

STATE BOARD OF EDUCATION
Charter School Appeals Commission

FLORIDA CHARTER EDUCATIONAL
FOUNDATION, INC. and SOUTH PALM
BEACH CHARTER SCHOOL,

Applicant/Appellant,

vs.

Case No.: 2015-3112

THE SCHOOL BOARD OF
PALM BEACH COUNTY, FLORIDA,

School Board/Appellee.

**THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA'S
RESPONSE TO FLORIDA CHARTER EDUCATIONAL FOUNDATION,
INC., d/b/a SOUTH PALM BEACH CHARTER SCHOOL'S APPEAL OF
DENIAL OF ITS CHARTER SCHOOL APPLICATION**

Appellee, the SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA (“SCHOOL BOARD”), files this Response to the appeal of the denial of the application¹ of FLORIDA CHARTER EDUCATIONAL FOUNDATION, INC. d/b/a SOUTH PALM BEACH CHARTER SCHOOL (“the Applicant”, “the School” or “SOUTH PALM BEACH CHARTER SCHOOL”). This appeal to the Charter School Appeals Commission (the “CSAC”) and State Board of Education (“SBE”) must be denied because the application failed to meet statutory requirements for a charter school.

Reasons for the failure to meet the requirements were clearly set forth in the December 18, 2014 denial letter from the SCHOOL BOARD to the Applicant (Exhibit A hereto). **The primary deficiency was the failure to meet the statutory requirement that its application encouraged the use of innovative learning methods.**

¹ Hereinafter the written notice of appeal filed by the Applicant with the Agency Clerk for the Department of Education (“FL DOE”), with the attachments on January 16, 2015 relating to the denial of its application, will be referred to as its “Notice of Appeal.”

This failure to meet the statutory requirement justified the SCHOOL BOARD's denial of the application. Substantial competent evidence and a legally sufficient reason based on the Charter School Statute exist to constitute good cause for denial of the Applicant's application. The reasons for denying the appeal will be set forth in greater detail below.

I. STATEMENT OF MATERIAL FACTS AND PROCEDURAL HISTORY

On August 4, 2014, the District's Department of Charter Schools received an application from the Applicant. On December 2, 2014 the Applicant was notified via a letter that the School Board would consider its application at its special meeting on December 10, 2014 (Exhibit 6 to the Applicant's Notice of Appeal) and the letter explained the ability of the Applicant to speak. A representative from the Applicant attended the School Board meeting, but intentionally declined the opportunity to speak. The School District's Charter Schools Director encouraged the representative to sign up to speak. (See Jim Pegg's statement, attached hereto as Exhibit B.)

The SCHOOL BOARD unanimously denied the Applicant's application based on the lack of innovative learning methods as required by the Charter School Statute as well as the receipt of a "D" at an existing school managed by Charter Schools, USA in this School District.

By letter dated December 18, 2014, the School Board notified the Applicant of the denial, and provided the specific reasons based upon good cause (Exhibit A hereto) in compliance with Fla. Stat. §1002.33 (6) (b) (3). The SCHOOL BOARD sent the letter to the Applicant by email and certified U.S. Mail on December 18, 2014. The Applicant received the letter by certified U.S. mail on December 22, 2014 (Exhibit C hereto).

The Applicant filed its Notice of Appeal with the Agency Clerk for the Florida Department of Education. The District received the appeal on January 16, 2015 as stated in the Applicant's certificate of service to its Notice of Appeal, and the parties have agreed that the

SCHOOL BOARD's response to the appeal would be due on February 17, 2015. Thus, this Response by the SCHOOL BOARD is timely filed.

II. STANDARD OF REVIEW

Good Cause—Substantial Competent Evidence

The SCHOOL BOARD's determination must be based on good cause—that legally sufficient reasons exist to support the denial based on competent substantial evidence. The standard by which the CSAC and SBE review the SCHOOL BOARD's decision is whether the SCHOOL BOARD abused its discretion in making that determination. The standard is not "clear and convincing evidence" as argued by the Applicant. (Notice of Appeal, page 20) The question, therefore, is not whether the CSAC or SBE would vote to approve the application, but **whether the SCHOOL BOARD's decision falls within the range of reasonable decisions based on competent substantial evidence.** If so, the SCHOOL BOARD's decision must be upheld. See DeGroot v. Sheffield, 95 So. 2d 912, 916 (Fla. 1957).

Note that in 2012, the Third District Court of Appeal reversed a SBE final order as that school board had competent substantial evidence to terminate a charter school. School Board of Miami-Dade County, Florida v. Rise Academy of South Dade Charter School, 90 So. 3d 1001 (Fla. 3d DCA 2012).

The SCHOOL BOARD, here in this case, has met that standard in determining to deny the application and statutory grounds of good cause exist relating to support its decision.

III. ARGUMENT

Deficiency with the Application

As shown below, the SCHOOL BOARD met its duty to deny the application based on the Statute. Reasons for the denial of the application appear in the SCHOOL BOARD's December

18, 2014 denial letter (Exhibit A hereto). Therefore, failure to meet the statutory requirements constitutes good cause to support the SCHOOL BOARD's denial of the application and to deny the Applicant's appeal.

Denial of a charter application must be based on good cause. **“Good cause” has been interpreted to mean a “legally sufficient reason”.** School Bd. of Osceola County v. UCP of Cent. Florida, 905 So. 2d 909, 914 (Fla. 5th DCA 2005). See also School Bd. of Volusia County v. Academies of Excellence, Inc., 974 So. 2d 1186 (Fla. 5th DCA 2008).

In this matter, a legally sufficient reason does exist—lack of innovative teaching methods. Accordingly, the SCHOOL BOARD disputes Applicant's argument that the Application contained “all statutorily required information”. (Notice of Appeal, page 3)

In its appeal, the Applicant is seeking to include other rationale for the School Board's denial. However, to be clear, the denial was not based upon that rationale. Rather, the clear good cause rationale was outlined in the December 18, 2014 letter. The Applicant's theory that there were other extraneous factors that lead to the School Board's vote is without merit and is not a valid rationale for its appeal.

Failure of Application to Show Encouragement of Innovative Learning Methods Is a Statutory Basis to Deny This Application

The SCHOOL BOARD's denial letter (Exhibit A hereto) states that the major reason for denying the application was the **failure of the Applicant to meet the statutory requirement that a purpose of the school was to encourage the use of innovative learning methods.** Indeed, innovation learning methods is one of three stated purposes required by charter schools pursuant to Fla. Stat. §1002.33 (2) states:

(b) Charter schools **shall fulfill the following purposes:**

1. Improve student learning and academic achievement.

2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.
3. **Encourage the use of innovative learning methods.**
(emphasis added)

Accordingly, a failure to articulate the use of innovative learning methods is a fatal flaw in the application in question. Furthermore, Fla. Stat. §1002.33 (6) (a) specifically requires an applicant to “demonstrate how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.” The Applicant seems to completely ignore these statutory requirements when it argues on page 19 of its Notice of Appeal that “Innovation is, in no way, a mandatory statutory criteria.” The application is required by the Statute to show that the school will meet the purpose of a charter school—to “[e]ncourage the use of innovative learning methods”.

While school districts are required to utilize the FLDOE evaluation instrument, it may not serve as the only basis for a Sponsor to determine whether or not to approve a charter application. The Charter School Statute states:

- (6) APPLICATION PROCESS AND REVIEW.—**Charter school applications are subject to the following requirements:**
- (a) A person or entity wishing to open a charter school shall prepare and submit an application on a model application form prepared by the Department of Education which:
...
 6. **Contains additional information a sponsor may require,** which shall be attached as an addendum to the charter school application described in this paragraph. (emphasis added)

To interpret this provision without allowing the additional information to be part of the decision-making process would render this provision superfluous.

This District currently is the Sponsor to many innovative charter schools. These include schools serving at-risk students, schools serving students with Autism; a school that offers

specific on-the-job training in the culinary field; a maritime academy, a medical academy associated with a hospital, and a film school.

By its own admission, the Applicant acknowledges that it has already submitted and had approved seven similar applications. (See page 18 of the Notice of Appeal) By definition, once the learning methods have been offered by seven of the Applicant's own Palm Beach County charter schools, they can no longer be considered innovative.

The Applicant in its Notice of Appeal (page 17) quoted the application and lists how the School would achieve meeting high standards using what it claims are unique and innovative academic components. However, none of these constitute innovative learning methods.

The statutory requirement for charter schools to encourage the use of innovative learning methods cannot be ignored by the Sponsor, the Charter School Appeals Commission or the State Board of Education. Which brings relevance to the question: what are innovative learning methods? Attached is a White Paper prepared by Antoinette Dunbar, (See Exhibit D hereto, which also includes her CV). As Ms. Dunbar points out, "innovation is about doing things in new or different ways." In this case, the Applicant fails to describe new or different educational practices.

The Applicant refers to the Guaranteed and Viable Curriculum (GVC) as having unique and innovative components. The application explains in detail within the application of the 90-minute reading block to include whole group, small group, and individualized instruction using leveled reading materials as described in the *Just Read, Florida!* that was implemented in this State and District more than 10 years ago. While these are research driven and widely accepted components in the State, they could not be considered to be innovative because they are so widely used and have been in implementation for more than a decade.

Applicant claims the following are innovative practices. However, as described they are not.

- School–Wide Goal Setting (analyzing previous year’s data to set school improvement goals): This is not an innovative practice. This is a long standing practice by the schools in this District and for most schools, charter or District operated, across the State. This action is required to develop the State School Improvement Plan. Furthermore, as Ms. Dunbar points out: “[s]imply having goals does not automatically benefit a student’s academic performance. ... Goals should reflect expectations to see specific substantive innovations in charter classrooms practices.”
- Personalized Learning Plans (this plan is developed collaboratively between students, parents, and teachers to empower students to track their own progress): This is not an innovative practice. The schools of this District have been using data from the Educational Data Warehouse (“EDW”) by means of the SAL-P to develop collaboratively goals for students to increase achievement and provide students and parents the ability to frequently monitor the progress. This District has been recognized nationally for the “hands-on” data tools to promote student achievement. Many similar programs used in the State and nationally were developed from this District’s practice that was implemented more than ten years ago. Likewise, all schools nationally develop personalized learning plans for students identified as gifted, with disabilities, or as a speaker of languages other than English.
- Progress Monitoring and Assessment: (tracks a large bank of data to enable school administrators and teachers to make data-driven decisions and plans for students functioning below grade level) This is not an innovative practice. More than ten years

ago this District established the EDW that is readily available to every teacher and administrator working with students. As a result all decisions regarding instruction, program, or student placement are made using this data. Data-driven decisions have long been a successful practice in this District and the continual results of more than fifteen years of student's success on State assessments demonstrates that this practice is successful.

- Focus on Academic Rigor/Innovative Learning Methods; (utilizing critical thinking skills to prepare students to be college and/or career ready) This is not an innovative practice. This is a required practice of all public schools, charter or District operated, in Florida. The Florida Standards: College and Career Ready are developed to provide rigorous teaching and learning opportunities to develop the critical thinking skills of students. Furthermore, as Ms. Dunbar points out, the Applicant's description "gives little indication that what goes on in the classroom has changed substantially nor has given the school a competitive advantage."
- Technology to Support Student Engagement: (document cameras, electronic tablets to enhance learning experiences) This is not innovative. These electronic educational art tools are in every school in this District including extended bandwidth WiFi to support the electronic learning tools. Observation in current Charter Schools, USA operating schools is that the ratio of students to computers is greater than the ratio in District schools. It has been observed in the newest Charter Schools, USA schools that WiFi bandwidth is not broad enough to support most classroom electronic activities.
- Character Education Programs: (promotes student citizenship and motivation toward academic learning) This is not innovative. The District has committed millions of dollars

in the past fifteen years to promote character education via the Safe Schools Programs and the After School Programs. This District has been on the cutting edge and nationally recognized for the character education programs including anti-bullying programs replicated by several state systems.

The Applicant is repetitive in the argument of innovative programs and strategies. All identified in the argument are and have been practiced in this District for more than a decade. The Applicant argues that the School Board has failed to justify the claim these strategies and practices are not innovative. The School Board does not consider practices and programs already implemented in the schools of this District to be identified as innovative for any charter school applicant. The Applicant and Charter Schools, USA have not justified through practice that these strategies and programs are innovative. These strategies and programs the Applicant and Charter Schools, USA have identified are replicas or mirrored images of what has been practiced for more than a decade in the schools of this District.

**The School Board Vote Has Been Inappropriately Misrepresented
as Attempted By the Applicant**

The Applicant includes in its Notice of Appeal a typed version of the Board meeting relating to this application and the budget meeting. The School Board objects to the consideration of these transcripts, which were not certified by a court reporter or approved transcriber. The accuracy of the transcription is suspect. Indeed, some comments are attributed to a "Mr. Chapman," a name that is unknown to the School Board and not the name of a person who participated in the Board meeting that evening. The transcript also includes the budget workshop that preceded the School Board meeting. This workshop was irrelevant to this proceeding and not a part of the record. These transcripts and portions of the Notice of Appeal quoting them should be stricken.

The Applicant relies upon this transcript in crafting its erroneous theory that the School Board's action of denying their application was based upon extraneous issues that were not supported by good cause. However, as made clear in the December 18, 2014 letter, the grounds for the School Board's action were based upon the lack of innovation and the fact that one of the Applicant's existing schools earned a grade of a "D."

When a School Board acts, it does so as a collective unit. The vote on December 10, 2014 was to unanimously deny the charter application. The comments made by each individual School Board member were inappropriately used by the Applicant to justify its erroneous theory that the School Board acted with some purpose other than what is stated in the December 18, 2014 letter. Certainly, if the School Board chose to, there could be other reasons to have denied the application. For example, Applicant's existing schools have struggled with providing consistent services to their ESE students. However, it is the December 18, 2014 letter that specifies the grounds for the denial and not the incorrectly surmised grounds claimed by the Applicant.

To the extent the transcript would be considered over the School Board's objection, it must be recognized that one Board member's comments about her perception the issue was one of civil disobedience does not mean other Board members believed that or that the vote was illegal or not following the law as claimed by the Applicant. As shown above, the vote was in compliance with a statutory requirement relating to being innovative. The focus of the discussion related to the vote was based on lack of innovation and how the District schools already were using these methods. To be specific, Mr. Barbieri, Mrs. Brill, Mr. Murgio and Mrs. Andrews (which alone make up the majority of the School Board) all focused their discussion at the Board Meeting on the lack of innovation.

Additionally, lack of innovative learning methods was the major basis stated within the denial letter (Exhibit A hereto). There is no merit to Applicant's claim that the SCHOOL BOARD's decision was biased, illegal, and unlawful and was done with knowledge that the application was legally sufficient and based on other reasons.

The Applicant seems to be trying to separate itself from its existing schools already operating in Palm Beach County. There are currently six schools operating under the name Renaissance and an additional one approved for opening in 2015. All of these schools are managed by Charter Schools, USA. The Renaissance schools have the same exact governing board as South Palm Beach Charter School (the Applicant). The Applicant will also be managed by Charter Schools, USA. The Applicant appears to misrepresent its governing board on page 8 of the Notice of Appeal. See page 124 of the application submitted by SOUTH PALM BEACH CHARTER SCHOOL (Exhibit E hereto) and the documents the two entities filed with the Florida Secretary of State. (Exhibit F hereto). The entities have the same directors and they hold the same offices in both corporations. Furthermore, as they both also use Charter Schools, USA as their management company it is reasonable for the Board to rely on noted performance of Renaissance schools within this District.

The operation of the current six charter schools managed by Charter Schools, USA have done very little to demonstrate any innovative practices. The current operating Charter Schools, USA managed charter schools replicate district operated schools but with less effective instructional success. All six of these schools have a higher student to computer ratio than the District employs at approximately 4:1. The six operating Charter Schools, USA charter schools adopted the same Student Progression Plan and Student Code of Conduct used by District schools. These schools use the same or very similar student data collection reports and

assessments as the District schools. Innovative practices are not prevalent in the six schools when the District's Department of Charter Schools has reviewed the schools.

The Applicant inaccurately states, "Moreover, at least 23 of the School Board's own public schools received a D or F school grade last year." The number of schools in the District receiving grades of "D" or "F" has not exceeded more than 14 schools for the last 3 school years. The FY 2012 number of "D" graded schools was 6 with no "F" graded schools. The FY 2013 number of "D" graded schools was 9 with 2 "F" graded schools. And, the FY 2014 number of "D" graded schools was 12 with 2 "F" graded schools. In fact, 7 of the District schools receiving a grade of "D" or "F" in FY 2013 improved the school grade by at least one letter increment for FY 2014.

Applicant Was Not Denied Due Process

The Applicant apparently argues that it was denied due process based on the item being pulled from the consent agenda where the recommendation was for approval, the failure to hold a formal hearing in denying the application. The Applicant had been notified by letter that its application was being considered at this Board meeting and was provided an opportunity to be heard. As noted in the attached statement (Exhibit B hereto) of Jim Pegg, the District's Charter Schools Department Director, the School also verbally informed the Applicant's contact person of the opportunity to sign up to speak. The Applicant's representative, however, decided not to partake of this opportunity.

Although the application was recommended for approval, the SCHOOL BOARD is not a "rubber stamp" for the Superintendent's recommendations. Section 1002.33 (6) (b) (3) a., Florida Statutes states that the "sponsor" votes whether to approve or deny the application. The SCHOOL BOARD is the sponsor. Moreover, the statutory scheme for School District

governance in Florida's Education Code provides that a superintendent makes recommendations and a school board votes whether to approve. Sections 1001.41, .42, .43, .49 and .51, Florida Statutes.

Moreover, Renaissance Charter Schools twice has raised a due process issue because of a lack of a formal hearing and the courts have disagreed. In School Board of Seminole County v. Renaissance Charter School, Inc., 113 So. 3d 72, 77 (Fla. 5th DCA 2013), which involved the denial of a charter application, the Court stated:

The Administrative Procedure Act ("APA") plainly does not apply to proceedings before the State Board and, **in view of the time limitation set forth in the statute, it is doubtful that the APA applies to proceedings before individual school boards.** See Sch. Bd. of Palm Beach Cnty. v. Survivors Charter Sch., Inc., 3 So.3d 1220 (Fla.2009) (**holding that charters schools were not entitled to hearing under APA when school board terminated charter under section 1002.33(8)(d), Florida Statutes; review of the charter school statute which provides for immediate termination of charter under emergency conditions did not require APA hearing that would prolong termination; interpretation was consistent with fact that legislature did not require APA hearing for non-emergency terminations and had set forth detailed statutory procedure**). (emphasis added)

See also School Bd. of Polk County Florida v. Renaissance Charter School, Inc., 147 So.3d 1026 (Fla. 2d DCA 2014).

School Board Policy 1.03 concerning Board meetings allows Board members to pull items from the consent agenda and states:

17. In both regular and special meetings, the Board may utilize a consent agenda to increase the efficiency of approving large numbers of routine or non-controversial items. **Except for any item that a Board member pulls from the consent agenda, all items on the consent agenda may be approved in gross and without debate and amendment.**
18. The order of special meetings shall be as required by Florida law and, if specified on the agenda, may include a consent agenda,

which shall be called up and later approved **before any pulled items are discussed.**

Furthermore, the format for the Board agenda for this meeting (see Exhibit G hereto) showed a time period when items could be pulled from the consent agenda.² Thus, there is notice of the possibility of the item being pulled.

In summary, the SCHOOL BOARD followed the statutory process relating to the Applicant and even allowed an interview not required by Florida law. **Due process was provided.**

**The SCHOOL BOARD's Delay in Denying the Application is
No Basis for Granting the Appeal**

The parties entered into an agreement to extend the time for the SCHOOL BOARD to rule on the application until October 31, 2014. (See Exhibit H hereto). The Applicant did not file its Notice of Appeal until January 15 or 16, 21015. Thus, the portion of this appeal on the basis of the Board acting beyond the deadline is untimely filed. The Statute—section 1002.33 (6) (b) and (c), Florida Statutes, states:

If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c).

(c)1. An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education **no later than 30 calendar days after** receipt of the sponsor's decision or **failure to act** and shall notify the sponsor of its appeal.

Additionally, the reason for the delay was due to ESE issues at one of the existing Renaissance charter schools in the District. The District was investigating this matter and on November 18, 2014 sent a letter to the school relating to the School's failure to consistently

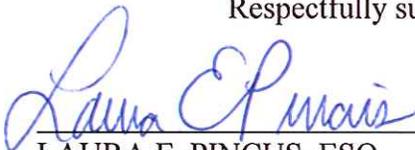
² The District acknowledges that during the meeting the item was pulled by a Board member from the consent agenda when the item was listed under New Business.

provide ESE services to its students. This delayed the decision to place the item on the agenda. The school was working on the cure of this issue and thus the recommendation was made after the District determined this effort had occurred.

IV. CONCLUSION

The SCHOOL BOARD respectfully requests the SBE and the CSAC uphold the decision of the SCHOOL BOARD based on competent substantial evidence of good cause to deny the application, find no denial of due process, deny the request for attorneys' fees and costs as no basis exists, and deny the Applicant's appeal for reasons stated within this Response.

Respectfully submitted,



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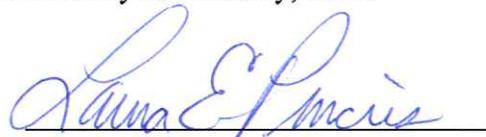


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon by Regular U.S. Mail to Edward J. Pozzuoli, Esq., and Stephanie Alexander, Esq., Tripp Scott, P.A., Attorneys for Applicant, 110 S.E. 6th Street, 15th Floor, Fort Lauderdale, Florida 33401 and by email to them at: ejp@trippscott.com and sda@trippscott.com this 13th day of February, 2015.



LAURA E. PINCUS, ESQ.
Florida Bar No.: 90018

FLORIDA CHARTER EDUCATIONAL FOUNDATION, INC.
d/b/a/ SOUTH PALM BEACH CHARTER SCHOOL
 vs.
THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

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Exhibit/Attachment No.	Bates Stamp No.	Description
Exhibit A	001-003	December 18, 2014 Denial Letter from the School Board
Exhibit B	004-005	Jim Pegg's Statement
Exhibit C	006-007	Certified Mail Receipt/USPS Tracking of Service of District's Denial Letter for Mr. Ken Haiko and Mr. Derek Kelmanson
Exhibit D	008-020	White Paper prepared by Antoinette Dunbar including her CV
Exhibit E	021	Page 124 of the application submitted by South Palm Beach Charter School
Exhibit F	022-023	2014 Florida Corporation Reports
Exhibit G	024-025	School Board Agenda
Exhibit H	026	September 4, 2014 Agreement for Extension of Time



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

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SUPERINTENDENT

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CHAIRMAN

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CERTIFIED MAIL RETURN RECEIPT REQUESTED AND EMAIL: dkelmanson@charterschoolsusa.com

December 18, 2014

Derek Kelmanson
South Palm Beach Charter School
800 Corporate Drive, Suite 124
Fort Lauderdale, FL 33334

Ken Haiko, Chair
Florida Charter Educational Foundation, Inc.
4145 Cypress Reach Court, #505
Pompano, FL 33069

SUBJECT: FLORIDA STATUTES SECTION 1002.33 (6) (B) (3) (A) LETTER OF DENIAL OF CHARTER APPLICATION

Dear Mr. Kelmanson and Mr. Haiko:

The purpose of this letter is to inform you of the outcome of your charter school application for South Palm Beach Charter School.

I. Reasons for School Board's Decision Not to Approve Your Application

On December 10, 2014, your application was considered and denied by the School Board of Palm Beach County at its public meeting. This letter provides the statutory notice pursuant to Florida Statutes Section 1002.33 (6) (b) (3) (a) and articulates the reasons, based upon good cause, to support the School Board's denial of your charter application.

School Board Policy 2.57 on charter schools states:

To establish a charter school, an applicant must meet the criteria within Fla. Stat. §§ 1002.33 (2) (a), (b) (3), and (6) (a).

This Applicant failed to meet the criteria in Fla. Stat. §§ 1002.33 (2) and (6) (a) as stated herein.

Florida Statutes Section 1002.33 (2) states:

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



(2) GUIDING PRINCIPLES; PURPOSE.

(a) Charter schools in Florida shall be guided by the following principles:

1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.
2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.
3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school.

(b) Charter schools shall fulfill the following purposes:

1. Improve student learning and academic achievement.
2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.
3. **Encourage the use of innovative learning methods.**
4. Require the measurement of learning outcomes.

(c) Charter schools may fulfill the following purposes:

1. **Create innovative measurement tools.**
2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.
3. Expand the capacity of the public school system.
4. Mitigate the educational impact created by the development of new residential dwelling units.
5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

Sub-section (6) (a) 1 of the Statute states:

(6) APPLICATION PROCESS AND REVIEW. Charter school applications are subject to the following requirements:

(a) A person or entity wishing to open a charter school shall prepare and submit an application on a model application form prepared by the Department of Education which:

1. **Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.**

The Board determined that the application failed to meet these statutory requirements, including but not limited to (2) (b) 3. The Board also considered the District's past experience with charter schools within the District managed by Charter Schools, U.S.A.

The Board determined that the learning methods were not using new ideas or methods or new ideas about how learning can be done in this District. The Department of Revenue has indicated that charter schools are supposed to provide innovative learning opportunities and improve the education of all children.

December 18, 2014

FLORIDA STATUTES SECTION 1002.33 (6) (B) (3) (A) LETTER OF DENIAL OF CHARTER APPLICATION

The Board also determined that the Applicant's programs are not sufficiently innovative and one Renaissance school this past school year earned a grade of "D".

On December 10, 2014, your application was on the School Board agenda for consideration by the School Board. The application can be found at:

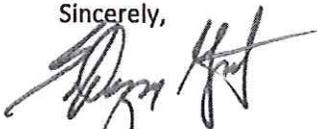
[http://www.boarddocs.com/fl/palmbeach/Board.nsf/files/9RETVJ58E84B/\\$file/South%20Palm%20Beach%20-%20New%20Application.pdf](http://www.boarddocs.com/fl/palmbeach/Board.nsf/files/9RETVJ58E84B/$file/South%20Palm%20Beach%20-%20New%20Application.pdf).

The District sent you a letter on December 2, 2014 notifying you of this meeting and your opportunity to speak to the Board. **You did not appear to speak and address the Board at the meeting.** The School Board denied your application by a unanimous vote of the School Board members based on good cause because the application did not meet the statutory criteria and/or the application standards for any and/or all of the reasons stated in this letter.

II. Appeal Rights of the School Board's Denial of Your Application

You may file an appeal of the denial by following the procedure set forth in Florida Statutes Section 1002.33 (6) (c) that states: "The applicant may appeal any denial of that application or failure to act on an application to the State Board of Education no later than 30 calendar days after receipt of the sponsor's decision or failure to act and shall notify the sponsor of its appeal." Please also send a copy to the School Board Clerk's office. See also the process in Fla. Admin. Code Section 6A-6.0781.

Sincerely,



E. Wayne Gent
Superintendent

EWG/KO/JML/JP/BH:cy/du

cc: Michael Burke, Chief Operating Officer
Keith Oswald, Interim Chief Academic Officer
Joseph M. Lee, Ed.D., Assistant Superintendent, Educational Alternatives & Intervention
Laura E. Pincus, Esq., Deputy General Counsel
Bruce A. Harris, Assistant General Counsel
Heather Knust, CPA, Director, Accounting
Jim Pegg, Director, Charter Schools
Adam Miller, Florida Department of Education

AFFIDAVIT 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 Charter Schools Department, I had several conversations in person and via phone with Derek Kelmanson of Charter School USA ("CSUSA ") regarding the status of the application approval for South Palm Beach Charter School. He was named as the contact person on the application for the school. I suggested to Mr. Kelmanson on October 22, 2014 at the NACSA Conference in Miami that the School Board had been closely scrutinizing applications for content addressing innovative instructional and assessment programs. I had heard one of the Board members speak at a few Board meetings about the need for innovation in charter schools. I informed Mr. Kelmanson that it would be in the best interest of Mr. Kelmanson's client for him to register to speak at the School Board meeting although the date not yet been scheduled. I shared that Mr. Kelmanson that he should be prepared to refer to how the application provides for innovation at that speaking opportunity.

2. I repeated this suggestion in a phone call with Mr. Kelmanson after notification of the Board meeting was received by CSUSA. On the afternoon of the Board meeting, I again spoke with Mr. Kelmanson in the Board meeting room and again suggested that that if the agenda item is pulled for Board discussion, Mr. Kelmanson or a CSUSA representative should speak to the agenda item regarding innovation.

3. The Board meeting notification letter clearly defined the process for registering to speak on an agenda item at the School Board meeting. No speaker that represented CSUSA at the



Board meeting of December 10, 2014 chose to address this agenda item that was pulled for discussion by the Board. Representatives were at the Board meeting.

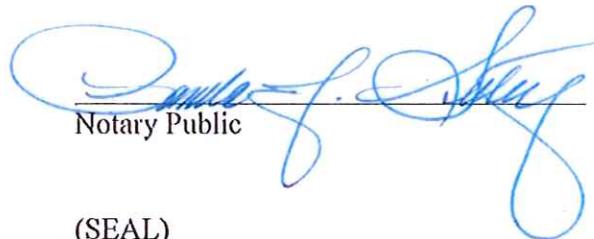
FURTHER AFFIANT SAYETH NAUGHT.


JAMES T. PEGG

FEB. 11, 2015
DATE

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was sworn to and subscribed before me this 11th day of February, 2015, by JAMES T. PEGG, who or is personally known to me or has produced _____ as identification, and who did/did not take an oath.


Notary Public

(SEAL)
My Commission expires:



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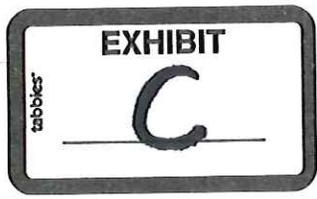
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Mr. Ken Haiko, Chair
Florida Charter Educational Fdn., Inc.
4145 Cypress Reach Court, #505
Pompano, FL 33069

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<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X <i>Ken Haiko</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Ken Haiko</i></p> <p>C. Date of Delivery <i>12-22-14</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Mr. Ken Haiko, Chair Florida Charter Educational Fdn., Inc. 4145 Cypress Reach Court, #505 Pompano, FL 33069</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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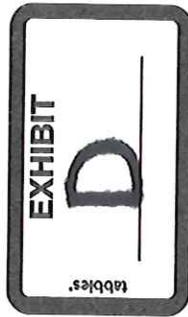
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Mr. Derek Kelmanson
South Palm Beach Charter School
800 Corporate Drive, Suite 124
Fort Lauderdale, FL 33334

Instructions

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<p>1. Article Addressed to:</p> <p>Mr. Derek Kelmanson South Palm Beach Charter School 800 Corporate Drive, Suite 124 Fort Lauderdale, FL 33334</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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Creativity is thinking up new things. Innovation is doing new things. - Theodore Levitt

A. What is innovation?

Central to charter schools is innovative educational practices. Innovation is defined as “the process of making changes to something established by introducing something new” (<http://en.wikipedia.org/wiki/>). Being innovative is about looking beyond what currently done well, identifying the great ideas of tomorrow and putting them into practice. Innovation is a necessary ingredient in creating and sustaining a culture of performance in charter schools, one that is based on the kind of continuous improvement that is necessary to bring about faster and better problem solving that can, in turn, increase student achievement results.

Innovation has been promoted both as goal in itself and as a necessary condition for establishing environments and incentives that will inevitably lead to the ultimate goal of increased educational quality. True educational innovations are those products, processes, strategies and approaches that improve significantly upon the status quo. Innovation is driven by a commitment to excellence and continuous improvement. Innovation is based on curiosity, the willingness to take risks, and experimenting to test assumptions.

Innovation is about doing things in new or different ways. It may range from continuous improvement of existing practices through to transformation of how we achieve goals or rethinking what those goals are. Early assessment of the potential of charters was that they would serve as “laboratories” or “research and development” (R&D) centers for innovative educational practices. As John Flaherty, Associate Director WestEd Evaluation Research Program, argues: “One of the foremost arguments in favor of charter schools in public education is the increase in innovation that *will surely follow* from the autonomy granted to charter schools”

Thus, most of the legislation authorizing charters is explicit about the expectation that they will produce a flow of innovation in teaching and learning. As Flaherty notes, the “search for innovative teaching methods was foremost on the minds of legislators.”

B. What purpose does innovation serve as an enrichment to the existing teaching and learning models?

The question of innovation in education is significant because of the need to find new ways of reaching chronically underserved students. Today’s students want an education that meets their individual needs, and opportunities that connect them to what is happening around the globe. They challenge educators to be innovative and to make learning environments more exciting, challenging and rewarding. This way, student success is not left to chance. Students’ needs should drive the programs of the school, thereby creating new options for families. Missions of successful charter schools highlight their focus on tailoring programs for the communities they serve. Without substantive improvements in educational opportunities that are responsive to the needs of students and families, parents may be less likely to have long term satisfaction with their child’s school experiences. More importantly, students whose innovative core remains untapped may never realize their full potential, capacity, or interest.

Charter schools are the choice model most explicitly tied to the idea of innovation. Because their substantial autonomy provides great opportunity for creativity, and because of the competitive pressures charters face, reformers have been clear in their expectations to see substantive innovations in charter classrooms. Charter schools have flexibility that traditional public schools often do not have to create a longer school day or year, design unique staffing arrangements, involve community organizations, and make budget decisions that advance the goals

of their school. Innovation generates new options, new practices and approaches in teaching and learning. Innovation is a key mechanism for developing more effective ways of meeting the needs of diverse learners and for improving the quality of education. Innovation does not replace a well-constructed, monitored curriculum; however, a well-constructed monitored curriculum also does not replace innovation. Innovation in a charter environment must be held to the status quo for models of effective instruction. They must also become petri dishes where innovation serves as a model, function, and curricular design.

“Yet larger scale studies indicate relatively few innovations in charter classrooms, with most practices tending toward familiar or traditional approaches.

The question of innovation in education is significant because of the need to find new ways of reaching chronically underserved students. As critics correctly note, traditional approaches to education too often deny individual students and whole communities equitable access to quality educational opportunities. Innovation is a key mechanism for developing more effective ways of meeting the needs of diverse learners, and for improving the quality of education.”¹

As with innovations in other sectors, educational improvement and innovation entails directing substantial resources to develop and pilot specific new approaches to teaching and learning with different populations, rather than focusing more on appearance than essence, as is the case with many traditional educational approaches.

C. What is considered “status-quo” for effective instructional models?

Successful charter schools show solid evidence of effectively closing the achievement gap among different student subgroups. They have a clear vision of what constitutes excellent teaching; teach for mastery; use assessments on an interim basis to monitor how students are doing and what needs to be retaught; are committed to ongoing internal professional development, often arranging time for teachers to work collaboratively; and offer an extended day and longer school year. These schools innovate across the school programs and are creative in terms of organization, scheduling, curriculum, and instruction.

Throughout this school district, there are schools that are exemplars where effective instructional models are both in place and are well-executed. This is measured and documented by student growth, increased teacher proficiency, and increased parental satisfaction and involvement. These district implemented effective measures continue to be hallmarks and markers of this district’s success. To this end, they would be considered the status quo of effective instruction for South Palm Beach. As significant as this might be for achievement, these structures in and of themselves do not speak of or measure innovation. An application of innovation would be one in which the status quo indicators are taken to exemplary measures. That is to say, “effective instruction would be placed in a higher context of creative, innovative, and meaningful curricula to meet specific needs and interests for a diverse student population. The resources selected for teaching and learning, the application of those resources in classroom instruction, and the intended outcomes for the use of creative, specially designed resources would all be foundational to the development of an innovative school.”

D. What does the South Palm Beach Charter School present as innovative? Why is it not?

- **School-Wide Goal Setting**: at the year’s onset, teachers and administrators analyze the previous year’s data to set school-wide improvement goals for the new year.

Simply having goals does not automatically benefit a student's academic performance. Researchers such as Bandura (1986) and Locke and Latham (1990, 2002) have identified various goal properties and have investigated how different goals link with achievement outcomes. The lack of specificity relative to performance standards of proximal goals will not produce improvements in educational quality. Goals that incorporate specific standards are more likely to enhance motivation and learning than are general goals.

To narrow and pinpoint reasonable, achievable, and admirable goals for a new year requires both big-picture thinking and ground-level planning. What are the priorities? Specific goals focus energy and actions, measure progress, and ultimately achieve purposeful results. Goals should reflect expectations to see specific substantive innovations in charter classrooms practices.

- **Personalized Learning Plans:** designed for all students to track the individual student's strengths and weaknesses. The Plan is collaboratively developed between students, parents and teachers to empower students to track their own progress.

The personalization of learning is a necessary ingredient if all students are to gain proficiency each step of the way in their learning progressions. Innovative actions in this area should reflect personalization in terms of pacing as well as structuring choice to support student-centered learning. Innovative personalized learning is about identifying the right type of instruction, feedback, and interventions to help all students succeed and including these elements in the personalized plan. Four key questions should be considered when developing the PLP:

1. *Where is the student now?*
2. *Where should the student be?*
3. *How will they get to where they should be*
4. *How will you know when they get there?*

PLPs should describe a clear destination for the student in terms of goals for learning. They should identify potential obstacles that might impede a student's achieving their learning goals and chart a course through them. Plans should be designed to expand horizons by identifying specific strategies to support students in reaching their goals and resources that recognize that some students have gaps or challenges that need to be addressed in order to help them be successful. The most important part of a learning plan is the ongoing conversation between students and teachers that should be identified in terms of frequency, content, data, and outcomes.

- **Progress Monitoring and Assessment:** tracks specific and measurable goals regarding attendance, test scores, graduation rates and teacher retention to inform data-driven decision making, with specific plans for students of concern and/or functioning below grade level.

Progress monitoring is used to assess students' academic performance, to quantify a student rate of improvement or responsiveness to instruction, and to evaluate the effectiveness of instruction. Identify multiple sources of data to monitor progress is insufficient without a discussion of how teacher decision-making improves as a result of these assessments. The plan for progress monitoring must to estimate rates of improvement, identify students who are not demonstrating adequate progress, and compare the efficacy of different forms of instruction in order to design more effective, individualized instruction. No provisions for these actions are included.

Progress monitoring must answer three important questions and identify how the answers will be used to produce improvements:

1. Are students making progress at an acceptable rate?
2. Are students meeting short- and long-term performance goals?
3. Does the instruction or intervention need to be adjusted or changed?

- **Focus on Academic Rigor/Innovative Learning Methods:** utilizing critical thinking skills to prepare students to be college and career-ready

Description provided gives little indication that what goes on in the classroom has changed substantially nor has it given the school a competitive advantage. Academically rigorous schools do not just raise the bar, they also provide the supports necessary to ensure that all students can achieve at all levels and are college and career-ready. *Students are aware of their academic goals and continually challenged to monitor their progress as they work hard to increase their knowledge, understandings and skills; they are set up to persist through intellectually rigorous work.* Specific strategies for each subgroup in the school must be identified with specific academic goals.

Schools must create a culture where everyone is a learner, everyone is a teacher, and everyone is a leader! A new pedagogical approach must be outlined with innovative learning opportunities. New practices and approaches in teaching and learning should be evident, with teaching approaches based on student needs. Academic rigor requires teachers to use various assessment methods to determine student strengths and challenges and provide targeted demanding instruction that will accelerate student learning. All staff members must be engaged in continuous professional learning, and classroom-based coaching is provided. A belief that person doing the work in the classroom is the person doing the learning is imperative.

- **Innovative Measurement Tools to Drive Research-Based Instruction & Data Analysis:** employs state-of-the art technology like a student information system, electronic grade book, and report card.

Assessments should move beyond formative, traditional assessments, i.e., benchmark tests, common assessments, etc., to non-summative assessments that provide instructionally useful information about how well students have learned, or how prepared they are to learn key content and skills. These assessments increase assessment rigor and provide actionable data that identifies students who require intense interventions or enrichment activities in order to meet (or exceed) grade level performance targets. Oral presentations, group projects and peer assessment introduce more realistic and meaningful tasks and provide broader indicators of students' achievements. These are new means of establishing fairness, reliability and validity.

- **Technology to Support Student Engagement:** creating interactive classrooms and utilizing tablets, document cameras, etc. to further enhance the learning experience.

Innovative classroom technology is more than hardware (computers, labs, tablets, etc.) but should represent "high-tech exploratoriums" that are used to replace lecture-based instruction, a subject-centered curriculum, and measurement-driven accountability. Successful charter schools use technology to restructure curricula

and provide a rich context for students' understanding of concepts taught. Students should have constant access to interactive technologies, representing true multimedia environments that support the learning goals. Delivery technologies with the potential for real-time interactivity improves instructional interaction. Technology should be perceived as a tool to assist students in solving authentic problems related to an identified real-world problem or issue. Students should be provided ready access to and a complete understanding of a vast array of technology-based tools.

- **Character Education Program:** promotes an increase in citizenship and student motivation toward academic learning by incorporating student interest with real-world experiences.

An intensive, "home-grown" curriculum to support children's civic, social and moral development may reflect the particular values and assumptions of the adults in the school and may be tantamount to indoctrination. Often, one value/topic is targeted and presented in regular order, point by point. This seriatim approach is unlikely to result in lasting commitment to any of these values/topics, much less a feeling of how they may be related. Programs such as these lack innovation and seem dubious on their face.

Innovative programs are scientifically research-based and begin with consistent objectives that engage students in deep critical reflection about certain ways of being and foster autonomy and ethical development. Children are given the opportunity to make sense of the concepts to be learned and to recast them in light of their own experiences and questions – to figure out for themselves what kind of person one ought to be and how to proceed when two values seem to be in conflict.

- **Academic Intervention and Enrichment:** using diagnostic assessments and benchmark data, students receive additional instruction and practice on identified areas, with teachers instructing before and after school, through content area integration.

Differentiated instruction is an instructional strategy that allows teachers in all schools, traditional and charter, to face the challenge of helping all students succeed in their learning by taking diverse student factors into account when planning and delivering instruction. Whenever a teacher reaches out to an individual or small group to vary his or her teaching in order to create the best learning experience possible, that teacher is differentiating instruction. This should be the norm in all schools.

Resources for struggling students and those with diverse learning needs cannot be "hit or miss". Academic intervention should offer targeted academic support to struggling students. Innovative schools offer intervention services in addition to the regular instructional program and utilize extended learning opportunities. Research suggests that for students who need extra support to be successful academically, what happens before and after school can be as important as what happens during the school day. Innovative approaches to intervention include high quality extended learning opportunities (ELOs) that have a main academic focus, and the goals, outcomes, and methods of academic instruction are directly related to and aligned with what happens during the day. Students are provided more opportunities to learn.

Effective differentiation for student enrichment remains elusive and in too many cases, nonexistent. Enrichment should match the identified needs of students and may take many forms. Learning opportunities must provide a flexible program prototype to respond to the varying needs, abilities and interests of students if they are going to be sufficiently individualized and rigorous. These may include innovations such as interest classes, independent studies and opportunities to debate, argue, critique, and

question at a higher level, thus moving the power from the teacher to the learner.

- **Supplemental Programing:** collaboration and community integration through which character and academic education are fostered in extracurricular and auxiliary activities.

Supplemental programs are additional academic instruction provided outside of the regular school day and designed to increase the academic achievement of students. These programs may take many forms but must be high quality, research based, and specifically designed to increase student academic achievement. Effective supplemental programing should be a formalized approach to meet diverse student needs.

Extracurriculars can be valuable experience. *These activities can help give students a strong foundation should for college and career readiness. Activities offered should be carefully selected and well organized in order to benefit students should they decide to pursue them further, academically or professionally.*

- **Meaningful Parental Engagement:** through effective communication, it is an essential element of the School's culture, as support from the parent increases the likelihood of student success.
- *Research documents the positive effect of parent involvement on the lives of students. Students who feel supported and encouraged by their families are more likely to be successful. Building strong links with family and community is critically important to charter schools' success. Successful schools put forth a concerted effort to connect parents to the school and connect families to the teaching and learning goals for the students. This begins by conducting an informal needs assessment to determine the needs and current level of satisfaction of families regarding school programing and services. These schools implement family engagement strategies that increase student achievement and create a welcoming environment, open communication, and strong collaboration between families and the school. School leaders work to develop family engagement systems and strategies that create partnerships to support teaching, learning, and student achievement. An organized program of school, family, and community partnership activities linked to school goals for student success are identified.*

E. What might be considered exemplars of innovation in the context of a rich, innovative curriculum?

Using needs assessments to create the school, instead of using the school to support the needs assessment, is a weak and ineffective strategy if the ultimate goal is to develop a school that is both the right fit and innovative. When needs assessments are used correctly student and community needs/indicators guide the selection of everything, including resources, hiring of staff, creating and developing innovative curriculum, seeking partnerships to extend learning, PD that supports instruction, etc.

When this does not happen or when it happens in a very traditional and/or limited degree, a school may be designed around the major components of effective instruction, but lacks the innovation of design that reflects student, community and district needs. The absence of this type of strategic needs assessment and it's use to develop an innovative school are factors that underpins the citing of the lack of innovation in the South Palm Beach Charter School application.

When a community is well assessed, there are three significant areas that help us to develop innovative, educational programs and structures to respond to the community's assessed needs. They are:

- **Thematic Schools** – these schools respond to the immediate needs of a community, district and local environment. They are schools that recognize the relationship between what we teach, and how student learning can help to meet the gaps in the community. These might include themes such as:
 - Technology schools that emphasize gaming and social media as supported pathways to careers
 - Entrepreneurial academies with focus on mentoring and student internships
 - Political policy, analysis, and influence
 - Defensive writing schools where debate and defensive arguments are a considered factor in the development of a language curriculum
 - Environmental studies including transportation; global warming; agriculture and development of alternative food sources; and world problems and political analysis
 - World economics and finance including analysis, competition, and global management
 - Police academies
 - First responders
 - Hospitality and entertainment
 - The business of construction and city planning
 - Medical and health professions including the support for community nursing and healthcare; health education; developing programs that help to direct students to careers in medical fields with enrollments in medical universities; fitness; and personal nutrition
 - Same sex education

All of these considerations are predicated and founded on a research based curriculum, but provide strength to that curriculum with innovative approaches to meet the needs of students and the community.

- **Schools and Curriculum Developed for Student Centered Needs** – In this case the needs assessments help to build schools that address the very specific needs of students in a district or community. These schools typically fill the gap between what is currently in place to support specialized student needs and what a community would like to see in place to strengthen support for special populations of students. This might include:
 - Students with ADD/ADHD
 - Students with autism
 - Students with dyslexia and/or visual processing disorders
 - Students who may exhibit tendencies of social disorders and who would benefit from extremely small class sizes and instructional expertise

- Highly gifted students who would thrive in environments where peer teaching is structured and encouraged

In all schools created to address specialized learning needs and innovative structures, there must be an essential and underlying commitment that the school will recruit from all student populations, not solely a special focus. The nature of the specialized curricula developed for these schools would provide an expansive inclusion of all student needs. This is in recognition that all students will benefit and advance in an understanding and use of this curricula for the student body. A school must establish a vigorous recruitment effort to engage all students in a community in its commitment and recognition that teaching, learning, instruction, and innovation must not be restricted in any way to/from specific student populations. The absence of this vigorous recruitment and inclusion of students disparages our commitment to innovation and largely reduces our intention to serve underserved populations of students.

All of these considerations are predicated and founded on a research based curriculum, but provide strength to that curriculum with innovative approaches to meet the needs of students and the community.

- **Schools That Address our Global Environment** – These schools might be very focused Science and Technical Schools that include a curriculum that challenges thinking about a world that does not currently exist, but is in our immediate and foreseeable future. This might include:
 - Development of alternative fuel sources
 - The changing global typography
 - Energy consumption
 - Water conservation
 - Pollution and global warming
 - Technology to reduce our carbon footprint
 - The relationship between world resources and consumption

All of these considerations are predicated and founded on a research based curriculum, but provide strength to that curriculum with innovative approaches to meet the needs of students and the community.

Conclusion

Successful charter schools nurture a culture of transformative innovation within their educational program. They are mission-driven, working with a clear and tangible set of goals that are designed based on community needs. This means challenging accepted practice and prevailing logic, which can place practitioners outside their comfort zone, resulting in an exciting and viable education in an inclusive environment

Driving innovation requires imaginative use of resources to help foster creative thinking, problem solving and

innovative practices. Innovative charter schools offer a rigorous, accelerated academically challenging and student centered program, aligned to state standards, where all students are held accountable to reach high levels of academic achievement. They are deliberate in selecting and developing their approach to classroom instruction including the integration of technology in each classroom. Emerging digital technologies present new opportunities that can lead to more diverse and dynamic learning experiences for all students. Evidence suggests that innovation is not only necessary but can be exciting and rewarding and result in a whole range of benefits.

¹ Lubienski, C. (2003). Innovation in Education Markets: Theory and Evidence on the Impact of Competition and Choice in Charter Schools. *American Educational Research Journal*, 40(2), 395- 443.

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Antoinette Peters Dunbar
LaVerne, California 91750
(909) 596-1115

Dunbar Consulting, Inc.

Ms. Dunbar currently leads the development of the School Improvement Grant goals and activities in School Districts around the country. Her work in New York involves school reform, strategic leadership planning and implementation, data reporting and communication and parent/community involvement and outreach. This work encompasses coordination of state, district, school and community efforts to structure, implement and monitor student and staff achievement.

Ms. Dunbar has served as Chief Academic Officer for School Improvement Organizations nationwide. In addition, she has served as Deputy Superintendent for Curriculum, Instruction, and School Improvement for the Miami-Dade County Schools.

SUMMARY OF ADMINISTRATIVE EXPERIENCES:

Instructional Leadership

Antoinette Peters Dunbar

- ✓ Leadership of 17 Instructional Divisions in the 4th largest school district in the country.
- ✓ Designing and implementing ongoing staff development for administrators/teachers, and community leaders in instructional supervision, curriculum administration, assessment, integrated academic and business skills and school management.
- ✓ Developing a new Secondary School Reform Model designed to include career academies, multifaceted internships, transition/articulation plans and the establishment of community invested programs for students.
- ✓ Leading site administrators to organize to become effective observers and assessors of instructional strategies and delivery systems by visiting schools, observing instruction and providing meaningful feedback regarding the strengths and weaknesses of the instructional delivery system.
- ✓ Leading and managing the development, implementation and evaluation of the district's curriculum which includes a teaching and testing continuum of essential skills and concepts appropriate for a changing society.
- ✓ Developing and implementing systematic strategies for improving instruction which resulted in increased test scores.
- ✓ Implementing an evaluation system with increased emphasis on classroom assessments and instructional improvement.
- ✓ Coordinating the development of an Interim Assessment in the core curricular areas to assess individual student progress toward meeting personalized goals for achievement.
- ✓ Developing a new Gifted Education Program (*REGAL* Plan) designed to raise the academic rigor in ALL classrooms and in turn, improve the performance of ALL students.
- ✓ Implementing Ready School Miami Pre-Kindergarten to grade 3 program designed to provide high quality early learning experience, successful transitions, parent and family engagement and community partnerships.
- ✓ Implementing Virtual School which provided alternative curricular resources for students to expand their acquisition of knowledge and pathways to graduation, personal and academic goals.

- √ Overseeing the effective and efficient operations of the areas of magnet and charter schools; bilingual education; career and technical education; student services; technology and equity and diversity compliance.
- √ Ensuring appropriate implementation of and compliance with, federal statutes and regulations pertaining to Individuals with Disabilities education Act (IDEA); Perkins Act; Reading First; Title 3, Title 2 and Title 1.
- √ Developing a new coordinated curriculum assessment program that targets classroom instruction, student acquisition of standards based content knowledge, professional development and data driven decision making for District, Regional and school site administrators, teachers, students and parents.

Parent/Community:

- ✓ Conduction community meetings and parent education sessions.
- ✓ Establishing with the University of California at Irvine the "I Am Going to College Program" in the high school to increase the numbers of students attending college.
- ✓ Collaborating with city and county health facilities to provide immunizations and physical examinations for students.
- ✓ Planning and organizing Education Sunday activities. These activities culminated in district staff attending churches in the community and speaking to congregations about the importance of reading.

Superintendent/Board Relations:

As Deputy Superintendent, I have utilized skills in working with school boards as demonstrated by:

- ✓ Assisting the Superintendent in developing the Board of Trustees meeting agendas, board reports and presentation of information at Board meetings.
- ✓ Representing the Superintendent at community, regional and state educational meetings and public hearings.
- ✓ Providing leadership in developing the district's strategic and operational plans.
Conducting hearings, recommending disciplinary actions documenting for cause and recruiting teachers.
Preparing necessary state, county and federal reports.

Budget/Fiscal:

- ✓ Assisting the Superintendent, as a member of the executive cabinet, in the development of the District's budget; including reduction in force and applying for state mandated cost reimbursements.
- ✓ Providing assistance to school sites in appropriate fiscal practices.

Maintenance, Operations and Facilities:

- ✓ Assisting in the planning for school modernization.
- ✓ Assisting in the development of the District's five year deferred maintenance plan.
- ✓ Assisting in the planning for reducing the backlog of maintenance requests within a ninety day period.
- ✓ Working with the transportation department in scheduling bus routs and field trips.
- ✓ Assisting in the developing curriculum and room utilization plan for new schools.

II. ORGANIZATIONAL PLAN

Section 9: Governance

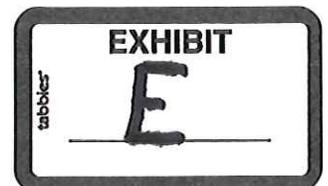
A. Describe how the school will organize as or be operated by a non-profit organization.

The Florida Charter Educational Foundation, Inc. is a Florida not-for-profit corporation and will be the Governing Board that operates the School. FCEF has been granted 501(c)(3) status by the IRS and is organized exclusively for the purpose of governing charter schools. See Appendix A for corporate documents.

The current members of the Florida Charter Educational Foundation include:

- Ken Haiko, Chairman
- Dennis Clark, Vice Chairman/Secretary
- Thomas Wheeler, Treasurer
- John O'Brien, Director
- Margaret Wells, Director

FCEF is governed by the general philosophy that it is an organized group of volunteers who, collectively, are legally and morally accountable to the community for the health, vitality and effectiveness of the School. As the charter holder, FCEF will have ultimate authority over and responsibility for school operations, including all responsibilities set forth in Section 1002.33(9), Florida Statutes. This includes, but is not limited to the following: annual adoption of budget; ensuring the school retains the services of a certified public accountant or auditor for the annual financial audit; reviewing the annual audit; reporting progress annually to the Sponsor; and designating at least one administrative person to be responsible for duties associated with performance evaluations of instructional personnel and administrators. FCEF is responsible for continuing oversight over the operations of the School, and shall conduct itself in accordance with all applicable laws and regulations.



2014 FLORIDA NON PROFIT CORPORATION AMENDED ANNUAL REPORT

DOCUMENT# N98000004768

Entity Name: RENAISSANCE CHARTER SCHOOL, INC.

Current Principal Place of Business:

6245 N. FEDERAL HWY.,
5TH FL
FORT LAUDERDALE, FL 33308

Current Mailing Address:

6245 N. FEDERAL HWY.,
5TH FL
FORT LAUDERDALE, FL 33308

FEI Number: 65-0864257

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

POZZUOLI, EDWARD JESQ
110 S.E. 6TH STREET
15TH FLOOR
FORT LAUDERDALE, FL 33301 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: _____

Electronic Signature of Registered Agent

Date

Officer/Director Detail :

Title CDP
Name HAIKO, KEN
Address 4145 CYPRESS REACH COURT, #505
City-State-Zip: POMPANO FL 33069

Title D
Name WHEELER, THOMAS P
Address 5124 N.W. 84TH ROAD
City-State-Zip: CORAL SPRINGS FL 33067

Title DVP
Name CLARK, DENNIS
Address C/O 1905 NORTH OCEAN BLVD. #8A
City-State-Zip: FORT LAUDERDALE FL 33305

Title DT
Name WELLS, MARGARET
Address 533 NW 14TH STREET
City-State-Zip: HOMESTEAD FL 33030

Title D
Name O'BRIEN, JOHN
Address 15649 BEACHCOMBER AVE
City-State-Zip: FORT MYERS FL 33908

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: KEN HAIKO

BOARD OF DIRECTORS

07/08/2014

Electronic Signature of Signing Officer/Director Detail

Date



2014 FLORIDA NON PROFIT CORPORATION AMENDED ANNUAL REPORT

DOCUMENT# N00000006526

Entity Name: THE FLORIDA CHARTER EDUCATIONAL FOUNDATION, INC.

Current Principal Place of Business:

6245 NORTH FEDERAL HIGHWAY
5TH FLOOR
FORT LAUDERDALE, FL 33308

Current Mailing Address:

6245 NORTH FEDERAL HIGHWAY
5TH FLOOR
FORT LAUDERDALE, FL 33308 US

FEI Number: 31-1748540

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

C T CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Officer/Director Detail :

Title CDP
Name HAIKO, KEN
Address 4145 CYPRESS REACH COURT, #505
City-State-Zip: POMPANO FL 33069

Title DVP
Name CLARK, DENNIS P
Address 1905 N. OCEAN BLVD. #81
City-State-Zip: FORT LAUDERDALE FL 33305

Title DT
Name WELLS, MARGARET I
Address 533 N.W. 14TH STREET
City-State-Zip: HOMESTEAD FL 33030

Title D
Name WHEELER, THOMAS P
Address 5124 N.W. 84TH ROAD
City-State-Zip: CORAL SPRINGS FL 33067

Title DIRECTOR
Name O'BRIEN, JOHN
Address 1564 BEACH COMBER AVE
City-State-Zip: FT MYERS FL 33908

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: DENNIS CLARK

MANAGER

05/13/2014

Electronic Signature of Signing Officer/Director Detail

Date



Wednesday, December 10, 2014
5. SPECIAL MEETING following Workshop in the Board Room

This meeting is open to the public.

1. Call To Order

Start Time - Chairman Opens Meeting - Board Clerk Takes Attendance

2. Chairman Adds Items for Good Cause

Items Added

3. Superintendent Withdraws Items

CS2 Palm Beach Collegiate - New Application

LD4 Educational Broadband Service Long-Term Lease Agreement with Sprint Spectrum LP

4. Board Pulls Items from Consent Agenda

Items Pulled

5. BOARD REVIEW & APPROVAL OF AGENDA

AGENDA APPROVAL

6. Disclosures & Abstentions

Disclosures & Abstentions

7. Board and Superintendent Comments

Comments

8. Speakers - Agenda Items

Agenda Item Speakers

9. Consent Agenda

A1 Expulsion of Student 14/15-X-014

A2 Expulsion of Student 14/15-X-015

CS3 Everglades Preparatory Academy - First Amendment to Charter Contract

CS4 CHAMPS Charter School at Royal Palm Beach - Voluntary Termination of Charter Contract

CS5 CHAMPS Charter School at Wellington - Voluntary Termination of Charter Contract

FMPO1 Contract Extension with Capital City Consulting, LLC. for Lobbying Services

FMPO2 Contract Extension with Schoolhouse Consulting Group, Inc. for Lobbying Services



FMT1 Resolution to Issue COP 2015C

L1 2015 Critical Legislative Priorities

LD2 Policy 5.1812 Student Code of Conduct for Elementary Students

LD3 Policy 5.1813 Student Code of Conduct for Secondary Students

P1 Personnel Agenda

10. APPROVAL OF CONSENT AGENDA

CONSENT AGENDA APPROVAL

11. NEW BUSINESS

CS1 South Palm Beach Charter School - New Application

CS6 Montessori Academy of Early Enrichment - School Improvement Plan

CS7 Renaissance Charter School at Summit - School Improvement Plan

CS8 Florida Virtual Academy at Palm Beach County - School Improvement Plan

CS9 Day Star Academy of Excellence - School Improvement Plan

LD1 Policy 8.01 Promotion, Placement, Graduation - Student Progression Plans

MIN1 November 18, 2014 Reorganization Meeting

12. ADJOURN

END TIME



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FLORIDA
DEPARTMENT OF CHARTER SCHOOLS
3300 Forest Hill Boulevard, 1bis Bldg. E
West Palm Beach, FL 33406

JAMES T. PEGG
Director

JOSEPH M. LEE, Ed.D.
Assistant Superintendent

Ph: 561.969-5875 Fax: 561.434-7498
www.palmbeachschools.org/CharterSchoolsSDPBC

VIA EMAIL: dkelmanson@charterschoolsusa.com

September 4, 2014

Derek Kelmanson, Education Service Provider
South Palm Beach Charter School
800 Corporate Drive, Suite 124
Fort Lauderdale, FL 33334

Dear Mr. Kelmanson,

Thank you for submitting a charter school application with the School District of Palm Beach County. We are requesting your consideration for an extension of October 31, 2014. 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: lyn.bryant@palmbeachschools.org.

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



Derek Kelmanson
Education Service Provider

9/4/14

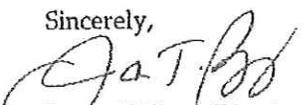
Date



James T. Pegg
Director of Charter Schools

9/4/14

Date

Sincerely,

James T. Pegg, Director

JTP/mv

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

Palm Beach County Schools—Rated "A" by the Florida Department of Education 2005-2011
"Home of Florida's First LEED Gold Certified School"
www.palmbeachschools.org

