

Freddie Woodson, Deputy Superintendent  
District/School Operations

**SUBJECT: REQUEST SCHOOL BOARD APPROVAL OF THE TERMINATION OF THE CHARTER SCHOOL CONTRACTUAL AGREEMENT WITH THE RISE SCHOOLS, INC., ON BEHALF OF RISE ACADEMY – SOUTH DADE CHARTER SCHOOL**

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT**

**LINK TO STRATEGIC FRAMEWORK: STUDENT, PARENT, AND COMMUNITY ENGAGEMENT**

Section 1002.33(8), Florida Statutes, and the contract between the charter school and the School Board, provide guidelines for the termination of a charter school contract and for the dissolution of a charter school.

### **History & Overview**

The initial charter school contractual agreement for Rise Schools, Inc., on behalf of Rise Academy – South Dade Charter School (Rise Academy or School), was approved by The School Board of Miami-Dade County, Florida (School Board), on April 16, 2008, for a term of ten years, commencing with the 2008-2009 school year. The School Board subsequently approved a contract amendment to change the school's location.

Under the current contractual agreement, Rise Academy is authorized to serve a maximum of 600 students in kindergarten through grade eight, through June 30, 2018. Rise Academy currently serves approximately 230 students in kindergarten through grade two and grade six through grade seven.

### **Good Cause Basis for Immediate Termination of Contract**

Section 1002.33(8)(d), Florida Statutes, provides that a sponsor may terminate a charter school for any of the following: (1) failure to meet the requirements for student performance stated in the charter, (2) failure to meet generally accepted standards of fiscal management, (3) violation of law, and/or (4) other good cause shown. Section 1002.33(8)(d), Florida Statutes, also provides that a charter may be terminated immediately "if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened."

Here, the School Board may immediately terminate this charter school contractual agreement with Rise Academy, for all of these reasons including the following good cause:

**C-32**

**A. Poor Academic Performance**

Rise Academy has failed to adequately improve student performance, pursuant to the State of Florida's System of School Improvement and Accountability. During its first year of operation, for the 2008-09 school year, Rise Academy received a grade of "F" under the State of Florida's System of School Improvement and Accountability and did not meet Adequately Yearly Progress (AYP).

The following table delineates recorded student achievement levels in reading and mathematics on the FCAT, Level 1 and Level 2, for the first year of operation:

<b>Spring 2009</b>		
<b>Percentage of Students Performing at FCAT Level 1 and Level 2</b>		
<b>Grade Level</b>	<b>FCAT Reading SSS</b>	<b>FCAT Mathematics SSS</b>
6	63%	73%
7	NA (no 7 <sup>th</sup> graders enrolled)	NA (no 7 <sup>th</sup> graders enrolled)

For the 2009-10 school year, based on the results of the District's 2010 Winter Interim Assessment, the following table delineates current student achievement levels for those students performing below state mastery levels.

<b>Winter 2010 Interim Assessment</b>		
<b>Percentage of Students Performing at FCAT Level 1 and Level 2</b>		
<b>Grade Level</b>	<b>FCAT Reading SSS</b>	<b>FCAT Mathematics SSS</b>
6	54%	60%
7	55%	70%

Data from the three administrations of Florida's Assessment for Reading Instruction (FAIR), used to assess standards, monitor progress, and predict end of the year performance on standardized tests (K-2, and FCAT), reveal the following results:

<b>2009-2010 FAIR Data Assessment</b>			
<b>Percentage of Students with a Probability of Reading Success</b>			
<b>Grade Level</b>	<b>First Assessment (8/31/09 - 10/21/09)</b>	<b>Second Assessment (12/2/09 - 2/4/10)</b>	<b>Third Assessment (4/7/10 - 5/25/10)</b>
K	25%	54%	52%
1	35%	35%	42%
2	25%	25%	50%
6	24%	20%	16%
7	31%	30%	27%

While a few of these numbers show minimal improvement, the levels of student performance remain far below acceptable standards. The School has undergone fourteen (14) site visits by staff from the Florida Department of Education (FDOE), five (5) visits from the District's Office of School Improvement and Accountability and approximately thirty (30) visits from other District staff since the school opened in the 2008-2009 school year. Rise Academy has not made any progress in implementing corrective action plans required by the State or District, or in meeting any of the applicable additional requirements necessary to achieve the academic goals as stated in its approved charter, the School Improvement Plan, the Florida Department of Education Bureau of School Improvement and Accountability Action Plan, and other state academic standards.

**B. Inability to Implement the Components of Florida's System of School Improvement and Differentiated Accountability**

Because the school received an "F" grade in the 2008-09 school year, it was designated as a Differentiated Accountability (DA) Correct II school. The Florida Department of Education and the District each conducted initial visits on October 12, 2009, and November 9, 2009. Significant monitoring and resources were provided by both offices. The District conducted a follow-up visit on May 11, 2010, and the State visited again on May 18, 2010. While District staff made considerable efforts to secure educational materials, tools, and resources to supplement those available to teachers and students, the school's staff failed to pick up materials as agreed, and materials that District staff delivered were returned unopened and unused. Despite the additional support in the areas of curriculum and instruction, instructional planning and delivery, Florida's Continuous Improvement Model, and effective school leadership, both offices found substantial deficiencies in every one of the ten elements required for review.

The state specifically noted the ineffective use of the District-provided Reading Coach, a lack of Social Studies curriculum, a completely inadequate Reading and Mathematics curricula, reading blocks that were interrupted for other activities, an inability to provide rigorous instruction and supportive materials, and an inadequate and irregular instructional schedule that did not provide bell-to-bell learning opportunities for students. The numerous other deficiencies found by the two offices are:

- 1) Failure to provide appropriate classroom culture and environment as evidenced by:**
  - a) Failure to provide classrooms that are inviting and clear of clutter;
  - b) Failure to arrange classroom furniture and provide physical arrangements that are conducive to learning;
  - c) Failure to utilize a common board configuration that includes a date, benchmark, objective, agenda, essential question, opening and closing activity, and homework;

- d) Failure to provide classrooms that display/contain literacy-rich, instructional-based visual aids and resources;
  - e) Failure to provide interactive word walls that are current, organized, and referenced throughout instruction in ways that help students increase their vocabulary acquisition and use of content vocabulary;
  - f) Failure to display exemplary student work to establish quality control expectations for various tasks and assessments; and,
  - g) Failure to follow classroom schedules, provide organized activities, create a transition between activities, and ensure bell-to-bell instruction.
- 2) Failure to provide instructional tools and materials as evidenced by:**
- a) Failure to provide curriculum maps for each content area by course and/or grade level that include the scope and sequence, pacing/calendaring of content, and suggested science laboratory experiments, mathematics manipulative, writing prompts, etc. for each unit of study;
  - b) Failure to ensure that content materials are available in a variety of formats, are research-based, and are aligned with standards;
  - c) Failure to ensure that adequate content materials and technologies that support student learning are neatly organized, readily available for use, and easily accessible by the teacher and all students;
  - d) Failure to provide culturally and developmentally appropriate materials to support student learning;
  - e) Failure to provide supplemental materials to offer further breadth and depth to lessons; and,
  - f) Failure to provide a range of technology to support student learning.
- 3) Failure to provide adequate lesson planning and delivery as evidenced by:**
- a) Failure to follow instructional pacing guides that are aligned with course standards;
  - b) Failure to provide essential questions that are written in student friendly language, posted in the classroom, and referred to during every lesson to build connections between activities and learning;
  - c) Failure to unpack standards to determine the content, knowledge, and abilities expected at each grade level or with a course of study;
  - d) Failure to develop lesson plans using a research-based lesson format that promotes a general release of responsibility;
  - e) Failure to follow an instructional delivery model that includes explicit instruction, modeled instruction, guided practice, and independent practice;
  - f) Failure to follow an instructional delivery model that includes explicit instruction, modeled instruction, guided practice, and independent practice as well as lesson assessment;

- g) Failure to use the Test Item Specifications to select examples for use during explicit instruction, modeled instruction, guided practice, independent practice, and lesson assessment for instruction of benchmarks;
- h) Failure to provide lesson delivery that is appropriately paced and allows students sufficient opportunity to practice new skills and strategies with adjustments to instruction as appropriate to meet student needs;
- i) Failure to provide re-teaching of previously taught material that is seamlessly integrated and provides students the opportunity to apply prior knowledge to new content/concepts and to real world context; and,
- j) Failure to provide staff the opportunity to share lesson ideas and evaluate the effectiveness of lesson planning and delivery through common planning time, the Lesson Study Process, and Professional Learning Communities.

**4) Failure to utilize higher order questioning and discourse as evidenced by:**

- a) Failure to utilize and implement strategies designed to promote critical, independent, and creative thinking;
- b) Failure to utilize questioning techniques that require students to compare, classify, analyze different perspectives, induce, investigate, problem solve, inquire, research, and make decisions;
- c) Failure to use inquiry methods to promote conceptual change and a deeper understanding of the content;
- d) Failure to model higher order thinking skills using “think-a-louds” to verbalize thinking, such as forming mental pictures, connecting information to prior knowledge, creating analogies, clarifying confusing points, and/or making/revising predictions; and,
- e) Failure to utilize scaffolding, pacing, prompting, and probing techniques when asking questions.

**5) Failure to ensure student engagement in the learning process as evidenced by:**

- a) Failure to employ a variety of learning strategies that engage students in active participation, address multiple learning styles and cultural experiences and stimulate student intellectual interest;
- b) Failure to introduce units of student with a hook to engage students relative to their interests, culture, age, gender, etc.;
- c) Failure to provide students with the opportunity to participate in hands-on activities that include the use of appropriate content materials and technologies;
- d) Failure to conduct inquiry based activities, demonstrations, and/or lab experiments on a regular and consistent basis;
- e) Failure to incorporate collaborative structures during guided practice;

- f) Failure to provide students the opportunity to be active participants in developing hypotheses, designing procedures, carrying out investigations, and analyzing data; and,
  - g) Failure to make adjustments in instruction for all students in the classroom based on student engagement throughout a lesson.
- 6) Failure to provide rigorous student tasks and assessments as evidenced by the following:**
- a) Failure to assign tasks that follow an appropriate progression of rigor according to the four Webb's Depth of Knowledge (DOK) Levels (i.e., DOK 1 Recall and Reproduction, DOK 2 Skills and Concepts/Basic Reasoning, DOK 3 Strategic Thinking/Complex Reasoning, and DOK 4 Extended Thinking/Reasoning);
  - b) Failure to assign tasks and assessments that meet each benchmark's Cognitive Complexity Rating (i.e., low, moderated, or high);
  - c) Failure to provide students with specific expectations as to how class assignments are to be completed, when they are to be finished, the form in which they are to be presented, and the quality of the final product;
  - d) Failure to hold students accountable for and give appropriate feedback on class work and homework;
  - e) Failure to administer informal and formal assessments to monitor individual student progress including progress toward mastery of the standards and to make instructional changes, if needed;
  - f) Failure to incorporate "Checks for Understanding" throughout a lesson (e.g., fist or five, thumbs up/down/middle, white board responses, and student accountable talk) to ensure that students are obtaining the knowledge and skills to answer the Essential Question by the end of class with a final Check for Understanding (e.g., exit ticket, journal response, and board races);
  - g) Failure to make adjustments in instructional techniques for all students in the classroom based on student responses to "Checks for Understanding" throughout a lesson;
  - h) Failure to ensure that scoring rubrics are generated, utilized, and shared with students to establish detailed expectations on lessons, assignments, essays, and projects;
  - i) Failure to utilize formative assessments to monitor students' mastery of skills and strategies and to pace students' learning;
  - j) Failure to utilize summative assessments to monitor students' retention and reinforcement of skills and strategies following instruction;
  - k) Failure to maintain accurate, complete, and updated documentation, (i.e., data anecdotal records in the course of monitoring student development);

- l) Failure to maintain and utilize student portfolios as an ongoing measure of student progress inclusive of student work, reports, reflections, self-assessments, and even peer-teacher assessments;
- m) Failure to utilize diagnostic assessments for students not demonstrating progress in core content instruction; and
- n) Failure to provide teachers with direct, real-time access to student achievement data and collaboration in order to implement instructional changes based on the data.

**7) Failure to implement differentiated instruction as evidenced by:**

- a) Failure to ensure that student performance and assessment data is analyzed and used as a basis for providing specific levels of differentiated instruction;
- b) Failure to provide a method for teachers to meet with administration and/or instructional coaches to redirect the instructional focus and ensure that the interventions and strategies are implemented to provide remediation for deficient students and enrichment for proficient students;
- c) Failure to ensure that teachers vary the levels of abstractness and complexity as appropriate for students at different levels of readiness through modifications, accommodations, and extensions of content and instructional tools and materials;
- d) Failure to ensure that, based on individual student needs, students are actively engaged in varied partner, triad, quad, and/or small group activities that reinforce or enhance skills on previously taught content;
- e) Failure of, during individual or group activities, teachers to simultaneously provide intensive, maintenance and enrichment instruction to rotating groups of students, or to individual students based on individual needs indicated by data reports;
- f) Failure of, based on the various learning styles, interest and abilities of individual students, teachers to employ unit menus (i.e., an array of project choices) leveled tasks (i.e., a series of tasks at a consistent cognitive level), and/or tiered learning activities (i.e., a series of related tasks of varying complexity) as alternative ways of mastering the same benchmark;
- g) Failure to provide anchor activities such as learning centers and research-based computer programs to reinforce standards and/or enforce learning; and,
- h) Failure of school administrators and teachers to target interventions for individual students in AYP subgroups based upon data analysis.

**8) Failure to ensure cross content reading and writing instruction as evidenced by:**

- a) Failure to provide the scaffolding and support across content areas (i.e., reciprocal teaching routines) necessary for students to generalize the use of four strategies that good readers use to

- comprehend text: predicting, questioning, clarifying, and summarizing;
- b) Failure to incorporate vocabulary acquisition strategies (e.g., picture notes, word mapping, interactive word walls, column notes, and context clues) into lessons before, during, and after reading content materials;
  - c) Failure to provide students with explicit vocabulary instruction to determine the meanings of general, specialized, and technical content-related words and concepts (e.g., word origins and their meanings, decontextualizing words, high frequency words across multiple domains, multi-faceted meanings, and shades of meanings);
  - d) Failure to utilize and provide non-fiction reading materials that support student learning and ensure materials are readily available and easily accessible by all students;
  - e) Failure to require students to create and maintain science lab reports and/or lab journals that include the components of the scientific method;
  - f) Failure to incorporate word problems into every mathematics lesson and all homework sets;
  - g) Failure to incorporate short response and extended response items in lessons, homework, and assessment to apply scientific and mathematical thinking skills; and,
  - h) Failure to require students to follow a common writing process to produce essays and compositions including prewriting/planning, writing/drafting, revising, editing/proofreading, and publishing.
- 9) **Failure to implement Florida's Continuous Improvement Model (FCIM) as evidenced by:**
- a) Failure to require teachers to use Florida's Assessment for Instruction in Reading (FAIR) to drive FCIM for reading;
  - b) Failure to ensure that Reading teachers use the FAIR Broad Screen/Progress Monitoring Tool (BS/PMT) three times a year to identify content cluster areas for comprehension in need of additional time and focus and predict student's FCAT Success Probability (FSP);
  - c) Failure to ensure that Reading teachers review universal screening data following each FAIR BS/PMT of Reading Comprehension (RC) to identify students in need of intervention/differentiated instruction;
  - d) Failure to ensure that Reading teachers use Targeted Diagnostic Inventory (TDI) results of Maze and Word Analysis (WA) to help identify the underlying reasons for reading comprehension problems and assist in intervention planning for students with FSPs below 85%;
  - e) Failure to ensure that every 20 days, all students receiving reading intervention complete Ongoing Progress Monitoring (OPM) of

- Reading Comprehension (RC), Maze, and Florida Oral Reading Fluency (F-ORF);
- f) Failure to ensure that Reading teachers access student data on the Progress Monitoring Resource Network (PMRN) to compare students' rate of progress to rate of progress required to close the current gap to determine if reading intervention plans are effective;
  - g) Failure to ensure that Reading teachers examine rate of progress for all disaggregated groups and modify interventions for groups not meeting rate of expected progress to close gaps;
  - h) Failure to ensure that benchmark assessments in reading, mathematics, and science are disaggregated to focus instruction on student weaknesses in each benchmark's content foci (i.e., specific skill) listed in the *Content Focus Reports*;
  - i) Failure to ensure that Mathematics and science FCIM calendars, mini-lessons, and mini-assessments are developed within PLCs and aligned with each benchmarks' level of cognitive complexity, sample item design features, and stimulus and response attributes, as well as the grade-specifications content limits detailed in the *Test Item Specifications*;
  - j) Failure to ensure that FCIM mini-lessons instruction is explicit and delivered by all teachers on a daily basis;
  - k) Failure to ensure that teachers analyze data from ongoing assessments (i.e., baseline, monthly, mini, and mid-year) to determine student levels of deficiency and proficiency on annually assessed benchmarks for all subject areas;
  - l) Failure to ensure that FCIM mini-assessment data is analyzed during PLCs and used to redirect the instructional focus based on student achievement;
  - m) Failure to ensure that, based on FCIM mini-assessment results, students are provided tutorial and enrichment opportunities;
  - n) Failure to ensure that FCIM maintenance strategies are developed within PLCs and are a part of daily instruction and school-wide systems;
  - o) Failure of the School leadership to monitor with fidelity and evaluate the effectiveness of the FCIM mathematics and science processes including FAIR for reading through classroom walkthroughs and regular meetings with grade levels and/or the department teams; and,
  - p) Failure to ensure and document that Data chats occur regularly between district personnel and principal, principal and teacher, and teacher and student.

**10) Failure of the School Leadership as evidenced by:**

- a) Failure of the School leadership to systematically collect and analyze multiple types of data to guide a range of decisions to improve instruction and increase student achievement;

- b) Failure of the School leadership to participate in a comprehensive instructional monitoring process that collects observational data on the fidelity of programs, policies, and procedures in the classroom;
- c) Failure of the School leadership to allocate resources fairly, provide the organizational infrastructure, and remove barriers in order to sustain continuous improvement;
- d) Failure of the school to monitor the implementation of the School Improvement Plan with fidelity;
- e) Failure of the School Advisory Council (SAC) to receive quarterly updates on the implementation of the School Improvement Plan and make necessary revisions; and,
- f) Failure of the School leadership to develop a master schedule which shows opportunity for common planning periods amongst instructional staff to promote Lesson Study, PLCs, and data chats.

The School also completely failed to comply with the following additional DA Correct II requirements:

**1) School Improvement Planning**

- a) Failure of the Charter School Governing Board to create a leadership team that includes, but is not necessarily limited to, the Principal, Assistant Principal, Guidance Counselor, a representative of the Governing Board, and a representative of the Education Service Provider, if applicable; and,
- b) Failure of the Charter School Governing Board to approve the School Improvement Plan through peer review.

**2) Leadership**

- a) Failure to provide leadership with a clear record of increasing student achievement and overall school performance; and,
- b) Failure of the leadership team to monitor implementation of the School Improvement plan.

**3) Educator Quality**

- a) Failure to ensure that teachers assigned to subgroups not making AYP are highly qualified and certified in-field;
- b) Failure of the Charter School Governing Board to develop a plan to attract teachers with a demonstrated mastery in improving student performance to remain at or transfer to a D or F school;
- c) Failure of the Charter School Governing Board to work with the district sponsor and state to ensure performance appraisals of instructional personnel that are primarily based on student achievement;
- d) Failure of the Charter School Governing Board to work with the district sponsor to ensure performance appraisals of the administrative team include student achievement and rate of

progress goals related to targeted subgroups and school improvement;

- e) Failure of the Charter School Governing Board to work with the district sponsor and state to ensure that staff is trained on performance appraisal process with fidelity; and,
- f) Failure of the Charter School Governing Board to review/replace staff who have not contributed to learning gains.

**4) Professional Development**

- a) Failure of the Charter School Governing Board to work with the district sponsor and state to ensure Individual Professional Development Plans (IPDPs) for teachers of targeted subgroups include PD targeting the needs of subgroups not making AYP;
- b) Failure of the Charter School Governing Board to ensure that Leadership professional development includes PD targeting the subgroups not making AYP; and,
- c) Failure of the Charter School Governing Board to redesign the master schedule to provide common planning time for data-based decision making within the problem-solving process, job-embedded professional development, and Professional Learning Communities (PLCs) with Lesson Study Groups.

**5) Curriculum Alignment and Pace**

- a) Failure of the School to implement state-identified evidence-based materials;
- b) Failure of the School to implement, with fidelity, district-developed instructional pacing guides that are aligned with the Next Generation Sunshine State Standards in reading, mathematics, and science;
- c) Failure of the School to ensure that students are properly placed in rigorous coursework;
- d) Failure of the School to implement the district K-12 Reading Plan with fidelity; and,
- e) Failure of the Charter School Governing Board to review data to determine the effectiveness of all instructional programs and class offerings.

**6) Florida's Continuous Improvement Model**

- a) Failure of the School to plan for the implementation of Florida's Response to Instruction/Intervention as defined by the Statewide RtI Implementation Plan;
- b) Failure of the School to implement Florida's Continuous Improvement Model (FCIM);
- c) Failure of School to administer screening, diagnostics, and provide remediation, acceleration, and enrichment;
- d) Failure of the Charter School Governing Board to work with the district and the state to prescribe formative (Benchmark mini-

assessments) and summative (Benchmark baseline and mid-year) assessments in reading, mathematics, and science for Level 1-3 students;

- e) Failure of the Charter School Governing Board to work with the district and the state to monitor and analyze progress monitoring in reading mathematics, and science through formative and summative assessments; and,
- f) Failure to ensure that data chats are conducted between the Charter School Governing Board and school administration, school administration and teachers; and teachers and students following baseline, mini-, and mid-year assessments.

**7) Monitoring Process and Plans**

- a) Failure of the School to provide the Charter School Governing Board quarterly updates on the implementation of the School Improvement Plan and make necessary updates;
- b) Failure of the School leadership team to monitor the fidelity of implementation of the School Improvement Plan;
- c) Failure of the School to participate in a comprehensive instructional monitoring process;
- d) Failure of the School to report prescribed reading progress monitoring three times per year using the Progress Monitoring and Reporting Network (PMRN); and,
- e) Failure of the Charter School Governing Board to work with the district and the state to develop a comprehensive instructional monitoring process and follow-up that includes classroom, team, and school-wide monitoring.

Based on the requirements of the FDOE Bureau of School Improvement, Rise Academy has willfully failed to implement the required measures and Action Plan as mandated by the FDOE Bureau of School Improvement.

**C. Poor Financial Performance**

FY 2009: For the year ended June 30, 2009, the School was in a state of Financial Emergency. The School submitted a corrective action plan that was initially rejected because of a lack of detail.

FY 2010: As of March 31<sup>st</sup>, 2010, the financial condition of Rise Academy had improved with an increase in the fund balance from (\$244,922) at the start of the school year to \$2,764. This improvement is attributable to the award of a non-recurring Planning and Implementation Grant from the FDOE in the amount of \$222,645. The inability of the School to remain a going concern is likely because when the grant funds, which are earmarked for specific expenditures, have been fully expended, the School's revenue will depend solely on FEFP funding. Additionally, without the grant funds, the fund balance would have been negative for three consecutive quarters of the fiscal year. Rise has a cash balance as of

March 31, 2010 of \$193,992, which can also be attributed to the \$222,645 in grant funding. It should be noted that the cash balance of \$193,992 is offset by an outstanding loan of \$200,000.

Currently, Rise is unable to fully meet its current obligations based on current assets. Based on next year's budget revenue projections, the current level of expenditures, and current level of enrollment, the School is vulnerable to financial instability that will result in a deteriorating financial condition or the determination of financial emergency.

#### **D. Violation of Law or Breach of Charter School Contract**

The School knowingly promoted and demoted students who should not have been without the consent of parents in clear violation of law and consistently violated Florida statutes governing the EESAC and employee screening. Additionally, pursuant to Part IX, Section (E), non-compliance with any of the terms and conditions of this Contract constitutes good cause for termination. Listed below are specific breaches in the charter school contractual agreement or violations of law.

- (1) Failure to implement the recommendations from the Florida Department of Education as required by the school improvement and education accountability provisions of Fla. Stat. § 1008.345. [Part I, Section F (2)]
- (2) Failure to participate in the state's education accountability system created in Fla. Stat. § 1008.31, as required, or failure to meet the requirements for student performance stated in the charter. [Part II, Section B (1)(a)]
- (3) Failure to make sufficient progress in attaining the student achievement objectives of the charter as required by Fla. Stat. § 1002.33(7)(a)12. [Part II, Section C (1)]
- (4) Failure to implement a reading curriculum that is consistent with effective teaching strategies grounded in scientifically-based reading research. [Part II, Section D (1)]
- (5) Substantially inadequate student performance. [Part II, Section D (2)]
- (6) Failure to implement a Corrective Action Plan required by the Sponsor. [Part II, Section D (6)]
- (7) Failure to make progress toward the stated mission of the School pursuant to the charter school application and this contract. [Part II, Section D (7)]
- (8) Failure to deliver the instructional programs or curricula identified in the application. [Part II, Section D (8)]
- (9) Failure to manage public funds in accordance with the law. [Part II, Section D (14)]
- (10) Failure to provide the sponsor with the required access to records. [Part II, Section D (16)]
- (11) Failure to timely submit quarterly financial reports. [Part II, Section D (23)(a)]

- (12) Failure to allow the Sponsor reasonable access to facilities and records to review data sources, including collection and recording procedures. [Part II, Section D (23)(g)]
- (13) Failure to comply with the education goals established by Fla. Stat. § 1000.3(5). [Part II, Section D (23)(h)]
- (14) Failure to use records and grade procedures that adequately provide the information required by the sponsor. [Part II, Section D, (23)(j)]
- (15) Failure to provide Special Education (SPED) students and English Language Learners (ELL) with programs and services in accordance with federal, state, and local policies. [Part II, Section D (23)(k)]
- (16) Violation of School Board Rule 6Gx13-4A-1.213, Code of Ethics. [Part II, Section D (23)(t)]
- (17) Failure to provide for the health, safety, or welfare of the students. [Part II, Section E]
- (18) Failure to implement educational and related programs as specified in the School's approved application setting forth the School's curriculum, the instructional methods, any distinctive instructional techniques to be used and the identification and acquisition of appropriate technologies needed to improve educational and administrative performance, which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards. [Part III, Section A]
- (19) Failure to adopt the Sponsor's Student Progression Plan. [Part III, Section X]
- (20) Failure to submit benchmarks in a timely manner as identified in the Charter School Compliance Monitoring System (CSCMS) as delineated in the chart below. [Part III, Section AA, BB]

**Record of Required Benchmark Submission to Date (2008-09, 2009-10)**

Total Benchmarks Due	112
Benchmarks Submitted on Time	70
Benchmarks Submitted Late	25
Benchmarks Submitted Missing Documentation	1
Did Not Comply with Submission of Benchmark	10
Benchmarks Exempt from Submission	6

- (21) Failure to convene an Educational Excellence School Advisory Council (EESAC) consistent with Fla. Stat. § 1001.452 to facilitate achievement of the mission of the school, and to ensure that the School meets the needs of the children and community it is developed to serve. [Part VI, Section I]
- (22) Failure to require that all instructional staff employed by, or under contract to, the School shall be certified as required by Chapter 1012, Florida Statutes, and shall meet all requirements for highly qualified instructional personnel as defined by the No Child Left Behind Act. [Part VIII, Section A (3)]
- (23) Failure to provide the Sponsor with the names and social security numbers of all applicants the School is interested in employing. [Part VIII, Section A (4)]

- (24) Failure of, pursuant to Fla. Stat. §§ 1012.32(2)(a), 1012.465, and 435.04, and School Board rule 6Gx13- 4C 1.021, as well as 2005 HB 1877, the Jessica Lunsford Act, the School to fingerprint for Level 2 screening of all applicants, for instructional and non-instructional positions, that the School is interested in employing. [Part VIII, Section A (8)]
- (25) Failure to conduct Fingerprinting and Level 2 background screening prior to employment. [Part VIII, Section A (10)]
- (26) Failure to conduct general drug screening on all applicants for instructional and non-instructional positions with the School, including contracted personnel, in the manner set forth in the Sponsor's School Board Rule 6Gx13- 4- 1.05 and the Miami-Dade County Public Schools' Drug-Free Workplace General Policy Statement. [Part VIII, Section A (11)]
- (27) Inadequate materials, equipment, and training to equip students and instructional staff with the tools necessary to achieve the School's mission, objectives and the guiding principles of charter schools, pursuant to Fla. Stat. § 1002.33(2) and to support approved curriculum and academic plan. Such deficiencies include, but are not limited to:
  - Lack of lesson plans for all levels of instruction;
  - Failure to align existing lesson plans with the Sunshine State Standards;
  - Insufficient and/or inadequate textbooks and instructional materials;
  - Insufficient remedial instruction provided to students performing below grade level; and,
  - Inability of the school to implement the District Comprehensive Research-Based Reading Plan with fidelity.

**E. Inability to Cure and/or Make Significant Progress Towards Improvement**

Section 1002.33(20)(a), Florida Statutes, details the services that districts must provide charter schools as a function of the administrative fee retained by the District. The District not only complied with these minimum requirements, but far exceeded the level of support required. District staff has assisted Rise Academy on numerous occasions with its issues/concerns and provided technical assistance by telephone or in person. Summarized below is the frequency of meetings and/or conferences at which technical assistance was provided:

<u>General Operations/Education</u>	<u>Frequency (Minimally)</u>
Emails	250
Conference calls	100
Meetings	65

**Letters of Non-Compliance**

Six letters of non-compliance were issued to Rise Academy on the following dates: August 7, 2008, April 22, 2009, May 5, 2009, November 3, 2009, January 5, 2010 and February 10, 2010. Issues of non-compliance included the following:

- Certificate of Occupancy/Use (2008-09);
- Fire Permit (2008-09);
- Letter from Architect of Record specifying the student capacity of the building (2008-09);
- Health Permit (2008-09);
- Asbestos Certification (2008-09);
- Insurance ACORD certificates specifying the dollar amounts required as per the charter school contractual agreement (2008-09);
- Promotion, Placement, and Retention of Charter School Students (2008-09 – two letters);
- Action Plan for Compliance Review from School Year 2008-09;
- First Quarterly Financial Statement (2009-10); and,
- Contractual requirements relative to employee screening (2009-10 – two letters).

Additional issues of non-compliance documented through the CSCMS on-line monitoring system include the following:

- Governing Board Meeting Schedule (2008-09);
- Conflict Resolution Designee (2008-09);
- Current Emergency Contact Information (2008-09);
- Evacuation and Fire Drills (2008-09);
- School Enrollment and Building Capacity (2008-09);
- Fire Inspection Reports (2008-09);
- Letter from Architect of Record or copy of inspection reports relative to Asbestos requirements (2008-09);
- Certified Public Accountant form and Copy of Engagement letter (2008-09);
- First Quarterly Financial Statement (2008-09);
- Second Quarterly Financial Statement (2008-09);
- Third Quarterly Financial Statement (2008-09);
- Property Inventory (2008-09);
- Staff Contract (2009-10);
- Strategies used to recruit, hire, train and retain staff (2009-10);
- Governing Board Meeting Schedule (2009-10);
- Conflict Resolution Designee (2009-10);
- Governing Board Member documentation (2009-10);
- Management Company/ESP form (2009-10);
- Evacuation and Fire Drills (2009-10);
- Copy of Properly Executed Proper Deed or Current Lease (2009-10);
- Letter from Architect of Record or copy of inspection reports relative to Asbestos requirements (2009-10);
- Health Permit (2009-10);
- Parent/Student Handbook (2009-10);

- Certificate for Commercial General Liability, Property Insurance, Automobile Liability, and School Leaders Errors and Omissions Liability Insurance (2009-10);
- Signed and Dated Food Service Provider form (2009-10);
- CSO Transportation form (2009-10);
- First Quarterly Financial Statement (2009-10);

### **Charter School Operations Curriculum and Compliance Reviews**

On October 16, 2008, Charter School Operations (CSO) conducted an annual Curriculum and Compliance Review and the following deficiencies were found:

#### **Curriculum and Instruction**

- No evidence of remedial instruction being provided to students performing below grade level;
- No evidence that teachers use a variety of instructional methods;
- No evidence of the availability of appropriate textbooks;
- No evidence of the availability of a variety of instructional resources;
- No evidence of the frequent use of educational technology; and,
- No evidence of documented staff development.

#### **Reading Curriculum**

- No evidence that the curriculum and instructional strategies for reading were consistent with the Sunshine State Standards;
- No evidence that the reading curriculum had differentiated strategies that were used for students reading at grade level;
- No evidence that the reading curriculum had differentiated strategies that were used for students reading below grade level;
- No evidence that the reading curriculum had differentiated strategies that were used for students reading above grade level;
- No evidence that resources were provided to identify and give specialized instruction for students who were reading below grade level; and,
- Failure to provide parents sufficient information on whether their child was reading at grade level.

#### **Assessment**

- Failure to ensure that a student evaluation process is in place at all grade levels which assessed students periodically throughout the year;
- Failure to ensure that all student had on file a pretest or baseline data obtained from previous or current school;
- Failure to utilize data to address the instructional needs of students; and,
- Failure to notify parents of testing dates.

#### **Governance**

- Failure to submit a Governing Board meeting schedule;
- Failure to provide complete Conflict Resolution Designee information; and,
- Failure to provide complete Emergency Contact Information.

### Facilities

- Failure to post emergency procedures and exits in all classrooms;
- Failure to conduct evacuation and fire drills and to input into FASI screens;
- Failure to provide official building capacity;
- Failure to provide documentation of two annual fire inspection reports; and,
- Failure to provide documentation from the Architect of Record or copy of an inspection report as evidence of compliance with Asbestos requirements.

### Finance

- Failure to submit property inventory.

The required Corrective Action Plan to address above deficiencies from the 2008-09 school year and required for submission to CSO, was submitted late and missing information. To date, there has been no significant improvement on the deficiencies noted in the 2008-09 Curriculum and Compliance Review and many of the deficiencies have again been noted as deficiencies in the 2009-10 Curriculum and Compliance Review.

CSO conducted an annual Curriculum and Compliance Review on February 4, 2010, which revealed significant deficiencies in the following areas:

### Student Services

- Failure to provide evidence of the October FTE survey with administrative signature; and,
- Failure to follow District guidelines when processing Discipline Referrals and their entry into ISIS.

### Curriculum and Instruction

- Failure to provide lesson plans for all areas of instruction that are aligned with the Next Generation Sunshine State Standards;
- No evidence of remedial instruction for students performing below grade level;
- No evidence that teachers were using a variety of instructional methods;
- No evidence of comprehensive active student engagement in the learning process;
- No evidence of the availability of appropriate textbooks;
- No evidence of the availability of a variety of appropriate educational resources;
- No evidence of comprehensive appropriate classroom management techniques; and
- No evidence of the frequent use of educational technology.

### Reading Curriculum

- No evidence that the curriculum and instructional strategies for reading are consistent with the Next Generation Sunshine State Standards;
- No evidence that the reading curriculum has differentiated strategies that will be used for students reading at grade level;
- No evidence that the reading curriculum has differentiated strategies that will be used for students reading below grade level;
- No evidence that the reading curriculum has differentiated strategies that will be used for students reading above grade level; and,
- No evidence that resources have been provided to identify and give specialized instruction for students who are reading below grade level.

### Assessment

- Failure to ensure that a student evaluation process is in place at all grade levels which assessed students periodically throughout the year;
- Failure to utilize data to address the instructional needs of students;
- Failure to document that parent/guardian has participated in the participated in the Progress Monitoring Plan (PMP) for students performing below grade level;
- Failure to complete PMPs for students performing below grade level in reading, writing, mathematics, and/or science; and,
- Failure to enter PMP information in ISIS.

### Personnel

- Failure to ensure that employees complete the fingerprinting and screening process prior to employment; and,
- Failure to ensure full FDLE and FBI clearance prior to employment.

### Facilities

- Failure to post emergency procedures and exits in all rooms; and,
- Failure to conduct evacuation and fire drill and input into FASI screens.

### Special Education

- No evidence that lesson plans/grade books reflect appropriate instruction for Special Education/Gifted student and that instruction is based on the IEP/EP;
- No evidence that teachers have copies of student IEP's with updated status reports (inserts B/C);
- No evidence that Special Education/Gifted students are receiving services documented on current IEP/EP and ISIS screens (PF4, PF16, and PF17);
- No evidence that alternate assessments were provided for students whose IEP's indicate that regular assessments were not appropriate;
- No evidence that Transition Statements, Career Portfolios and Self-Determination Checklists are completed for middle and senior high students;
- No evidence that the school utilizes the WISE in the completion of IEP's;

- No evidence of lesson plans for pull-out sessions or consultative services provided for SPED students;
- Consultation logs, when available, were not completed accurately and the School does not use the correct form;
- IEP's completed by the school have been completed incorrectly;
- ESOL Services
- No evidence that ELL/LEP testing is completed within the first 10 days of school;
- No evidence that ELL Program Records are properly maintained and updated;
- No evidence of a comprehensible instruction through the use and documentation of ESOL instructional strategies in lesson plans and or on-line (the School utilized the Rosetta Stone Language Learning Software as the curriculum model for all levels of ELL instruction);
- No evidence that an ELL/LEP Committee has been established and functions according to District guidelines (e.g. progress/review/intervention procedures, retention, Post-Program Review monitoring, request by parent, request for assistance from CST);
- No designation of a staff member to provide assistance in the home language for groups of 15 or more students who speak the same home language;
- No evidence that the ELL on-line records, (ISIS, WLEP) are kept current;
- No evidence that the computer field and individual ELL Student Plans reflect that students are administered the approved instrument for Entry/Exit;
- No evidence that teachers can identify ELL students and their appropriate ELL level;
- No evidence that teacher lesson plans contain instructional strategies specific to a child's ELL level;
- No evidence that content area teachers employ ELL strategies;
- No evidence of the use of alternative assessment appropriate for ELL students in content area courses;
- No evidence that FCAT level 1 or 2 ELL students are involved in progress monitoring;
- No evidence that ELL students in grades 6-12 are receiving ELL services following District guidelines and are scheduled for two courses: Language Arts English through ESOL and M/j Developmental Language Arts through ESOL; and,
- No evidence that ELL students in grades 6-12 are enrolled in intensive reading courses in addition to the two ESOL courses.

Because of the many deficiencies, District administrators have conducted countless meetings to review the results and offer corrective action, guidance, and various other technical assistance and resources including a District-funded Reading Coach and Math/Science Coach. These deficiencies remain and there is no sense of urgency by the School to take appropriate action.

### **Effect of Immediate Termination**

Under the statutory and contractual provisions governing immediate termination, the School Board must assume the operation of the School. The School Board may not assume any of the debts of the School.

Rise Academy's governing board and principal were noticed on June 9, 2010, of the intent to recommend immediate termination to the School Board. Should the Board approve this recommendation, the governing board may, within 30 days after receiving the School Board's decision to terminate the charter school contractual agreement, appeal the decision pursuant to the procedure established in section 1002.33(6)(f), Florida Statutes. District staff will work with the parents and/or guardians of the School's students to minimize the impact of this situation by transitioning the students into other quality educational programs provided by M-DCPS.

Copies of the notice of termination will be transmitted to the School Board Members under separate cover and will be available for inspection by the public in the Office of Board Recording Secretary, Room 924, and in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida approve the immediate termination for good cause of the charter school contractual agreement with Rise Schools, Inc., on behalf of Rise Academy – South Dade Charter School.

FW:elg