

**STATE BOARD OF EDUCATION**  
**Action Item**  
February 25, 2015

**SUBJECT:** Request for Waiver of Termination – Acclaim Academy of Florida Inc. – Osceola County

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**PROPOSED BOARD ACTION**

The Board may either grant or deny the request for waiver of termination.

**AUTHORITY FOR STATE BOARD ACTION**

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

**EXECUTIVE SUMMARY**

The sponsor shall terminate a charter if the charter school earns two consecutive grades of "F" unless the State Board of Education grants the charter school a waiver of termination. The State Board may waive termination if the charter school demonstrates that the learning gains of its students on statewide assessments are comparable to or better than the learning gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver. Acclaim Academy of Florida Inc. in Osceola County received a school grade of "F" for the 2012-13 and 2013-14 school years.

If the State Board denies the waiver request the School Board of Osceola County will initiate termination proceedings against the school. If the State Board grants the waiver the school will be permitted to remain open for the remainder of the 2014-15 school year and for the 2015-16 school year.

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

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

**Acclaim Academy Florida, Inc.**

6965 Piazza Grande Ave., Suite 305, Orlando, FL 32835

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DEPT OF EDUCATION  
TALLAHASSEE FLA

2015 JAN -2 AM 11:15

FILED AGENCY CLERK

January 2, 2015

Cathy Schroeder, Clerk  
State Board of Education  
325 West Gaines St., Suite 1520  
Tallahassee, FL 32299-0400

**VIA HAND DELIVERY**

RE: Notice of Filing Waiver of Termination Request for Acclaim Academy

Dear Ms. Schroeder:

I have the pleasure of serving as the Chair of the Governing Board of Acclaim Academy, School Number 0151, located at 3540 Pleasant Hill Road, Kissimmee, FL 34746. We respectfully request a Waiver of Termination from the State Board of Education, pursuant to Section 1002.33(9)(n)4., Florida Statutes, and Chapter 6A-1.099827(8), F.A.C., this 2<sup>nd</sup> day of January, 2015 for all the reasons contained in the attached Waiver of Termination Request.

I also certify that the Governing Board voted at a duly noticed public meeting, held on December 18, 2014, to authorize filing of the Waiver of Termination Request. We look forward to our further discussions regarding this important matter.

Sincerely,

Mike Roberts  
President/Governing Board Chair

C: Dr. Sonia Vazquez Esposito, Executive Director, Charter School and Educational Choices Department, School District of Osceola County  
Larry Brown, School Board Attorney, School District of Osceola County  
Vivian Cocotas, School Board Attorney, School District of Osceola County

**Waiver of Termination Request to the State Board of Education from  
Acclaim Academy Florida, Inc.**

Acclaim Academy Florida, Inc. (hereinafter “Acclaim Academy”), which holds a Charter Contract for a grade 7-12 charter school (MSID No. 0151) with the Osceola County School Board (“District”), respectfully requests that the State Board of Education, pursuant to Section 1002.33(9)(n)(4)(c), Florida Statutes, waive the statutory termination of the Charter Contract for having received a “F” grade on the FCAT for school years 2012-13 and 2013-14. Florida Statute, Section 1002.33(9)(n)(4)(c), provides that “[t]he state board may waive termination if the charter school demonstrates that the learning gains of its students on statewide assessments are comparable to or better than the learning gains of similarly situated students enrolled in nearby district public schools.”

Based on its significant improvement in its FCAT score from the 2012-2013 school year to the 2013-14 school, Acclaim Academy anticipates that it will be able to show comparable to or better learning gains to similarly situated students enrolled in nearby district public schools. However, due to the holidays, staff from FDOE have not provided Acclaim Academy with the nearby district public schools or the data that will be used for comparison. In addition, Acclaim Academy is consulting with the District as to whether a grade appeal is warranted.

After consultation with FDOE staff, FDOE agrees that the filing of the Waiver on this 2<sup>nd</sup> day of January, 2015 is timely filed. Acclaim Academy respectfully requests that it be allowed to amend its Petition once the comparable schools have been identified and comparable scores have been calculated and provided. In addition, if Acclaim Academy’s grade appeal is filed by the District, Acclaim Academy requests that the proceeding to determine this Request for Waiver of Termination be stayed until final disposition of the grade appeal.

**CERTIFICATE OF SERVICE**

I, Shawn Arnold, counsel for Acclaim Academy, do certify pursuant to F.A.C. 6A-1.099827(8)(c) that 10 hard copies of the foregoing Waiver of Termination Request have been served by hand to the Agency Clerk for the Department of Education at 325 West Gaines Street, Room 1520, Tallahassee, Florida 32399, as well as via email on counsel for the School Board of Osceola County, Larry Brown, Esq., [ulbrown@orlandolaw.net](mailto:ulbrown@orlandolaw.net), and Vivian Cocotas, Esq., [vcocotas@orlandolaw.net](mailto:vcocotas@orlandolaw.net) and the Executive Director of Charter School and Educational Choices Department for Osceola County, Dr. Sonia Vazquez Esposito, [espositos@osceola.k12.fl.us](mailto:espositos@osceola.k12.fl.us), this 2<sup>nd</sup> day of January, 2015.



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# Learning Gains Comparison for “FF” Charter Schools and Nearby Schools Serving Similar Populations: 2014

## Report for Acclaim Academy of Florida (Osceola)

### Charter School

490151	49	OSCEOLA	0151	ACCLAIM ACADEMY OF FLORIDA INC (7-12)
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### Nearby Middle Schools (Grade 6-8 Students):

490041	49	OSCEOLA	0041	DISCOVERY INTERMEDIATE SCHOOL
490341	49	OSCEOLA	0341	HORIZON MIDDLE SCHOOL

### Nearby High Schools (Grade 9-12 Students):

490842	49	OSCEOLA	0841	POINCIANA HIGH SCHOOL
490841	49	OSCEOLA	0842	LIBERTY HIGH SCHOOL

## Grades 6-8

### 2013-14 Percent Making Learning Gains in Reading - No Extra Weighting in Numerator

District #	School #	School Name	Prior-Year Level 1	Prior-Year Level 2	PY Level 3 and Above	ELLs*	SWDs *
49	0151	ACCLAIM ACADEMY OF FLORIDA INC (6-8)	49%	46%	49%	34%	36%
49	0041	DISCOVERY INTERMEDIATE SCHOOL (Group B)	62%	50%	58%	50%	50%
49	0341	HORIZON MIDDLE SCHOOL (Group B)	56%	48%	69%	58%	43%
49	NA	Group B	59%	49%	64%	54%	47%

### 2013-14 Percent Making Learning Gains in Math - No Extra Weighting in Numerator

District #	School #	School Name	Prior-Year Level 1	Prior-Year Level 2	PY Level 3 and Above	ELLs*	SWDs *
49	0151	ACCLAIM ACADEMY OF FLORIDA INC (6-8)	73%	56%	52%	60%	62%
49	0041	DISCOVERY INTERMEDIATE SCHOOL (Group B)	47%	45%	63%	43%	36%
49	0341	HORIZON MIDDLE SCHOOL (Group B)	59%	53%	68%	52%	42%
49	NA	Group B	53%	49%	66%	47%	39%

\* Include FAA scores if applicable for overall gains for ELLs and SWDs.

**2013-14 Percent Making Learning Gains in Reading - Includes Extra Weighting for Gains**

District #	School #	School Name	Prior-Year Level 1	Prior-Year Level 2	PY Level 3 and Above	ELLs*	SWDs *
49	0151	ACCLAIM ACADEMY OF FLORIDA INC (6-8)	53%	50%	51%	37%	38%
49	0041	DISCOVERY INTERMEDIATE SCHOOL (Group B)	67%	55%	60%	54%	54%
49	0341	HORIZON MIDDLE SCHOOL (Group B)	61%	52%	71%	62%	47%
49	NA	Group B	64%	53%	67%	58%	50%

**2013-14 Percent Making Learning Gains in Math - Includes Extra Weighting for Gains**

District #	School #	School Name	Prior-Year Level 1	Prior-Year Level 2	PY Level 3 and Above	ELLs*	SWDs *
49	0151	ACCLAIM ACADEMY OF FLORIDA INC (6-8)	79%	61%	54%	64%	67%
49	0041	DISCOVERY INTERMEDIATE SCHOOL (Group B)	51%	48%	65%	46%	38%
49	0341	HORIZON MIDDLE SCHOOL (Group B)	63%	56%	71%	55%	45%
49	NA	Group B	57%	52%	68%	51%	41%

**Grades 9-12**

**2013-14 Percent Making Learning Gains in Reading - No Extra Weighting in Numerator**

District #	School #	School Name	Prior-Year Level 1	Prior-Year Level 2	PY Level 3 and Above	ELLs*	SWDs *
49	0151	ACCLAIM ACADEMY OF FLORIDA INC (9-12)	49%	53%	70%	59%	32%
49	0841	POINCIANA HIGH SCHOOL (Group B)	57%	47%	56%	50%	38%
49	0842	LIBERTY HIGH SCHOOL (Group B)	64%	52%	58%	58%	45%
49	NA	Group B	61%	49%	57%	54%	42%

\* Include FAA scores if applicable for overall gains for ELLs and SWDs.

**2013-14 Percent Making Learning Gains in Math - No Extra Weighting in Numerator**

District #	School #	School Name	Prior-Year Level 1	Prior-Year Level 2	PY Level 3 and Above	ELLs*	SWDs *
49	0151	ACCLAIM ACADEMY OF FLORIDA INC (9-12)	71%	33%	47%	53%	44%
49	0841	POINCIANA HIGH SCHOOL (Group B)	71%	38%	73%	54%	51%
49	0842	LIBERTY HIGH SCHOOL (Group B)	77%	44%	66%	64%	63%
49	NA	Group B	75%	41%	69%	59%	58%

**2013-14 Percent Making Learning Gains in Reading - Includes Extra Weighting for Gains**

District #	School #	School Name	Prior-Year Level 1	Prior-Year Level 2	PY Level 3 and Above	ELLs*	SWDs *
49	0151	ACCLAIM ACADEMY OF FLORIDA INC (9-12)	53%	58%	71%	64%	34%
49	0841	POINCIANA HIGH SCHOOL (Group B)	62%	51%	58%	55%	41%
49	0842	LIBERTY HIGH SCHOOL (Group B)	69%	56%	59%	63%	48%
49	NA	Group B	66%	54%	59%	59%	45%

**2013-14 Percent Making Learning Gains in Math - Includes Extra Weighting for Gains**

District #	School #	School Name	Prior-Year Level 1	Prior-Year Level 2	PY Level 3 and Above	ELLs*	SWDs *
49	0151	ACCLAIM ACADEMY OF FLORIDA INC (9-12)	71%	33%	47%	53%	44%
49	0841	POINCIANA HIGH SCHOOL (Group B)	71%	38%	75%	55%	52%
49	0842	LIBERTY HIGH SCHOOL (Group B)	77%	44%	68%	64%	63%
49	NA	Group B	75%	42%	71%	60%	58%

\* Include FAA scores if applicable for overall gains for ELLs and SWDs.

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

##### **(1) Required Plans.**

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

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

##### **(2) Notifications.**

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

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

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

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

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

##### **(3) Appearances.**

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

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

##### **(4) School Improvement Plans.**

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

1. Mission statement of school;

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

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

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

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

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

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

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

9. Specific student achievement outcomes to be achieved.

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

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

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

2. A detailed implementation timeline; and

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

(5) Approvals.

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

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

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

(6) Corrective Actions.

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

1. Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as follows:

a. The charter school may select a state approved provider of Supplemental Education Services, pursuant to paragraph 6A-1.039(2)(f), F.A.C., to provide services to students.

b. The charter school may select an Education Management Organization or Academic Management Organization to provide services to charter school students, teachers, and administrators, including services such as, but not limited to, instructional coaching, curriculum review and alignment, and data literacy.

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

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

4. Voluntarily close.

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

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

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

(7) Monitoring.

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

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

(8) Waivers of Termination.

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

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

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

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

(e) The waiver request shall not exceed five (5) pages. Information provided beyond the five (5) page maximum will not be discussed nor considered by the State Board of Education. The waiver request shall be on 8 1/2 x 11 inch paper, double spaced, except quoted material and footnotes. Typewritten text, including footnotes must be no smaller than ten (10) pitch spacing, and there must be no more than twenty-six (26) lines of text per paper. Margins shall be no less than one (1) inch at the top, bottom, left and right.

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

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

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

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

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

#### **Section 1002.33(9)(n)4., Florida Statutes**

4. The sponsor shall terminate a charter if the charter school earns two consecutive grades of “F” unless:

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

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

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