

Valtena G. Brown, Deputy Superintendent/Chief Operating Officer
School Operations

SUBJECT: REQUEST SCHOOL BOARD APPROVAL TO NOTIFY FLORIDA INTERNATIONAL ACADEMY INC., ON BEHALF OF FLORIDA INTERNATIONAL ELEMENTARY ACADEMY, OF THE PROPOSED TERMINATION OF THE CHARTER SCHOOL AGREEMENT

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

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

Sections 1002.33(8) and (9)(n)(4), F.S., and the contract between the charter school and the School Board, provide for the termination of a charter contract based on failure to meet student performance requirements.

Section 1002.33(9)(n)(4), F.S., requires that “the sponsor shall terminate a charter if the charter school earns two consecutive school grades of “F” unless it receives a “waiver” from the state board “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.” Additionally, Section 1002.33(8)(a), F.S., states that “the sponsor shall make student academic achievement for all students the most important factor when determining whether to renew or terminate a charter” and that the sponsor may choose to terminate the charter for “failure to meet the requirements for student performance stated in the charter.”

This item requests School Board approval to terminate its charter with Florida International Academy, Inc., on behalf of Florida International Elementary Academy (“FIEA” or “School”) because as shown below, the School has received consecutive school grades of “F” for the last two (2) years, 3 F’s and a D in the last four (4) years, and has failed to meet the student performance requirements in the charter.

History

Legal Entity/ School Name	Florida International Academy, Inc. Florida International Elementary Academy
Implementation Year	2010
Contract Term	5 years (expires June 30, 2015)
School Address Region / Voting District	13400 Northwest 28 Avenue, Opa-Locka, Florida 33132 Central Region / Voting District 1
Grade Configuration	K – 5

Current Enrollment/ Contract Capacity	464 students/ 464 students		
Academic Performance	Enrollment	School Grade	AYP/AMO Status
Year 4: 2013-2014	464 students	F	AMO – Reading Not Available Yet AMO – Mathematics Not Available Yet
Year 3: 2012-2013	457 students	F	AMO – Reading Not Met AMO – Mathematics Not Met
Year 2: 2011-2012	434 students	D	AMO – Reading Not Met AMO – Mathematics Not Met
Year 1: 2010-2011	321 students	F	AYP Not Met

It is clear from the accountability grades for the last four (4) years and other evidence that the School is unable to meet the academic performance requirements required by law and the charter contract.

Failure to Meet Required Standards of Academic Performance

- A. Earning two consecutive school grades of “F.” [§1002.33(9)(n)(4), F.S.]
- B. Failure to meet the requirements for student performance stated in the charter. [Contract, Section II(B)(1)(a)]
- C. Failure to make sufficient progress in attaining the student achievement objectives of the charter and it is not likely that such objectives can be achieved before expiration of the charter. [Contract, Section II(B)(1)(e)]
- D. Substantially inadequate student performance. [Contract, Section II(C)(2)]
- E. Receiving a grade of “F” in any two years. [Contract, Section II(C)(3)]
- F. Failure to make adequate academic progress under state and federal laws or standards. [Contract, Section II(C)(4)]
- G. Failure to make sufficient progress towards the goals and outcomes designated in the School Improvement Plan. [Contract, Section III(D)]

Key Findings

- Under the State’s accountability plan and beginning with the 2010-2011 school year, the School has been awarded school grades of “F,” “D,” “F,” and “F” respectively.
 - Failure to meet proficiency standards on the FCAT in each of its four years of operation.
 - Failure to meet Annual Yearly Progress / Annual Measurable Objectives goals for its first three years of operation, (2013-2014 results still pending).
 - Failure to meet the student performance standards detailed in the charter application or the School’s School Improvement Plan for each of its four years of operation.
 - Failure to achieve or make significant progress towards achieving the school vision/mission as defined in the charter.

- The School was not able to demonstrate evidence of high student achievement in any of its four years of operation; and,
- The School was not able to demonstrate the delivery of a rigorous curriculum in any of its four years of operation.
- Failure to implement instructional techniques that support struggling students to achieve grade level standards.
- Student performance on state accountability examinations has necessitated the following state-mandated corrective actions:
 - The implementation of a School Improvement Plan approved by the Sponsor to address low student performance, (2010-2011 & 2011-2012);
 - The selection and implementation of a required corrective action to address low student performance (2012-2013); and,
 - Required termination because of the receipt of two consecutive school grades of "F" (2013-2014).
- In three of its four years of operation, the School has been identified as one of the lowest performing schools in the state as indicated below:
 - The School was identified as one of the 100 lowest-performing schools in the state (2010-2011);
 - The School was identified as one of the 100 lowest performing schools in the state (2012-2013); and,
 - The School was identified as one of the 300 lowest performing schools in the state (2013-2014).
- As a result of the receipt of two non-consecutive school grades of "F" in a three year period, the school was required to choose a corrective action option, pursuant to §1002.33(9)(n)2.a., F.S. The School chose to contract with an outside entity that had a demonstrated record of effectiveness to operate the school but the school failed to improve its school grade.
- The traditional schools, in closest proximity and with similar student populations, outperformed FIE's academic performance in 2013-2014.

Because of the School's inability to make sufficient academic progress as required by law and the charter contract, it is requested that The School Board, Miami-Dade County, Florida, authorize the Superintendent to notify Florida International Elementary Academy of the proposed commencement of the 90-day termination process of the contract pursuant to § 1002.33(8), F.S. If the School requests an administrative hearing, the request will be forwarded to the Division of Administrative Hearings (DOAH) to conduct a Chapter 120 Hearing. At the conclusion of any hearing DOAH will send a recommendation to The School Board for the School Board's approval. The School Board decision will be the Final Order subject to judicial review. If the School does not request a hearing, the contract will automatically terminate at the end of the 90 day period with no further action required by the School Board.

In the interim, however, if the School applies for and is granted a waiver of termination from the State Board of Education, this notice of intent to terminate shall be rescinded with no further action required from the School Board. On the other hand, if the School is not granted a waiver, FIEA will be asked to voluntarily terminate its charter prior to the

first day of school in an effort to ensure that students are subject to the least amount of disruption in instruction through the timely placement of every student in other schools.

The School has been notified that during the pendency of these proceedings, any unencumbered funds from the charter school, district school board property and any improvements, furnishings, and other equipment purchased with public funds, or financial or other records pertaining to the charter school, in the possession of any person, entity, or holding company, other than the charter school, shall not be removed, altered, sold, and/or disposed. Furthermore, the School has also been informed that it shall not expend more than \$10,000 per expenditure without prior written approval from the sponsor unless such expenditure was included within the annual budget submitted to the sponsor, is for reasonable attorney fees and costs during the pendency of any appeal, or is for reasonable fees and costs to conduct an independent audit, which will be required 30 days after termination. District staff will closely monitor the operations of the School and will, in the event of termination, be prepared to assist parents and students with enrolling in other District schools.

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RECOMMENDED:

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

- 1.) Authorize the Superintendent to notify Florida International Academy, Inc., on behalf of Florida International Elementary Academy, that the School Board intends to terminate the contract in 90 days. If the School does not timely request a hearing, the charter will terminate with no further action by the School Board; and,
- 2.) Rescind the notice of intent to terminate with no further action by the School Board if the School is granted a waiver of termination from the State Board of Education.

VGB:nlb