

# FAMILY FOUNDATIONS ACADEMY

## Families Focused on Achievement

### BOARD OF DIRECTORS

March 10, 2015

Charles S. McDowell, Esq.  
*President*

Jocelyn Stewart  
*Vice-President*

Thomas C. Humphrey  
*Treasurer*

Charles H. Toliver, IV  
*Secretary*

Jason Casper  
Nakisha Williams Bailey

Lamont W. Browne, Ed. D.  
*Executive Director*

Matt Clements  
*Director of Development*

Honorable Mark Murphy  
Secretary, Delaware Department of Education  
401 Federal St.  
Dover, DE 19901

Dear Secretary Murphy,

In connection with the Formal Review of Family Foundation Academy's charter status, the Charter School Accountability Committee has issued its Final Report dated March 6 which, which with a couple of minor exceptions requiring follow up, notes satisfaction of all of the requirements that were imposed by the State Board in its January 23, 2015 formal notice of the formal review process but nevertheless recommends a lengthy 1 year probationary follow up period. Such a lengthy probationary period is inappropriate and totally unwarranted.

We are very much concerned about the possible negative impact the communication of a lengthy "probationary" period will have on our reenrollment and new student recruiting. As you know this is critically important to the success of the School.

For the reasons stated below, we believe that any probationary period should be limited to the time necessary to satisfy any specific requirements that are appropriately related to the issues raised in the formal review process.

In early January, 2015, in connection with FFA's application to have its charter renewed for a 5 year term, and in response to the Delaware Department of Education's findings of mismanagement by FFA's two Co-Directors and its Board, the Board leadership of EastSide Charter School and its Head of School, Dr. Lamont W. Browne, were asked to take over the management of FFA to prevent the likely revocation of its charter. The four officers of the EastSide Board, and Dr. Browne, agreed to assist in order to prevent FFA's 830 students from losing their school which was performing well academically. Those four EastSide Board members agreed to be elected to the FFA Board to replace the former Board members, and EastSide and Dr. Browne were contracted to take over the management of FFA from the two former Co-Directors who were terminated for cause.

Following this complete replacement of the top management and Board of FFA, on January 15, 2015, the State Board of Education renewed FFA's charter for 5 years, but placed FFA on formal review. On January 23, 2015 FFA received formal notification of the charter renewal and the reasons for the formal



1101 Delaware Street  
New Castle, DE 19720  
Phone: (302) 324-8901

review. FFA was directed to respond to the Department's Charter School Accountability Committee, by January 30, addressing how FFA would satisfy 12 specific statutory requirements. In addition, it was asked to address 9 other specific operational matters and all Board members were directed to attend certain training by February 27. These training requirements were imposed on the FFA Board even though none of the current FFA Board members were a part of the former FFA Board that was found to be deficient in various respects. In addition, the EastSide Board members now on the FFA Board were well known to the Department for an exemplary record of charter school Board management because EastSide had just gone through a charter renewal process itself. Indeed, we believe that the Department and the State Board were significantly influenced in their decision to renew FFA's charter because of their knowledge of, and confidence in, the new leadership at FFA.

On January 30, FFA submitted an 18 page report to the CSAC addressing all questions raised in the formal review notice. A meeting with the CSAC was held on February 5 and the CSAC issued its initial report on February 9 asking 9 follow up or additional questions.

FFA submitted a second update report on February 24 responding to the additional questions and providing information about additional remedial actions that had been taken by FFA, along with extensive documentation. A second and final meeting with the CSAC was held on March 4 at which time the CSAC identified the following matter requiring follow up: the delivery of an opinion from the State's Public Integrity Commission to the effect that the current arrangement between FFA and EastSide Charter did not violate the State Employees' and Officials' Code of Conduct and

It was also noted that, even though the CSAC recognized that the School is financially viable (it has more than \$2.5 million in carryover funds from 2013-2014 and projects a small surplus this year), the CSAC is requesting a financial audit at the end of this year which of course is already a regulatory requirement. The CSAC requested that this audit be conducted by a different auditor than the one used last year and an auditor different from the one currently being used to review the financial policies and protocols being installed which FFA noted that it already planned to do. This requirement is already standard operating procedure which suggests that there is no basis for placing FFA on probation."

The CSAC's Final Report does not question any of the specific remedial actions that have been taken or any of the new policies or protocols that have been put in place nor does it ask for any revisions. Instead, the CSAC stated that it recommends a one year probationary period with monthly update reports to monitor the implementation of the policies and protocols that have been put in place.

All of the requests made and reports issued by the CSAC and all of the responses and information provided by FFA are a part of the public record of these formal review proceedings and will not be repeated here.

A reasonable period of time to monitor the implementation of policies and procedures would be appropriate if the policies and procedures are out of the ordinary and untested or if they are being administered by persons unfamiliar with them or unfamiliar to the Department. However, all of the policies and procedures now installed at FFA came from EastSide where they have been tested and proven and they are being administered at FFA by the same people responsible for administering them at EastSide. Dr. Browne is responsible for the administration of the academic and climate program at both EastSide and FFA. Nick Medaglio is responsible for the administration of the business and financial activities at both EastSide and FFA. They are both being assisted by additional EastSide personnel who are also interfacing with FFA personnel. These persons are the same persons that the Department and the State Board relied on in renewing FFA's charter.

The Final Report states that nevertheless a lengthy monitoring period is appropriate because the new policies and procedures need to be imbedded in the FFA culture. **This position reflects a misunderstanding of the nature and extent of the past mismanagement at FFA.** The problems did not involve a school-wide bad culture. The academic and climate programs at the School have performed admirably. The mismanagement was limited to the Board (which has been entirely replaced), to the two Co-Directors (who have both been replaced) and to the 2 person Business Office staff who were following bad directions from one of the now terminated Co-Directors.

The Board is now led by highly respected, highly competent charter Board members who have not operated under any culture that needs to be changed.

The Business Office personnel are now supervised daily by EastSide's Director of Finance and Operations who also does not operate under any culture that needs to be changed. The fidelity with which the Business Office staff follows the new procedures could easily be tested by follow up inquiry or inspection over a short period of time, certainly not as long as year.

In sum, there are a limited number of follow up items remaining to satisfy the concerns raised by the management issues at FFA that were the subject of the formal review proceedings:

- Public Integrity Commission Opinion. FFA reported to the CSAC at the March 4 meeting that it had met with the Public Integrity Commission the day before and had been notified that the Commission had found that the current arrangement between EastSide and FFA did not violate the State Code of Conduct and that a written opinion would be forthcoming within two weeks. This information was formally communicated to the Charter School Office on March 6.
- Board composition. FFA had advised the CSAC that two members of the former FFA Board were remaining on the Board only so long as necessary to assist with the legal disputes raised by the two terminated Co-Directors. Settlement Agreements have been reached with both of the terminated employees, which became effective February 27 and the two remaining prior FFA Board members resigned on that date. Thus, as of February 27, no prior FFA Board members remain on the Board. This information was communicated to the Charter School Office on March 6.
- Board training (This information was communicated to the Charter School Office on March 6):
  - All FFA Board members who had not previously participated in the DANA Board governance training did participate in such a session at FFA on February 23.
  - All but one FFA Board member traveled to Dover on the night of February 26 for a training conducted by the Public Integrity Commission. One member was not able to attend because she was out of the country on business. Ms. Stewart will do so when the training is next offered, hopefully in New Castle County where 70% of our state's population lives, keeping in mind that this training is not legally required of any state employee or official and was imposed on FFA because of mismanagement by Board members who are no longer there.
- Citizen Budget Oversight Committee. A properly constituted CBOC will hold its first meeting in March. FFA had a CBOC in place but it was not clear from the record that it had been constituted in accordance with the regulations so, out of an abundance of caution, FFA has gone through the process of appointing a Selection Committee which has gone through the process of selecting the CBOC members.

Accordingly, we respectfully request that you recommend to the State Board that any period of probation be limited to the time that it takes to appropriately address the above specifically named issues. As Ms. Johnson, Executive Director of the State Board, noted at the March 4 CSAC meeting, it would be helpful for FFA to have clarification as to exactly what it is to report on during any probationary period. FFA has no objection to filing reasonable follow up reports but it remains extremely concerned about the negative impact that “probationary” status will have on student retention and recruiting.

Very truly yours,



Charles S. McDowell  
Board President



Lamont W. Browne, Ed.D.  
Executive Director