

Valtena G. Brown, Chief Operating Officer
School Operations

SUBJECT: REQUEST SCHOOL BOARD APPROVAL OF TWO CHARTER SCHOOL APPLICATIONS AND DENIAL OF THREE CHARTER SCHOOL APPLICATIONS

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

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

AUTHORIZATION

Section 1002.33, F.S., authorizes the establishment of charter schools in Florida. As provided in Section 1002.33(6), F.S., and School Board Policy 9800, *Charter Schools*, Miami-Dade County Public Schools (M-DCPS) receives and reviews charter school applications from individuals and/or organizations in the community. On August 1, 2012 the School Board received 57 applications to operate a charter school in Miami-Dade County. Pursuant to Section 1002.33(6)(b)(3), F.S., a sponsor must approve or deny an application no later than 60 calendar days after the application is received unless the applicants have agreed in writing to extend the statutory timeline.

EVALUATION

Pursuant to School Board Policy 9800, *Charter Schools*, the District reviews all applications using an evaluation instrument developed by the Florida Department of Education (FLDOE) and may include additional information or documents requested by the District. The Standard Model Application includes 19 standards of evaluation, certification and assurance declarations. The Sponsor shall deny any application that does not comply with the statutory requirements and/or Sponsor's instructions for charter school applications.

The Superintendent has appointed two committees with the responsibility to review and evaluate charter school applications: Technical Review Committee (TRC) and Application Review Committee (ARC). These committees are comprised of representatives from various District departments and are charged with identifying deficiencies in the written application and/or areas that require clarification to fully evaluate the quality of the application or the capacity of the applicant to properly implement the proposed plan.

Pursuant to Section 1002.33(6)(3)(a), F.S., if an application is denied, the District shall, within ten (10) calendar days after the denial, articulate in writing the specific reasons for the denial, based upon good cause, and provide the letter of denial and supporting documentation to the applicant and the FLDOE. An applicant may appeal the Board's denial by submitting a request in writing to the State Board of Education and the Sponsor no later than thirty (30) calendar days after receiving a notice of denial.

However, if an application to replicate a high-performing charter school application is denied, the applicant may appeal the denial directly to the State Board of Education, bypassing the normal appeal process.

APPLICATIONS

Pursuant to School Board Policy 9800, *Charter Schools*, five (5) charter school applications are being presented for final consideration by the School Board. Detailed in the chart below is a summary of each charter school application and the corresponding committee recommendation. The specific reasons for each recommendation can be found in the identified Attachment and the evaluation forms which are included and incorporated by reference in this Board item. Copies of the applications and evaluations, which are also incorporated by reference in this Board item, 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.

	Type of Application	Proposed Name of School	Legal Entity	Committee Recommendation	Supporting Documentation
1.	High Performing	Doral Academy West Charter High School	Doral Academy, Inc.	Approval	Attachment A
2.	Traditional	Success Preparatory Academy	Success Preparatory Academy Charter School, Inc.		

	Type of Application	Proposed Name of School	Legal Entity	Committee Recommendation	Supporting Documentation
1	Traditional/ Alternative, At-Risk	Florida High School for Accelerated Learning – Miami Campus, School II	Florida High School for Accelerated Learning – Miami Campus, Inc.	Denial	Attachment B
2.		Florida High School for Accelerated Learning – Miami Campus, School III			
3.		Florida High School for Accelerated Learning _ Miami Campus, School IV			

DUE PROCESS

To ensure proper notice and due process, each applicant was noticed of the Superintendent’s intent to recommend approval or denial to the School Board and provided a copy of the final evaluation prior to this School Board Meeting. The applicants were also informed of the School Board’s Instructional Excellence and Community Engagement Committee Meeting and procedures for requesting to appear before the School Board at meetings and public hearings. Additionally, a courtesy orientation for charter school applicants was noticed on the Charter School Support department’s website and facilitated by multiple district departments on May 4, 2012. Individual appointments regarding application preparation were also held throughout the year by Charter School Support staff, upon request.

NET FINANCIAL IMPACT TO THE DISTRICT

Pursuant to School Board Policy 9800, *Charter Schools*, “an application shall be automatically rescinded, without further action by the Sponsor, if the applicant does not enter into contract negotiations or open the school within: (1) the timeframe specified by law, or (2) the date of extension which has been mutually agreed upon in writing by both parties.” Currently there are 16 charter school applications from previous cohorts that have deferred opening until the 2013-14 SY and five approved from the 2012 Cohort (April 2012 and January 2013 School Board meetings) [schools in the pipeline]. Moreover, in relation to the application from the 2012 Cohort, included in this Board Item, there are two applications

recommended for approval. In the event that all the proposed schools open as anticipated, it is estimated that the net impact to the District next school year will be as follows:

	Initial Year Loss (\$ Revenue)	Initial Year Loss (Human Capital)	
		Instructional	Non-Instructional
Schools in the Pipeline (21)	\$48,278,746	495	307
2012 Application Cohort (2)* (Attachment A)	\$4,372,670	44	27
Total	\$52,651,416	538	334

RECOMMENDED: That The School Board of Miami-Dade County, Florida:

1. Approve the charter school application and authorize the Superintendent to negotiate a contract reflecting the contents of the application as approved by the School Board for:
 - a. Doral Academy, Inc., on behalf of Doral Academy West Charter High School; and
 - b. Success Preparatory Academy Charter School, Inc., on behalf of Success Preparatory Academy.
2. Deny the charter school application for:
 - a. Florida High School for Accelerated Learning – Miami Campus, Inc., on behalf of Florida High School for Accelerated Learning - Miami Campus, School II;
 - b. Florida High School for Accelerated Learning – Miami Campus, Inc., on behalf of Florida High School for Accelerated Learning - Miami Campus, School III; and
 - c. Florida High School for Accelerated Learning – Miami Campus, Inc., on behalf of Florida High School for Accelerated Learning - Miami Campus, School IV.

VGB:elg
Attachments

**School Board Agenda Item C-30
ATTACHMENT A**

APPLICANTS:

- Doral Academy West High School
- Success Preparatory Academy

The M-DCPS' Charter School Application Review Committee (ARC) met to review the two charter school applications below and recommended approval to the Superintendent.

(1)/(2)	(3)	(4)	(5)		(6)	(7)	(8)	(9)
Name of School	Legal Entity	Initial Year	Grade Levels	Enrollment	Focus/ Theme	Founding/ Gov. Board Members	Revenue (\$)	Initial Year Loss
	Educational Service Provider (ESP)		Initial/Current Year	Special Provisions or Requested Action(s)	HUMAN CAPITAL (Instructional /Non-Instructional)			
			Maximum					
(1) Doral Academy West Charter High School <i>ARC meeting date: November 26, 2012. By a majority vote, the ARC recommended approval.</i>	Doral Academy, Inc.	2013/2014	9-10	350	None	Governing Board Members: Angela Ramos, Programming Director, Univision; Rene Rovirosa, Principal, Mater Lakes ACMS/ Mater Lakes ACSH; Manny Cid, Comm. Liaison; Kim Guilarte, Principal, Somerset ACMS (S. Miami)/Somerset ACES (S. Miami); and Luis M. Fusté, Legal Advisor. This is the same governing board for the following charter schools currently in existence: Doral Acad.; Doral ACMS; Doral AHS; Doral Acad. of Technology; Doral Perf. Arts & Entert. Acad.; and Just Arts and Management (JAM) CMS.	\$1,599,057	(15 Positions)/ 10 positions)
	Academica Dade, LLC		9-12	1,000	High Performing Replication			

(1)/(2)	(3)	(4)	(5)		(6)	(7)	(8)	(9)
Name of School	Legal Entity	Initial Year	Grade Levels	Enrollment	Focus/ Theme	Founding/ Gov. Board Members	Initial Year Loss	
	Educational Service Provider (ESP)		Initial/Current Year Maximum	Special Provisions or Requested Action(s)	Revenue (\$)		HUMAN CAPITAL (Instructional /Non-Instructional)	
(4) Success Preparatory Academy <i>ARC meeting date: September 6, 2012. By a majority vote, the ARC recommended approval.</i>	Success Preparatory Academy Charter School, Inc.	2013/ 2014	K-6	596	College Prep	Founding Board Members: Mr. Zedric C. Cross, Operations Analysis, Clayton County Schools; Ms. Diana Elysee, Teacher, Marion County Public Schools; and Ms. Lenore M. Robinson, Agent, West Corporation.	\$2,773,613	(29 Positions)/ 17 positions)
	N/A		K-8	860	None			
TOTAL REVENUE (\$):							\$4,372,670	
TOTAL INSTRUCTIONAL POSITIONS								44
TOTAL NON-INSTRUCTIONAL POSITIONS								27

Initial Year Loss: The revenue and positions indicated as "Initial Year Loss" provide an estimate of the potential impact to the District's General Fund (\$4,372,670), instructional staffing (44 positions), and non-instructional staffing (27 positions). The loss of revenue describes 95% of FEFP funds per student, based on 75% of the initial year's enrollment projection that will not be realized by the District for the current fiscal year.

Copies of the applications and evaluations 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.

School Board Agenda Item C-30 ATTACHMENT B

As provided in Board Policy 9800, *Charter Schools*, Miami-Dade County Public Schools (M-DCPS) has received charter school applications from individuals and/or organizations in the community.

Proposal

Florida High School for Accelerated Learning- Miami Campus, Inc. proposes to establish three schools, The Florida High School for Accelerated Learning - Miami Campus II, III, and IV to serve grades nine through twelve with a maximum enrollment of 452 students for each campus and 325 students in the 2013-2014 school year. Because the three applications are identical, this item serves as the basis for the recommendation on all three applications. Currently, Florida High School for Accelerated Learning- Miami Campus, Inc. operates Green Springs High School that opened in 2011 and currently serves approximately 365 students in grades nine through twelve.

Applicant

This is an existing governing board which currently operates one charter schools in Miami-Dade County. The members of the Governing Board are: Dr. Jeanne Jacobs, President of the Miami Dade College, Homestead Campus; Paul Haralson, Attorney; Maria Regueiro, Founder and President of Florida National College in Hialeah, Florida; Elisa Robles, Manager, Hialeah Financial Center.

The applicant did not attend the District's charter school application orientation conducted on May 4, 2012. The meeting is not mandatory but attendance is strongly recommended by the Florida Department of Education and the District's Charter School Support Office to inform applicants of new statutory requirements and District policies and procedures.

Evaluation

A review of these charter school applications was conducted pursuant to § 1002.33 (6), F. S., and Board Policy 9800, using the required Standard Model Charter School Application Evaluation Instrument (IEPC-M2). The Standard Model Application includes 19 evaluation and certification standards and assurances declarations. As allowed by § 1002.33(6)(a)(6), F.S. and pursuant to Board Policy 9800, the District also includes evaluation of the applicant's experience and historical performance operating charter schools.

The initial review conducted by members of the Technical Review Committee (TRC) members resulted in significant concerns and findings that were provided to the applicant and forwarded to the Applicant Review Committee (ARC). The ARC then considers the TRC findings in reviewing the application publicly and conducts an interview with the applicant to assess its overall capacity and ability to establish and implement the proposed charter school plan, clarify any components of the written application for which reviewers have questions, and corroborate information provided in the written application. An ARC was initially scheduled for January 25 but postponed at the applicant's request to February 14, 2013.

The ARC found that the applications failed to meet any of the minimum statutory requirements and identified substantial concerns/deficiencies regarding the applicant's understanding of various conceptual issues and/or its ability to meet the statutory requirements related to all of the 18 applicable categories in the Model Evaluation Instrument. As summarized below, these deficiencies and serious concerns regarding the applicant's historical performance constitute good cause for denial of the applications.

1. Failure to provide a detailed curriculum plan that illustrates how students will be provided services to attain state standards.

- The applications provide no curriculum other than an inadequate online program. There are no details regarding the curriculum required for the face-to-face instruction the school proposes. (Standards 3, 4)
 - There is no proposed curriculum that is aligned with the Common Core Standards. The applicant instead indicates only that “the alignment to the Common Core Standards is in progress.” (Standards 1, 3, 4)
 - The applications do not state how many instructional minutes the students will receive during the two sessions being proposed. The schedule does not provide for the required instructional minutes and there are contradictions as to exactly what the proposed sessions will entail. (Standards 3)
 - The attendance policy is inadequate. It requires only that students sign in when they enter the lab and does not address monitoring (check and balances) or fraud prevention. (Standards 3)
 - There is no clear definition as to who will provide students with face-to-face instruction. The applications state that this instruction will be provided by content area teachers and “other school staff” but does not identify the other staff members. Additionally, students are assigned to a computer lab for their online coursework but if assistance is needed in a specific subject area the student is expected to seek out the certified teacher wherever they may be in the building resulting in a loss of instruction time. The teacher in each lab serves only as a facilitator. (Standards 1, 3, 4)
 - The applications do not provide detailed information regarding interventions to be delivered to students who are Level 1 and 2. (Standards 3, 4)
 - It is not clear what science courses will be provided. There is only a partial listing of Earth/Space Science and Chemistry Biology Honors is incorrectly identified as aligned with the Florida Sunshine State Standards. No comprehensive alignment was provided for all science courses listed. (Standard 4)
 - It is not clear what electives will be offered. For example, the school will be offering foreign language coursework online but there is no description on how this will be accomplished and what level of support students will receive. The applications are inconsistent regarding the foreign languages the school will offer. (Standards 4)
2. Failure to understand the students the charter school intends to serve. (Standard 2)
 - The enrollment numbers provided within the application are inconsistent.
 - The applications fail to include any ELL students in the revenue worksheet, even though in Miami-Dade there is an ELL student average of 20%.
 3. Failure to provide a reading plan that is consistent with effective teaching strategies that are grounded in scientifically based reading research.
 - There was no reading plan identified and no appropriate differentiated reading curriculum addressing students at all levels. (Standard 4)
 - The Response to Intervention (RtI) protocol does not comply with the required state RtI process and the applications do not provide an adequate description of how the students will receive tiered interventions. (Standards 1, 3, 4)
 - There is no clear description of how students will attain writing skills. It is not clear if the one course being proposed consisting of 10 mini units of study is aligned with state standards and the applications do not identify who will teach and evaluate student writing. (Standard 4)
 4. Failure to provide measureable goals and objectives that set high standards for student performance. (Standard 5)
 - Goals and objectives do not set high standards for student achievement, are not measurable and lack specificity. The applicant did not include specific reading, mathematics, science, and writing goals.

- There is no graduation goal for on-time graduates who are college ready. The graduation goal does not set high standards for the school even though the application states that the school “expects that 60-70% of our students will enter two or four year college.” The goal as written is not measurable and lacks specifics.
 - The applications include a Performance Based Exit Option Model, but do not list complete eligibility criteria for using this graduation option. Additionally, the applications do not provide graduation performance levels for graduation purposes.
 - There are no meaningful details on how the curriculum will be evaluated and how the school will use data to impact instruction.
 - The list of required assessments is not comprehensive for the grades the school intends to serve. There is no mention of FCAT 2.0 for 9th graders, U.S. History EOC, PLAN, PSAT, PERT, FAA and Advance Placement assessments.
 - The applications fail to provide a clear understanding as to how students will be graded and awarded credits. There is no comprehensive student progression plan.
5. Failure to provide a comprehensive plan for educating special education students (SPED). (Standard 6)
- 6) The applications fail to:
- Describe how students entering below grade level will engage in the curriculum.
 - Provide an appropriate description of the level of SPED services the school will provide.
 - Describe how gifted and talented students will be served.
 - Adequately describe how the school will work with the sponsor.
 - Describe how supplementary aids and services will be provided.
 - Describe how the school's effectiveness in serving exceptional students will be evaluated.
 - Provide a staffing plan aligned with the services outlined in the application.
 - Describe how Gifted and Talented students will be served.
6. Failure to demonstrate an understanding of state and federal requirements regarding the education of English Language Learners (ELL). (Standard 7)
- There is no clear description of how the proposed online program, will meet the needs of the ELL students and how they will benefit from it.
 - The applications fail to identify the LEP Committee or its purpose and responsibilities.
 - There is no staffing plan to serve the needs of the ELL population.
7. Failure to provide a budget that is consistent with all parts of the application including budgetary projections that are realistic and ensure the financial viability of the school, and failure to provide a detailed plan to ensure adequate financial oversight, and controls that will safeguard finances.
- The budget relies on funding from competitive grants that the school is not guaranteed to receive. (Standard 17)
 - The budget also includes substantial capital outlay even though charter schools are not guaranteed to receive these funds especially in their first year of operation and must annually meet the eligibility criteria. (Standard 17)
 - Included in the budget is a loan of \$850,000, but there is no supporting documentation, such as a letter of commitment for this loan. (Standard 17)
 - The repayment of the \$850,000 loan is not constant at the 100% and 50% enrollment levels as reflected on the budget narrative. Furthermore, there is no provision to reduce the payment or the interest rate at 50% enrollment. (Standard 17)
 - The budget does not include the cost for teacher performance pay as required by §1012.22., F.S. (Standard 17)
 - Despite the fact that the applicant is an established board, the applications did not clearly state the processes or policies in place to manage and safeguard the school's finances. (Standard 18)

8. Failure to provide evidence of an organizational plan which provides a clear understanding of how the school will be governed and managed.
 - The Governing Board appears to lack independence and is unduly influenced by the ESP since all employees are hired, managed and evaluated by the ESP. Even the Principal directly reports to the ESP. Additionally, it is unclear how the school leader will communicate with the principal. (Standards 9, 11)
 - No clear organizational structure is provided, including reporting lines. (Standard 9)
 - Despite the fact that the applicant is an established board, the applications did not provide specifics as to how the Board currently conducts business. (Standard 9)
 - The application fails to identify the titles, roles and responsibilities for each member of the established governing board. (Standard 9)
 - The staffing plan is not aligned with the budget narrative provided. (Standards 10, 17)
 - The applications state that the ESP was chosen for its exceptional track record, yet schools currently being operated by this ESP in Miami-Dade County have a high staff turnover percentage (currently, an average a 35% staff turnover), very low percentages of highly qualified teachers, and low graduation rates for the existing schools it serves. (Standard 11)
 - The applications propose to pay the ESP 15% of revenue, which is high and not competitive based on the average fees paid to ESPs in Miami-Dade County charter schools. No persuasive explanations were provided as to the basis for this fee or that other management options were considered by the Board. (Standard 11)
 - Because the ESP management agreement can only be terminated for material cause, it is not a credible performance based contract. (Standard 11)
 - The applications do not mention or address how the proposed schools will attract and retain highly qualified teachers given the extended day (two five-hour sessions daily) and the extended year (210 days). (Standards 12)
9. Failure to provide a comprehensive policy for student discipline, suspension and dismissal.
 - The applications fail to provide a comprehensive code of student conduct. There is no structured plan to address behavior infractions and consequences, a policy for zero tolerance, due process, serious crimes and any possible police involvement. (Standard 8)
 - The student handbook includes language that a student can be "dismissed" from the schools but fails to provide clear and fair due process procedures. (Standards 8, 13)
10. Failure to provide (a) viable facility plan, (b) transportation services and (c) a complete action plan.
 - Although the budget includes \$600,000 for renovations, there is no basis for this assumption. (Standard 14)
 - The applications do not ensure transportation services are provided to all eligible students using an approved vendor. (Standard 15)
 - The action plan does not include necessary actions and strategies to ensure that the school will be ready to serve students on the first day of school. For example, the application does not provide a timeline for (1) purchasing classroom materials and finalizing vendor contracts; (2) meeting the technological needs of the school; or (3) meeting employee screening requirements, prior to employment and the first day of school. Additionally, the enrollment office is scheduled to open in June but the facility will not be completed until August. The discrepancy was not explained and there is no information about the location of the office. (Standard 19)
11. Failure to demonstrate that the applicant, who currently has an existing school, has the capacity to establish and operate the proposed school.
 - The existing charter school, Green Springs High School [WL 7067] has been in operation since 2011 and in its first and only audited financial statement they reported a deficit net assets of (\$91,340) and an Unassigned Fund Balance deficit of \$(27,809). Additionally, school has a recorded debt to the management company of \$760,820 that is due on demand. This raises

serious concerns about the financial stability of the existing school and the governing board's capacity to successfully expand at this time.

- Many of the elements that appeared in the original application are not currently being implemented in the three existing school being managed by the proposed ESP. For example, the Rtl process is not being followed in 2 out of the 3 schools, there are numerous ELL and SPED issues, and the three schools have an average of 46% of their teachers as HQ teachers.
- Data collected from the first year of operation for the three schools being managed by this ESP indicates serious deficiencies. The average mobility rate for the three schools is 97%. In the three schools it was reported that an average of 201 students were absent 21 or more days. The average enrollment for the three schools was 350. This is 57% of the student population. The graduation rate for the 2011-12 SY is as follows: WL 7067- 15.15%, WL 7068 – 30.71%, WL 7069, 12.80%. The three schools had an average of 42% students being retained at the end of their first year of operation.

The applicant was notified of the Superintendent's intent to recommend denial to the School Board and provided a copy of the final evaluation. Pursuant to section 1002.33(6)(c), F.S., if the School Board approves this recommendation, the applicant may appeal to the State Board of Education no later than 30 days after receipt of the School Board's decision.

Copies of the application and evaluation, which are incorporated by reference in this Board item, 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.