 7. ONGOING MONITORING AND ADMINISTRATIVE COMPLIANCE

a. All applicants must participate in the applicant training provided by the Florida Department of Education ("DOE") pursuant to SBER 6A-6.0785. Failure to participate in the training shall be considered a violation of Florida law and may constitute grounds for termination of the charter contract. This training occurs after the approval of the application but at least 30 days before the first day of classes at the charter school. Dates for such DOE-sponsored training will be posted when available on the Florida Department of Education's Charter School website. The District shall provide notification of the applicant training requirement by sending written or electronic notification to all approved charter school applicants for the most recent application cycle. The notification shall include the Florida Department of Education's Charter School website.

b. All charter schools shall submit to the District certificates of occupancy, inspection reports, insurance premiums and other documentation listed on the Opening of Schools Checklist ("Checklist") PBSD 2414 prior to or at the beginning of each school year of the term of its contract. Pursuant to Fla. Stat. §§ 1002.33 (7) (a) (13), "The sponsor may not require a charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility earlier than 15 calendar days before the first day of school." Failure to present certain of these items, such as a certificate of occupancy, will prevent the school from opening. The Checklist will be provided to all charter schools by the Superintendent's designee and must be timely completed and returned to the District. Each document must be submitted by the corresponding due date on the Checklist. This Checklist is incorporated herein as part of this policy and can be found on the District's forms website.

c. All charter schools are subject to monitoring through software and/or Sponsor personnel who are subject matter experts pursuant to applicable law. Visits, as deemed necessary by the District, may be made by the District personnel to observe operations and to provide technical assistance when applicable. The District shall at all times have access to the School's student records for legitimate educational purposes, including for FTE audits. A mid-year and/or end-of-year review as determined by the Superintendent's designee shall be completed. The mid-year and/or end-of-year reviewers will review the academic, operations, governance and compliance of each charter school as well as its revenues, expenditures and financial status. Monitoring will occur to determine whether the school is meeting the goals and standards stated within its charter contract. These reviews will monitor compliance requirements including those legally mandated and those that are essential to fulfilling the District's oversight responsibility. The charter school's failure to timely submit complete requisite documentation to the District may constitute good cause for non-renewal or termination of the charter school's charter.

d. If a charter school has a deficient mid-year or end-of-year review or repetitive and/or an unresolved compliance issue, absent a decision to non-renew or terminate the charter, a Corrective Action Plan (CAP) must be jointly developed by the District and the charter school based on the following factors:

- i. evidence exists of the school's willingness and ability to correct the deficiencies within a reasonable period of time;
- ii. the seriousness of the deficiencies which constitute good cause as set forth in the charter; and
- iii. whether the school within the last few years was under a corrective action plan for similar issues and whether it was in compliance thereof.

The charter school must then satisfy all of the CAP compliance issues as reasonably determined by the District. The District will approve, monitor, and redress said corrective action plans, as well as provide technical assistance to the charter school. Charter schools are also subject to expedited reviews and corrective action plans under Fla. Stat. §

## 1002.345 and SBER 6A-1.0081.

e. All charter schools must submit all reports as required by Florida Statutes or State Board of Education Rules, as amended from time to time, including SBER 6A-1.0081, in a timely fashion. All charter schools must submit timely reports and/or documentation as required by the District and/or the charter agreement in order for the District to perform its oversight functions. Examples of these required reports and/or documents that are required to be timely submitted include, but are not limited to the following: school improvement plan, facility certification, annual accountability report, and financial statements.

f. Charter schools are required to timely and fully comply with and respond to additional audit, review and investigation requests from the District, including its Inspector General that are being conducted for a legitimate purpose; comply with all applicable District policies and procedures that are applicable per their charter or by law; comply with the provisions of Fla. Stat. § 1002.33 (11) (f) to have certified teachers under contract prior to the start of the school year; comply with the requirements for governing board meetings, and timely submission of governing board meeting minutes to the Superintendent's designee. A Foundation for the benefit of the charter school and the management company/ESP for the charter school in relation to the school's activities also have the responsibility to timely and fully comply with and respond to additional audit, review and investigation requests from the District, including its Inspector General. The District may also refer investigations of complaints it receives relating to the charter school to its governing board, unless it involves governing board or governing board members activity or requires immediate action relating to the health, safety or welfare of the students, and the governing board will report its findings to the District. Investigations involving governing board members may be referred to appropriate legal authorities. Failure to comply with these requirements may constitute good cause for non-renewal or termination of a charter contract.

g. In the event there are outstanding or existing issues impacting the operation of the charter school, or when a charter is deficient in academic performance, governance, or finances, or is in a financial emergency, the School Board will be notified in writing by the Superintendent or designee at the time the District is aware of the issue.

h. If the District or the State concludes that a charter school has significant financial, governance or academic issues, the director and a representative of the governing body of a charter school shall appear before the School Board at a public meeting at least once a year to present information regarding the corrective strategies that are being implemented to address the issues. The School Board shall communicate at the meeting, and in writing to the director, the services and/or recommendations provided to the school to help the school address its deficiencies.

## 8. RENEWAL OF CHARTER CONTRACTS

a. When a charter school seeks renewal of its charter, the following process shall apply.

b. During the final year of a charter school's contract term, designated District staff will conduct a comprehensive program review in order to determine whether a charter school meets the criteria for renewal as set forth in Fla. Stat. § 1002.33(7)(a) & (b), that none of the grounds for non-renewal under Fla. Stat. § 1002.33 (8) (a) exist, as well as compliance with the existing charter provisions. The District's staff will review the identified innovative learning methods of the school and if they are the same as stated within the School's prior charter application and charter, they will be deemed compliant as meeting the statutory innovative requirement.

c. The charter school principal and/or governing board chair will be scheduled and appear before the School Board at a public meeting to answer questions from the Board and address issues including:

- i. the needs of their students and types of programs offered; and
- ii. the kinds of interventions and strategies they have used or intend to use to improve their students' achievement.

d. If a charter school does not meet the criteria for a renewal charter contract and the existing charter provisions, the Board shall vote whether to approve non-renewal of the charter.

e. If a charter school meets the criteria for a renewal charter contract and the existing charter provisions, the Board shall vote whether to approve the renewal.

f. If the Board votes to approve the renewal, the District will provide the charter school a proposed charter and negotiations for a renewal charter shall then commence within the timelines provided by State law. Until the State Board of Education develops a format for a renewal charter contract, the District's standard charter proposal, as modified for a renewal, will be used. If the State Board of Education develops a format for a renewal charter contract, the parties shall use that format. The negotiations must address the term of the renewal contract, any updates/changes to the goals and objectives of the school, budget updates, and any other changes based upon the current District proposal or State Board of Education approved model charter format.

g. If a renewal charter agreement has not been approved by both parties and the term of the current charter agreement is about to expire, District staff will attempt to obtain approval from the charter school and present to the School Board an amendment to the existing charter agreement for a short extension of time. The extension would be until an agreement has been reached and approved by the school's governing board and School Board or after the statutory procedures for mediation or a hearing have been completed and the renewal charter terms are determined.

#### 9. NON-RENEWAL OR TERMINATION OF CHARTERS

a. The District shall adhere to Fla. Stat. § 1002.33(8) and State Board of Education Rules when considering the nonrenewal or termination of any charter contract. Pursuant to Fla. Stat. §§ 1002.33 (8) (a), the School Board:

i. shall make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter. The School Board may also choose not to renew or may terminate the charter for any reason set forth in the law and/or in the charter contract including any of the following grounds:

A. Failure to participate in the state's education accountability system created in s. 1008.31, as required in this section, or failure to meet the requirements for student performance stated in the charter.

B. Failure to meet generally accepted standards of fiscal management.

C. Violation of law.

D. Other good cause shown.

b. At least 90 days prior to the District's intent to non-renew or terminate a charter (except for immediate terminations), the Superintendent/designee, following a School Board vote, shall notify in writing the governing board of the charter school. This notice shall state in reasonable detail the grounds for the proposed action and inform the charter school that its governing board, within 14 calendar days after receiving the notice, may request a hearing by filing a legally sufficient written request with the School Board's Clerk. This would require a written petition or a hearing request that is legally sufficient under Fla. Stat. §§ 120.569 (2) (c) and 120.54 (5) (b) and Fla. Admin. Code R. 28-106.201 and 28-106.104, filed by the charter school's governing board with the Clerk of the School Board within fourteen (14) calendar days after the school's receipt of the notice.

c. Hearings.

i. The School Board hereby delegates to its General Counsel the function of ruling, prior to the submission of the case to DOAH, on any pre-hearing motions such as a request for extension of time, and determining if the petition or request for hearing is

legally sufficient or timely.

ii. If the General Counsel, on behalf of the School Board, determines that the petition/request for hearing is not legally sufficient or timely, the School Board (through its General Counsel) may deny/dismis the petition or request for a hearing pursuant to Fla. Stat. § 120.569(c) and the Uniform Rules of Procedure. A petition shall be dismissed if it is not in substantial compliance with these requirements or it has been untimely filed. Dismissal of a petition timely filed shall, at least once, be without prejudice to petitioner's filing a timely amended petition/request for hearing curing the defect, unless it conclusively appears from the face of the petition/request for hearing that the defect cannot be cured. The School Board (through its General Counsel) shall promptly give written notice to all parties of the action taken on the petition/request for hearing, shall state with particularity its reasons if it is not granted, and shall state the deadline for filing an amended petition/request for hearing if applicable. Any further amendments of the petition/request for hearing shall follow Fla. Admin. Code R. 28-106.202.

iii. If the General Counsel, on behalf of the School Board, determines that the petition/request for hearing is legally sufficient, he/she shall submit the charter school's petition or request for a hearing to the Division of Administrative Hearings (DOAH) for a hearing to be conducted by an administrative law judge under DOAH.

iv. The hearing shall be conducted within 60 days (unless extensions are mutually agreed to by the charter school and counsel for the District) after receipt of the request for a hearing and in accordance with chapter 120. The procedures within Fla. Stat. §§ 120.569 and 120.57 and relevant Uniform Rules of Procedure shall apply to the pre-hearing and hearing procedures. See Chapter 28-106 Decisions Determining Substantial Interests.

v. The administrative law judge's Recommended Order shall be submitted to the School Board. Once the Recommended Order is received by the School Board, per Fla. Stat. § 120.66, **no ex parte communication** relative to the merits, threat, or offer of reward shall be made to any School Board Member by any persons specified within Fla. Stat. § 120.66 (1). If a Board Member receives an ex parte communication in violation of this provision, the process set forth within Fla. Stat. § 120.66 (2) will apply.

vi. Following the entry of a Recommended Order by the administrative law judge, the procedures within Fla. Stat. chapter 120 will apply as to the filing of Exceptions and entry of a Final Order.

vii. A majority vote by the School Board shall be required to adopt or modify the administrative law judge's Recommended Order. The School Board shall issue a Final Order.

viii. The Final Order shall state the specific reasons for the School Board's decision. The School Board shall provide its Final Order to the charter school's governing board and the Department of Education no later than 10 calendar days after its issuance. The charter school's governing board may, within 30 calendar days after receiving the School Board's Final Order, appeal the decision pursuant to Fla. Stat. § 120.68.

d. Immediate Terminations of Charter Contracts

i. If the School Board determines to terminate a charter contract immediately, upon receiving written notice thereof, the charter school's governing body has ten (10) calendar days to file a petition or request for hearing by filing the request with the Clerk of the School Board. The petition must be legally sufficient and timely as stated within sub-paragraph 9(c) above.

ii. The pre-hearing and hearing procedures set forth above in sub-paragraph 9(c) apply to hearings following immediate terminations of charters under Fla. Stat. § 1002.33 (8) (d). This hearing will be conducted after the immediate termination occurs.

e. Process when Charter School is closing:

- i. The District shall develop a comprehensive closing school checklist and school closure plan. The plan shall include timelines and procedures to follow to protect the District's and student's interests.
- ii. The District's representative will schedule an *initial* transition meeting with the School's Governing Board, Administrator(s) and/or Operator(s) of the Charter School upon issuance of the Sponsor's notice of termination/non-renewal or if the School notifies the Sponsor of an intent to close. The School shall cooperate with the District employees in the transition. This transition meeting should clearly outline the objectives of the Closure Plan and the timeline associated with the closure of the School. Upon notice of the closing of a charter school, District employees will meet with the school officials and go over the items in a closing school checklist.
- iii. The School shall provide the Sponsor sufficient notice of the final governing board meeting so that the Sponsor's representative may attend to ensure appropriate dissolution of the legal entity, proper closure of business records, and proper authorization and timeline on all post-closure matters.
- iv. Furthermore, the District's representative will schedule a *final closure meeting* with the School to ensure that all of the components of the Closure Plan have been timely addressed and completed. The School shall cooperate.
- v. A *Final Closure Report* shall be completed and provided to the School Board that informs and memorializes the outcome of the implementation of the Closure Plan with the Charter School. Said Report should be signed by appropriate District Staff as well as the Governing Board Chair of the Charter School and identify the final status of the various areas addressed in the Closure Plan.

#### 10. DISTRICT'S ASSISTANCE TO LOW PERFORMING CHARTER SCHOOLS

- a. The District will offer reasonable technical assistance to assist students at low-performing graded charter schools as well as non-graded charter schools with low-performing students. The technical assistance shall be made available to cure deficiencies and remediate academic concerns of students. To the extent any of the services provided by the District to the charter school are beyond those required by Fla. Stat. § 1002.33 (20) or as stated in the school's charter, the District may charge the school reasonable fees to cover the costs of the services as allowed by law. Failure by a charter school to cooperate in the resolution of such performance issues may constitute good cause for non-renewal or termination of a charter contract.
- b. Per Fla. Stat. § 1002.33 (9) (p), the director and a representative of the governing body of a graded charter school that has submitted a school improvement plan or has been placed on probation under Fla. Stat. § 1002.33(9) (o) shall appear before School Board at a public meeting at least once a year to present information regarding the corrective strategies that are being implemented by the school pursuant to the school improvement plan. The School Board shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

#### 11. DISTRICT'S SUPPORT SERVICES TO CHARTER SCHOOLS

The District will provide specified administrative and educational services to charter schools as provided by Fla. Stat. § 1002.33 (20). To the extent the District provides any services to the charter school that are beyond those required by Fla. Stat. §1002.33 (20) or as stated in the school's charter, the District may charge the school reasonable fees to cover the costs of the services as allowed by law.

#### 12. INTERPRETATION

In the event that an existing charter school contract provision is found to be inconsistent with this policy, the contract provision prevails, unless the contract provision is no longer consistent with the law and the

contract indicates that its terms change based on changes in the law.

**13. PROCEDURES**

The Superintendent's designee may establish internal operating procedures as deemed necessary for the efficient and effective administration of the District's activities relating to charter schools.

STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41 (1) & (2); 1001.42 (25)

LAWS IMPLEMENTED: Fla. Stat. §§ 1002.33; 1002.331; 1001.332; 1002.345

HISTORY: 02/05/97; 10/01/97; 10/07/98; 10/20/99; 10/25/00; 7/25/2012; 05/27/2015

^The Charter Contract may also provide that the Charter is modified by changes in the law.

**RUBRIC FOR CHARTER SCHOOL APPLICATION REVIEW OF INNOVATIVE METHODS**

**Innovative:** introducing or using new ideas or methods or having new ideas about how learning methods can be performed in this School District. Being innovative is about looking beyond what is currently done well, identifying the great ideas of yesterday and/or tomorrow and putting them into practice. True innovative learning methods are those products, processes, strategies and approaches that improve significantly upon the status quo within this geographical area of the School District, and result in heightened qualities and outcomes of teaching and learning

<p><b>Meets the Standard</b></p> <p><b>Mission, Guiding Principles &amp; Purpose</b> The application has evidence of</p> <ul style="list-style-type: none"> <li>The use of innovative teaching and learning goals and interventions targeting academic support to all students especially for historically low performing students.</li> <li>Inclusive, deliberate, and a monitored process that measures innovative goals and practices within the school.</li> </ul>	<p><b>Partially Meets the Standard</b></p> <p><b>Mission, Guiding Principles &amp; Purpose</b> The application has some evidence of</p> <ul style="list-style-type: none"> <li>The use of innovative teaching and learning goals and interventions targeting academic support to all students especially for historically low performing students.</li> <li>Inclusive, deliberate, and a monitored process that measures innovative goals and practices within the school.</li> </ul>	<p><b>Does Not Meet the Standard</b></p> <p><b>Mission, Guiding Principles &amp; Purpose</b> The application has no evidence of</p> <ul style="list-style-type: none"> <li>The use of innovative teaching and learning goals and interventions targeting academic support to all students especially for historically low performing students.</li> <li>Inclusive, deliberate, and a monitored process that measures innovative goals and practices within the school.</li> </ul>
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**RUBRIC FOR CHARTER SCHOOL APPLICATION REVIEW OF INNOVATIVE METHODS**

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<p>type to respond to the varying needs, abilities, and interests of students.</p> <p><b>Curriculum Plan</b> The application has evidence of</p> <ul style="list-style-type: none"> <li>• Innovative practices and approaches in the classroom with teaching methods based on students' needs especially for meeting the instructional needs of historically low performing students.</li> <li>• Curricular integration of thinking and learning skills that connect the rigor of instruction to applied concepts and outcomes.</li> <li>• Use of thematically organized classrooms and school to foster high levels of interest and motivation in students for integrated learning and student-centered outcomes.</li> </ul>	<p>type to respond to the varying needs, abilities, and interests of students.</p> <p><b>Curriculum Plan</b> The application has some evidence of</p> <ul style="list-style-type: none"> <li>• Innovative practices and approaches in the classroom with teaching methods based on students' needs especially for meeting the instructional needs of historically low performing students.</li> <li>• Curricular integration of thinking and learning skills that connect the rigor of instruction to applied concepts and outcomes.</li> <li>• Use of thematically organized classrooms and school to foster high levels of interest and motivation in students for integrated learning and student-centered outcomes.</li> </ul>	<p>type to respond to the varying needs, abilities, and interests of students.</p> <p><b>Curriculum Plan</b> The application has no evidence of</p> <ul style="list-style-type: none"> <li>• Innovative practices and approaches in the classroom with teaching methods based on students' needs especially for meeting the instructional needs of historically low performing students.</li> <li>• Curricular integration of thinking and learning skills that connect the rigor of instruction to applied concepts and outcomes.</li> <li>• Use of thematically organized classrooms and school to foster high levels of interest and motivation in students for integrated learning and student-centered outcomes.</li> </ul>
<p><b>Student Performance, Assessment &amp; Evaluation</b> The application has evidence of</p> <ul style="list-style-type: none"> <li>• Research-based formative assessments providing instructional use of how well students have learned, or are prepared to learn key content and skills.</li> </ul>	<p><b>Student Performance, Assessment &amp; Evaluation</b> The application has some evidence of</p> <ul style="list-style-type: none"> <li>• Research-based formative assessments providing instructional use of how well students have learned, or are prepared to learn key content and skills.</li> </ul>	<p><b>Student Performance, Assessment &amp; Evaluation</b> The application has no evidence of</p> <ul style="list-style-type: none"> <li>• Research-based formative assessments providing instructional use of how well students have learned, or are prepared to learn key content and skills.</li> </ul>

**RUBRIC FOR CHARTER SCHOOL APPLICATION REVIEW OF INNOVATIVE METHODS**

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<ul style="list-style-type: none"> <li>• Data analysis of research-based formative assessments to make adjustments in instruction to promote success in learning.</li> <li>• Engaging students in collaborative assessment conferencing to support and develop skills in creating their own learning pathways.</li> </ul>	<ul style="list-style-type: none"> <li>• Data analysis of research-based formative assessments to make adjustments in instruction to promote success in learning.</li> <li>• Engaging students in collaborative assessment conferencing to support and develop skills in creating their own learning pathways.</li> </ul>	<ul style="list-style-type: none"> <li>• Data analysis of research-based formative assessments to make adjustments in instruction to promote success in learning.</li> <li>• Engaging students in collaborative assessment conferencing to support and develop skills in creating their own learning pathways.</li> </ul>
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**ATTACHMENT 1-D**

**Affidavit of James T. Pegg**

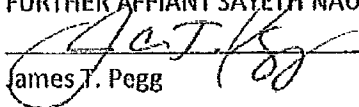
AFFADAVIT OF JAMES T. PEGG

BEFORE ME, the undersigned authority, on this day personally appeared James T. Pegg, the undersigned affiant, who, after being by me first duly sworn, deposes the following and states,

1. As Director of the Department of Charter Schools, I had phone conversations and a meeting with Derek Kelmanson of Charter Schools USA (CSUSA) regarding the approval status of the charter school application for Renaissance Charter High School of Palm Beach. Mr. Kelmanson is the identified contact person on the application for this charter school.
2. Following the applicant interview of September 22, 2015, a letter of 7-Day Notification was sent to Mr. Kelmanson on September 24, 2015, (exhibit 1) which included the first revisions to the initial evaluations of the application. I spoke with Mr. Kelmanson on the phone on September 25, 2015, regarding the revised evaluations. In that conversation, I shared that Section 1 was to be revised as the content of the application was further reviewed and determined that this section had not satisfied the conditions of the School Board Policy 2.57 Rubric for Charter School Application Review of Innovative Methods (Review Rubric)(exhibit 2). Mr. Kelmanson requested and I agreed to continue to review using clarifications he would send in response to the 7-Day Notification. We determined it was necessary to mutually agree to an extension of application review time in order to include the application on the November 4, 2015, School Board Meeting agenda. Mr. Kelmanson and I signed the extension letter dated October 5, 2015, (exhibit 3).
3. After receiving the clarifications in response to the 7-Day Notification (exhibit 4), further review of application was conducted. It was my professional perspective in using the Review Rubric, that Section 1 would require substantive revisions in order to rate the section as "Meets the Standards." The content of the application and the clarifications did not provide evidence to, "Improve significantly upon the status quo...of the School District." Nor was there evidence in this section of "innovative teaching and learning goals and interventions targeting academic support to all students." Therefore, the final evaluation for Section 1 was rated as "Does Not Meet the Standard."
4. A meeting was conducted with Mr. Kelmanson and Mr. Ralph Arza on October 28, 2015, to discuss the status of the evaluation of the application. At that meeting, the evaluation for Section 1 was discussed and it was shared with the parties present at the meeting how the Review Rubric was used to contribute to the evaluation of Section 1. It was also discussed that Sections 6, 7, 13, 17, and 19 would remain rated as "Partially Meets the Standard," as no clarifying information would impact these sections, but Section 15 would be revised to be rated as "Meets the Standard." Mr. Kelmanson and Mr. Arza were made aware that the application would be moved forward for School Board action at the November 4, 2015, meeting with a recommendation of Denial for Approval.

5. The Notice of the Special School Board Meeting (exhibit 5) was sent to CSUSA on October 28, 2015, following the meeting of the same date, including the Overall Assessment, that provided the final ratings of the application.

FURTHER AFFIANT SAYETH NAUGHT.

  
James T. Pegg

11/13/15  
Date

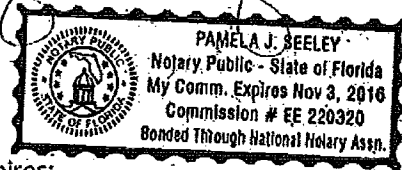
STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was sworn to and subscribed before me this 13<sup>th</sup> day of November, 2015, by JAMES T. PEGG, who is personally known to me, and did/did not take an oath.

  
NOTARY PUBLIC

(Seal)

My Commission expires:



**EXHIBIT 1**  
**To Affidavit of James T. Pegg**



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL

DEPARTMENT OF CHARTER SCHOOLS  
3300 FOREST HILL BOULEVARD, 1BIS BLDG. E  
WEST PALM BEACH, FL 33406-5869  
PHONE: 561-434-8681 / FAX: 561-434-7498  
[WWW.PALMBEACHSCHOOLS.ORG/CHARTER](http://WWW.PALMBEACHSCHOOLS.ORG/CHARTER)

JAMES T. PEGG  
DIRECTOR

DAVID W. CHRISTIANSEN, Ed.D  
DEPUTY SUPERINTENDENT/CHIEF OF SCHOOLS

KEITH OSWALD  
CHIEF ACADEMIC OFFICER

JOSEPH M. LEE, Ed.D.  
ASSISTANT SUPERINTENDENT

VIA EMAIL: [dtkelmanson@charter-schools.usa.com](mailto:dtkelmanson@charter-schools.usa.com)

September 24, 2015

Mr. Kelmanson  
Renaissance Charter School, Inc.  
Renaissance Charter High School of Palm Beach  
6278 North Federal Highway, #304  
Fl. Lauderdale, FL 33308

Dear Mr. Kelmanson:

Thank you for submitting an application to the Department of Charter Schools to open a Charter School in Palm Beach County in 2015. The Application Interview was held on September 22, 2015.

District reviewers originally rated the following application sections as "Partially Meets the Standard" or "Does not Meet the Standard" according to the criteria outlined in the Model Florida Charter School Application.

- o Section 06 – Partially Meets the Standard
- o Section 07 – Partially Meets the Standard
- o Section 13 – Partially Meets the Standard
- o Section 15 – Partially Meets the Standard
- o Section 17 – Does Not Meet the Standard
- o Section 19 – Partially Meets the Standard

The District will NOT consider substantive changes and will NOT consider late submitted responses to this letter. However, the reviewers will consider non-substantive clarifications before re-evaluating the sections listed.

This letter is your 7 day notification. For the District to consider any non-substantive and technical corrections and clarifications from you, your response must be received by this office no later than 4:30 pm on October 1, 2015, which is 7 calendar days from the date of this letter.

Should you have any questions, please contact the Department of Charter Schools at (561) 434-8681.

Sincerely,

James T. Pegg  
Director

JTP/fw

Attachments

c: Joseph M. Lee, Ed.D, Assistant Superintendent

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The School District of Palm Beach County  
A Top-Rated School District by the Florida Department of Education Since 2005  
An Equal Education Opportunity Provider and Employer

**EXHIBIT 2**  
**To Affidavit of James T. Pegg**

**RUBRIC FOR CHARTER SCHOOL APPLICATION REVIEW OF INNOVATIVE METHODS**

innovative: introducing or using new ideas or methods or having new ideas about how learning methods can be performed in this School District. Being innovative is about looking beyond what is currently done well, identifying the great ideas of yesterday and/or tomorrow and putting them into practice. True innovative learning methods are those products, processes, strategies and approaches that improve significantly upon the status quo within this geographical area of the School District, and result in heightened qualities and outcomes of teaching and learning

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<p><b>Mission, Guiding Principles &amp; Purpose</b> The application has evidence of</p> <ul style="list-style-type: none"> <li>• The use of innovative teaching and learning goals and interventions targeting academic support to all students especially for historically low performing students.</li> <li>• Inclusive, deliberate, and a monitored process that measures innovative goals and practices within the school.</li> </ul>	<p><b>Mission, Guiding Principles &amp; Purpose</b> The application has some evidence of</p> <ul style="list-style-type: none"> <li>• The use of innovative teaching and learning goals and interventions targeting academic support to all students especially for historically low performing students.</li> <li>• Inclusive, deliberate, and a monitored process that measures innovative goals and practices within the school.</li> </ul>	<p><b>Mission, Guiding Principles &amp; Purpose</b> The application has no evidence of</p> <ul style="list-style-type: none"> <li>• The use of innovative teaching and learning goals and interventions targeting academic support to all students especially for historically low performing students.</li> <li>• Inclusive, deliberate, and a monitored process that measures innovative goals and practices within the school.</li> </ul>
<p><b>Educational Program Design</b> The application has evidence of</p> <ul style="list-style-type: none"> <li>• The use of innovative programs to respond to the varying needs, abilities, and interests of students.</li> <li>• Flexibility in classroom structure and organization to involve restructuring of grouping of students to meet the assessed needs of all students.</li> <li>• Connections of one innovation to another innovation so that information, technology, implementation, etc. do not sit alone as isolated innovative strategies.</li> <li>• Learning opportunities that provide a flexible program proto-</li> </ul>	<p><b>Educational Program Design</b> The application has some evidence of</p> <ul style="list-style-type: none"> <li>• Innovative programs to respond to the varying needs, abilities, and interests of students.</li> <li>• Flexibility in classroom structure and organization to involve restructuring of grouping of students to meet the assessed needs of all students.</li> <li>• Connections of one innovation to another innovation so that information, technology, implementation, etc. do not sit alone as isolated innovative strategies.</li> <li>• Learning opportunities that provide a flexible program proto-</li> </ul>	<p><b>Educational Program Design</b> The application has no evidence of</p> <ul style="list-style-type: none"> <li>• Innovative programs to respond to the varying needs, abilities, and interests of students.</li> <li>• Flexibility in classroom structure and organization to involve restructuring of grouping of students to meet the assessed needs of all students.</li> <li>• Connections of one innovation to another innovation so that information, technology, implementation, etc. do not sit alone as isolated innovative strategies.</li> <li>• Learning opportunities that provide a flexible program proto-</li> </ul>

RUBRIC FOR CHARTER SCHOOL APPLICATION REVIEW OF INNOVATIVE METHODS

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<p>type to respond to the varying needs, abilities, and interests of students.</p>	<p>type to respond to the varying needs, abilities, and interests of students.</p>	<p>type to respond to the varying needs, abilities, and interests of students.</p>
<p>Curriculum Plan The application has no evidence of</p> <ul style="list-style-type: none"> <li>innovative practices and approaches in the classroom with teaching methods based on students' needs especially for meeting the instructional needs of historically low performing students.</li> <li>Curricular integration of thinking and learning skills that connect the rigor of instruction to applied concepts and outcomes.</li> <li>Use of thematically organized classrooms and school to foster high levels of interest and motivation in students for integrated learning and student-centered outcomes.</li> </ul>	<p>Curriculum Plan The application has some evidence of</p> <ul style="list-style-type: none"> <li>Innovative practices and approaches in the classroom with teaching methods based on students' needs especially for meeting the instructional needs of historically low performing students.</li> <li>Curricular integration of thinking and learning skills that connect the rigor of instruction to applied concepts and outcomes.</li> <li>Use of thematically organized classrooms and school to foster high levels of interest and motivation in students for integrated learning and student-centered outcomes.</li> </ul>	<p>Curriculum Plan The application has evidence of</p> <ul style="list-style-type: none"> <li>Innovative practices and approaches in the classroom with teaching methods based on students' needs especially for meeting the instructional needs of historically low performing students.</li> <li>Curricular integration of thinking and learning skills that connect the rigor of instruction to applied concepts and outcomes.</li> <li>Use of thematically organized classrooms and school to foster high levels of interest and motivation in students for integrated learning and student-centered outcomes.</li> </ul>
<p>Student Performance, Assessment &amp; Evaluation The application has no evidence of</p> <ul style="list-style-type: none"> <li>Research-based formative assessments providing instructional use of how well students have learned, or are prepared to learn: key content and skills.</li> </ul>	<p>Student Performance, Assessment &amp; Evaluation The application has some evidence of</p> <ul style="list-style-type: none"> <li>Research-based formative assessments providing instructional use of how well students have learned, or are prepared to learn key content and skills.</li> </ul>	<p>Student Performance, Assessment &amp; Evaluation The application has evidence of</p> <ul style="list-style-type: none"> <li>Research-based formative assessments providing instructional use of how well students have learned, or are prepared to learn key content and skills.</li> </ul>

**RUBRIC FOR CHARTER SCHOOL APPLICATION REVIEW OF INNOVATIVE METHODS**

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<ul style="list-style-type: none"> <li>◦ Data analysis of research-based formative assessments to make adjustments in instruction to promote success in learning.</li> <li>◦ Engaging students in collaborative assessment conferencing to support and develop skills in creating their own learning pathways.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Data analysis of research-based formative assessments to make adjustments in instruction to promote success in learning.</li> <li>◦ Engaging students in collaborative assessment conferencing to support and develop skills in creating their own learning pathways.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Data analysis of research-based formative assessments to make adjustments in instruction to promote success in learning.</li> <li>◦ Engaging students in collaborative assessment conferencing to support and develop skills in creating their own learning pathways.</li> </ul>
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**EXHIBIT 3**  
**To Affidavit of James T. Pegg**



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL

DEPARTMENT OF CHARTER SCHOOLS  
3300 FOREST HILL BOULEVARD, 1015 BLDG. E  
WEST PALM BEACH, FL 33406-5869  
PHONE: 561-434-8681 / FAX: 561-434-7498  
[WWW.PALMBEACHSCHOOLS.ORG/CHARTER](http://WWW.PALMBEACHSCHOOLS.ORG/CHARTER)

JAMES T. PEGG  
DIRECTOR

DAVID W. CHRISTIANSEN, Ed.D  
DEPUTY SUPERINTENDENT/CHIEF OF SCHOOLS

KEITH OSWALD  
CHIEF ACADEMIC OFFICER

JOSEPH M. LEE, Ed.D.  
ASSISTANT SUPERINTENDENT

VIA EMAIL: [dkelwanson@charterschoolusa.com](mailto:dkelwanson@charterschoolusa.com)

October 5, 2015

Renaissance Charter School, Inc.  
Renaissance Charter High School of Palm Beach  
6278 North Federal Highway, #384  
Pt. Lauderdale, FL 33308

Dear Renaissance Charter School Inc.,

Thank you for submitting a charter school application with the School District of Palm Beach County. We are requesting your consideration for an extension until November 4, 2015. The recommendation for action of your application will be placed on the School Board of Palm Beach County's Meeting agenda and we will notify you of the date in writing.

By signing and dating below, you are agreeing to the above-requested extension. Kindly fax a signed copy of this extension letter as soon as possible to (561) 434-7498, or email to: [jim.pegg@palmbeachschools.org](mailto:jim.pegg@palmbeachschools.org)

If you would like further information or have questions, please do not hesitate to contact James T. Pegg at (561) 969-5875.

Renaissance Charter School, Inc.  
Renaissance Charter High School of Palm Beach

Date

10/5/15

James T. Pegg, Director  
Department of Charter Schools

Date

10/5/15

Sincerely,

James T. Pegg, Director

JTP/lb

c: Joseph M. Lee, Ed.D, Assistant Superintendent

The School District of Palm Beach County  
A Top-Rated School District by the Florida Department of Education Since 2005  
An Equal Education Opportunity Provider and Employer

**EXHIBIT 4**  
**To Affidavit of James T. Pegg**

### Textbooks / Curricular Materials / Assessments (Sections from Palm Beach District budget)

	Plng Yr	Year 1	Year 2	Year 3	Year 4	Year 5
Enrollment		600	900	1200	1200	1200

#### Books For New Students / Additional Enrollment

	Plng Yr	Year 1	Year 2	Year 3	Year 4	Year 5
New Student Seats (by Grade Level)		600	300	300	0	0
Total Student's To Buy Books For	0	600	300	300	0	0
Books To Buy Per Student	0	1	1	1	0	0
	\$0.00	\$120,000.00	\$61,200.00	\$62,424.00	\$0.00	\$0.00

#### Replacement Books

	Plng Yr	Year 1	Year 2	Year 3	Year 4	Year 5
Replacement Books To Purchase	0	0	0	0	720	720
	\$0.00	\$0.00	\$0.00	\$0.00	\$38,203.20	\$38,966.40

#### New Textbook Adoption

	Plng Yr	Year 1	Year 2	Year 3	Year 4	Year 5
Textbook Adoptions (New Series)	0	0	0	0	720	720
	\$0.00	\$0.00	\$0.00	\$0.00	\$38,203.20	\$38,966.40

#### Custom Expenses Page

Consumable Instructional (Teachers and Students)		\$ 70,000.00	\$ 107,100.00	\$ 144,095.40	\$ 146,977.31	\$ 149,916.85
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#### Instructional Technology (Instructional Licenses included)\*

	Plng Yr	Year 1	Year 2	Year 3	Year 4	Year 5
Cost PER CLASSROOM	\$	\$ 13,659.40	\$ 3,791.20	\$ 3,630.40	\$ 3,891.40	\$ 3,883.40
Number of Classrooms		10	10	10	10	10
	\$0.00	\$136,594.00	\$34,912.00	\$36,304.00	\$35,944.00	\$35,834.00

Additional ANNUAL Instructional Tech Money	\$					
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* Portion Instructional Licenses		\$ 10,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
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Total Combined Instructional (excludes testing)		\$200,000.00	\$193,300.00	\$231,519.40	\$248,383.71	\$252,849.65
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### Recap of Instructional Expenses

#### Books/ consumables / Instructional Software

	Budget cross reference	Year 1	Year 2	Year 3	Year 4	Year 5
Consumable Instructional (Teachers and Students)	Other Expense / Other Support	\$70,000.00	\$107,100.00	\$144,095.00	\$146,977.00	\$149,916.85
Instructional Licenses	Component of Instructional Technology	\$10,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00
Textbooks (\$200 / student + Replenish Yr 4 & 5)	Textbooks / Curricular Materials / Assessments	\$170,000.00	\$61,200.00	\$62,424.00	\$76,405.40	\$77,932.80
<b>TOTAL</b>		\$200,000.00	\$193,300.00	\$231,519.00	\$248,383.40	\$252,849.65
Per Student Allotment		\$333.33	\$214.78	\$192.93	\$206.99	\$210.71

### Reallocation of Instructional expenses (Per Student Allotment)

Textbooks		\$180,000.00	\$91,800.00	\$93,600.00	\$76,405.40	\$77,932.80
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Sample grant:		Year 1	Year 2	Year 3	Year 4	Year 5
ELA	\$ 82.00	\$49,200.00	\$25,092.00	\$25,584.00	\$0.00	\$0.00
Science	\$ 60.00	\$36,000.00	\$18,360.00	\$18,720.00	\$0.00	\$0.00
Social Studies	\$ 54.00	\$32,400.00	\$16,524.00	\$16,848.00	\$0.00	\$0.00
Math	\$ 54.00	\$32,400.00	\$16,524.00	\$16,848.00	\$0.00	\$0.00
Other: TBD	\$ 50.00	\$30,000.00	\$15,300.00	\$15,600.00	\$0.00	\$0.00
Replenish					\$76,405.40	\$77,932.80
		\$150,000.00	\$91,600.00	\$93,600.00	\$76,405.40	\$77,932.80

Instructional Licenses (reallocated)	Component of Instructional Technology	\$12,615.00	\$26,725.95	\$35,021.20	\$76,520.80	\$27,510.56
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Sample grant:		Year 1	Year 2	Year 3	Year 4	Year 5
Plato	\$ 7.500	\$7,500.00	\$7,650.00	\$7,800.00	\$7,950.00	\$8,100.00
Reading Plus (site subscriptions)	\$ 11.250	\$11,250.00	\$11,250.00	\$11,950.00	\$14,729.00	\$14,789.16
Think through Math (33%)	\$ 17.50	\$3,465.00	\$5,301.45	\$7,207.20	\$7,345.80	\$7,484.40
Motletics (50%)	\$ 5.50	\$1,650.00	\$2,524.50	\$6,861.00	\$6,996.00	\$7,131.00
		\$12,615.00	\$26,725.95	\$35,821.20	\$36,510.80	\$37,510.56

Balance remaining for Consumables		\$7,305.00	\$74,774.05	\$102,097.80	\$135,456.20	\$137,406.29
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Total Combined Instructional (excludes testing)		\$200,000.00	\$193,300.00	\$231,519.00	\$248,383.40	\$252,849.65
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## Technology / Equipment (Sections from Palm Beach District budget)

Florida's accountability plans to determine what those needs may be at your school. (<http://cat.fl DOE.org/cat2/>). Computers can be purchased or leased by a school, and the calculator below

PURCHASING Academic Computers		Plng Yr	Year 1	Year 2	Year 3	Year 4	Year 5
Type 1 - Number of Machines		0	230	100	120	76	70
Type 1 - Estimated Cost Per Machine/Station		\$ 0.00	\$ 1,050.00	\$ 1,050.00	\$ 1,050.00	\$ 1,050.00	\$ 1,050.00
		\$0.00	\$241,500.00	\$105,000.00	\$126,000.00	\$78,750.00	\$73,500.00
Type 2 - Number of Machines		0	70	30	30	25	40
Type 2 - Estimated Cost Per Machine/Station		\$ 0.00	\$ 1,350.00	\$ 1,350.00	\$ 1,350.00	\$ 1,350.00	\$ 1,350.00
		\$0.00	\$94,500.00	\$40,500.00	\$40,500.00	\$33,750.00	\$54,000.00

administrative section of the budget (7360).

PURCHASING Admin. Computers		Plng Yr	Year 1	Year 2	Year 3	Year 4	Year 5
Admin Purchase - Number of Machines		0	101	40	40	30	20
Admin Pur - Estimated Cost Per Machine/Station		\$ 0.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
		\$0.00	\$151,500.00	\$60,000.00	\$60,000.00	\$45,000.00	\$30,000.00

involved. You should figure out what technology you want in each classroom, and then estimate the COST PER CLASSROOM. For example, a SMART board with all of the equipment and supplies

Instructional Technology		Plng Yr	Year 1	Year 2	Year 3	Year 4	Year 5
Cost PER CLASSROOM		\$ 0.00	\$ 13,659.40	\$ 3,491.20	\$ 3,638.40	\$ 3,594.40	\$ 3,583.40
Number of Classrooms		0	10	10	10	10	10
		\$0.00	\$136,594.00	\$34,912.00	\$36,384.00	\$35,944.00	\$35,834.00
Additional ANNUAL Instructional Tech Money		\$ 0.00					

Software		Plng Yr	Year 1	Year 2	Year 3	Year 4	Year 5
ANNUAL amount for software each year		\$ 0.00	\$ 11,600.00	\$ 11,600.00	\$ 11,600.00	\$ 11,600.00	\$ 11,600.00

Total Combined Technology

	\$0.00	\$635,694.00	\$252,012.00	\$274,404.00	\$205,044.00	\$204,934.00
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## Recap of Technology Expenses

		Budget cross reference				
Infrastructure	Instructional Technology	\$ 126,594.00	\$ 9,912.00	\$ 11,314.00	\$ 10,944.00	\$ 10,034.00
Hardware	Acad & Admin Computers	\$ 454,500.00	\$ 205,500.00	\$ 226,500.00	\$ 157,500.00	\$ 157,500.00
Audio/Visual	Acad & Admin Computers	\$ 33,000.00	\$ -	\$ -	\$ -	\$ -
Total Computer Hardware		\$614,094.00	\$215,412.00	\$237,814.00	\$168,444.00	\$167,534.00
Software	Software	\$ 11,600.00	\$ 11,600.00	\$ 11,600.00	\$ 11,600.00	\$ 11,600.00
Instructional Licenses	Instructional Technology	\$ 10,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
Combined Total		\$635,694.00	\$252,012.00	\$274,404.00	\$205,044.00	\$204,934.00

**EXHIBIT 5**  
**To Affidavit of James T. Pegg**



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL

JAMES PEGG  
DIRECTOR

DAVID W. CHRISTIANSEN, Ed.D.  
DEPUTY SUPERINTENDENT/CHIEF OF SCHOOLS

DEPARTMENT OF CHARTER SCHOOLS  
3300 FOREST HILL BOULEVARD, 1BIS BLDG.  
WEST PALM BEACH, FL 33406-5869  
PHONE: 561-434-8681 / FAX: 561-434-7498  
[WWW.PALMBEACHSCHOOLS.ORG/CHARTER](http://WWW.PALMBEACHSCHOOLS.ORG/CHARTER)

KEITH OSWALD  
CHIEF ACADEMIC OFFICER

JOSEPH M. LEE, Ed.D.  
ASSISTANT SUPERINTENDENT

*Sent Via Email: [dkelmanson@charterschoolsusa.com](mailto:dkelmanson@charterschoolsusa.com)*

October 28, 2015

Mr. Derek Kelmanson  
Renaissance Charter School, Inc.  
6278 North Federal Hwy., #384  
Ft. Lauderdale, FL 33308

Re: Notice of Special Board Meeting on Renaissance Charter High School of Palm Beach – New Application

Dear Mr. Kelmanson:

Your 2015 Application for Renaissance Charter High School of Palm Beach has been reviewed. Your interview, on September 22, 2015, included your responses to questions and references to the written comments submitted by the evaluators had submitted. Based on the application review and confirmed during your interview with the District, it was determined that substantive changes to the application would be needed to cure the deficiencies in your application and the School District does not accept substantive changes.

School District evaluators have determined that the following sections according to the Florida Charter School Application Evaluation Instrument and the Model Florida Charter School Application criteria "Partially Meets the Standard" or "Does Not Meet the Standard:"

Five sections received a rating of "Partially Meets the Standard:"

- Section 6 – Exceptional Students (ESE)
- Section 7 – English Language Learners
- Section 13 – Student Recruitment and Enrollment
- Section 17 – Budget
- Section 19 – Action Plan

---

The School District of Palm Beach County  
A Top-Rated School District by the Florida Department of Education Since 2005  
An Equal Education Opportunity Provider and Employer

One section received a rating of "Does Not Meet the Standard."

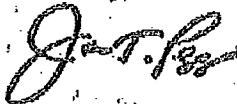
◦ Section 1 – Mission, Guiding Principles & Purpose

Please see the attached evaluation instruments with their notes for the specific reasons for these ratings. The Superintendent's recommendation to the Board is to deny your application for the reasons stated in the evaluations and, as a result, the overall assessment that the application did not meet the standards and the related statutory criteria for these sections as set forth within the evaluations.

The School Board will take action in regards to Renaissance Charter High School of Palm Beach on November 4, 2015, at the Special School Board Meeting. There is a Workshop that will begin at 2:00 p.m., with the Special Meeting immediately following. The Workshop may last from ½ hour to 1 ½ hours; there is no definite time limit. The Board report for this item will be found on the agenda for this meeting and be located on the District's website at: [www.palmbeachschools.org/agenda/agendatoc.htm](http://www.palmbeachschools.org/agenda/agendatoc.htm).

You are invited to attend the above-referenced meeting in the Fulton Holland Educational Services Center at 3300 Forest Hill Boulevard, West Palm Beach, FL 33406 in the Winona W. Jordan Board Room. Per School Board Policy, 1.03, paragraph 7, if you and/or others would like to speak at the Board Meeting, you/they may call (561) 434-8136 to sign up by noon of the meeting date, or you/they may fill in a public comment "blue card" before the start of the meeting and each speaker has three minutes.

Sincerely,



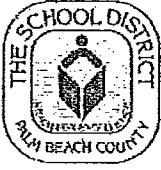
James T. Pegg  
Director

JTP/pjs

c: Joseph M. Lee, Ed.D., Assistant Superintendent

Enclosures

ATTACHMENT 2



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL

JAMES PEGG  
DIRECTOR

DAVID W. CHRISTIANSEN, Ed.D.  
DEPUTY SUPERINTENDENT/CHIEF OF SCHOOLS

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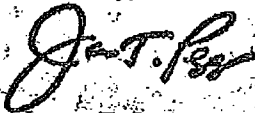
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Sincerely,



James T. Pegg  
Director

JTP/pjs

c: Joseph M. Lee, Ed.D., Assistant Superintendent

Enclosures

Applicant's Name: Renaissance Charter High School of Palm Beach

Grades: 9-12

### I. Educational Plan

The education plan should define what students will achieve, how they will achieve it, and how the school will evaluate performance. It should provide a clear picture of what a student who attends the school will experience in terms of educational climate, structure, assessment and outcomes.

#### 1. Mission, Guiding Principles and Purpose

The Mission, Guiding Principles and Purpose section should indicate what the school intends to do, for whom and to what degree.

#### Statutory References:

s. 1002.33(2)(a); s. 1002.33(2)(b); s. 1002.33(2)(c); s. 1002.33(6)(a)(1); s. 1002.33(7)(a)(1)

#### Evaluation Criteria:

A response that meets the standard will present:

- A compelling mission statement that defines the purpose and values of the school.
- A set of priorities that are meaningful, manageable and measurable, and focused on improving student outcomes.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	X

Strengths	Reference
Concerns and Additional Questions	Reference

Section 1

**DOES NOT MEET THE STANDARD**

James Pegg (10/2/15 2:16 PM)

The applicant failed to meet indicators of School Board Policy 2.57 innovative rubric.

**6. Exceptional Students**

The Exceptional Students section should demonstrate an understanding of the requirements of the school to serve all students and provide a concrete plan for meeting the broad spectrum of educational needs and providing all students with a quality education.

**Statutory Reference(s):**

s. 1002.33(16)(a)(3)

**Evaluation Criteria:**

A response that meets the standard will present:

- Clear description of the levels of service the school will provide to students with disabilities.
- A clear description of how the school will ensure that students with disabilities (SWD) will have an equal opportunity of being selected for enrollment.
- An understanding and commitment to collaborating with the sponsor to ensure that placement decisions for students with disabilities will be made based on each student's unique needs.
- An appropriate plan for evaluating the school's effectiveness in serving exceptional students, including gifted.
- A realistic enrollment projection (SWD) and a staffing plan that aligns with the projection.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

**Section 6**

Partially Meets the Standard

Cathy Weech (9/1/15 4:08 PM)

Clear description of the levels of service the school will provide to students with disabilities: Application states that "school will provide services to students with disabilities by offering a continuum of services including consultation and support facilitation in the regular classroom environment." Dropdown selection in section 6A indicates the school will be an "80/20" school, but provision for providing direct instruction (i.e., pullout) for up to 20% of the day could not be found in the document. For Gifted students, section 6I specifies that "...gifted students will receive enrichment through regularly scheduled gifted consultation provided by a gifted endorsed teacher," but section 6E implies direct services with, "Teacher of gifted students will collaborate with general education teachers..." A clear description of how the school will ensure that students with disabilities

will have an equal opportunity of being selected for enrollment: Found in application. Section 6B specifies that the school's enrollment application does not request information on disability status and that students with disabilities will have an equal opportunity of being selected for enrollment. Marketing strategy materials are mentioned that will specify that the charter school serves students with "exceptionalities" and "disabilities." An understanding and commitment to collaborating with the sponsor to ensure that placement decisions for students with disabilities will be made based on each student's unique needs: Evident in application. An appropriate plan for evaluating the school's effectiveness in serving exceptional students, including gifted: Evident. Strategies include progress toward IEP goals, promotion/retention rates, discipline data, and state mandated assessments. A realistic enrollment projection (SWD) and a staffing plan that aligns with the projection: Application states that 10% of students in the school are anticipated to be ESE, based on data of public schools in the market they are considering (i.e., area between Turnpike and I-95, along Southern Blvd). This is low, compared to the District percentage of ESE students of approximately 14%. Section 6H lists passing scores on Florida K-6, 1-6, Pk-3 subject area exam as possibilities for staff qualifications. It is unclear why these subject areas would pertain to a school serving only high school students. Subject Area exams are mentioned as well, however. Application under Section 6H specifies school's instructional staff will include teachers who are Gifted certified/endorsed. It is not clear if such a position is supported by the budget, unless one of the teachers listed under Function 5100-Basic Instruction as "Classroom Teacher Salaries" is going to fulfill this role. It is also unclear as to where contracted therapists are funded in the budget, though they are referenced in the application.

Applicant's Name: Renaissance Charter High School of Palm Beach

Grades: 9-12

**7. English Language Learners**

The English Language Learners section should demonstrate an understanding of the requirements of the school to serve English Language Learner students and provide a concrete plan for meeting the broad spectrum of educational needs and providing all students with a quality education.

**Statutory Reference(s):**

s. 1002.33(10)

**Evaluation Criteria:**

A response that meets the standard will present:

- Demonstrated understanding of state and federal requirements regarding the education of English language learner students.
- Sound plans for educating English language learner students that reflect the full range of programs and services required to provide all students with a high quality education.
- Demonstrated capacity to meet the school's obligations under state and federal law regarding the education of English language learner students.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	X	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

**Section 7**

**Partially Meets the Standard**

Stephen Byrne (8/24/15 12:29 PM)

Schools must reference compliance with the District agreement with the United States Department of Justice which was signed by the Superintendent on February 26, 2013.

Applicant's Name: Renaissance Charter High School of Palm Beach

Grades: 9-12

**13. Student Recruitment and Enrollment**

The Student Recruitment and Enrollment section should describe how the school will attract and enroll its student body.

**Statutory Reference(s):**

s. 1002.33(7)(a)(7); s. 1002.33.(7)(a)(8); s. 1002.33(10)

**Evaluation Criteria:**

A response that meets the standard will present:

- A student recruitment plan that will enable the school to attract its targeted population.
- An enrollment and admissions process that is open, fair, and in accordance with applicable law.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

**Section 13**

Partially Meets the Standard

Jason Link (9/8/15 9:06 PM)

Section 13 D states: Explain any student and/or family contracts that will be used as a requisite for initial and continued enrollment in the school. Describe if and how the school will enforce such contracts.--- Application states that parents will be required to volunteer a minimum of 20 or 30 hours per school year, depending on the number of children enrolled from the same household. If parents do not meet the required mandatory number of volunteer hours by the end of the school year, even after notification letters are sent, what then occurs?

Applicant's Name: Renaissance Charter High School of Palm Beach

Grades: 9-12

**17. Budget**

The Budget section should provide financial projections for the school over the term of its charter.

**Statutory Reference(s):**

s. 1002.33(6)(a)(5); s. 1002.33(6)(b)(2)

**Evaluation Criteria:**

A response that meets the standard will present:

- Budgetary projections which are consistent with all parts of the application, including the school's mission, educational program, staffing plan and facility.
- A realistic assessment of the projected sources of revenue and expenses that ensure the financial viability of the school.
- A sound plan to monitor the budget and make adjustments as necessary.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	X	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

See attached.

**Date:** October 9, 2015

**Application:** Renaissance Charter High School of Palm Beach

**Reviewer:** Heather Knust

**Section:** 17 Budget

**Rating:** Partially Meets Standards

---

**Conclusion**

The budget lacks consistency with parts of the application and does not represent a realistic assessment of the projected sources of revenues and expenditures. Florida Statute 1002.33(6)(a)(5) and (b)(2).

Refer to detailed analysis below:

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**6. Exceptional Students**

**Applicant:** Budgeted the number of ESE students at 10%.

**District:** Palm Beach County ESE population is 20% county-wide resulting in an understatement in revenue and even greater understatement of expenditures. See below for budget impact.

**17. Budget**

**Applicant:** Average teacher wage is assumed at \$37,000 with average benefits offered of 17.7% in year one decreasing to 17% in year 5.

**District:** Average teacher salary for Palm Beach County Charter Schools is \$39,500 (district average salary is \$49,300). Average teacher salaries for Charter School USA schools operated in Palm Beach County is \$38,670 based on teacher salary information reported to Palm Beach County for teachers paid over \$18,000. Proposed average salary is well below that of other charter schools in the area as well as Charter School USA Schools. Average benefit rate for charter schools in Palm Beach County is 25%, 17% is well below the average. The result will be high teacher turnover and the fewer certified teachers. See budget impact below based on an average salary of \$38,670.

**Financial Impact of Adjustments**

The original budget submitted has a net income ranging from \$12,674 to \$364,860. After making adjustments for the issues noted above, the school would be operating at a cumulative deficit.

	Planning	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5
Net Revenue	-	166,884	12,674	191,736	346,842	364,860
ESE (6)		(85,342)	(129,525)	(175,458)	(178,466)	(181,533)
Salaries at \$38,670 (17)		(61,731)	(100,005)	(128,450)	(131,019)	(133,640)
Benefit Rate at 17% (17)		(10,494)	(17,001)	(21,837)	(22,273)	(22,719)
Total Annual Impact	-	9,317	(233,857)	(134,009)	15,084	26,969
Total Cumulative Impact		9,317	(224,540)	(358,550)	(343,466)	(316,497)

Applicant's Name: Renaissance Charter High School of Palm Beach

Grades: 9-12

**19. Action Plan**

The Action Plan should provide a clear roadmap of the steps and strategies that will be employed to prepare the school to be ready to serve its students well on the first day of operation.

Statutory Reference(s):

s. 1002.33(7)(a)(16)

Evaluation Criteria:

A response that meets the standard will present an action plan that:

- Provides a thoughtful and realistic implementation plan that covers major operational items and provides flexibility for addressing unanticipated events.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	X	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

Section 19

Partially Meets the Standard

Ariel Alejo (10/28/15 2:23 PM)

Section # 19 fails to provide flexibility for addressing unanticipated events.