



**Department of Education
Charter School Accountability Meeting**

**May 30, 2013
Modification Application
Final Meeting**

New Moyer Academy Charter School

Ms. McLaughlin called the meeting to order. For the purpose of the record, introductions were made:

Attending Committee Members

Mary Kate McLaughlin, Chairperson, Chief of Staff
Deb Hansen, Education Associate, Visual and Performing Arts, Charter Curriculum Review
April McCrae, Education Associate, Education Associate, Science Assessment and STEM
Paul Harrell, Director, Public & Private Partnerships
Karen Field Rogers, Associate Secretary, Financial Reform & Resource Management
Barbara Mazza, Education Associate Exceptional Children Resources

Support to the Committee

John Carwell, Director, Charter School Office
Catherine Hickey, Deputy Attorney General, Counsel to the Committee
Patricia Bigelow, Education Associate, Charter School Office
Chantel Janiszewski, Education Associate, Charter School Office
Brook Hughes, Education Associate, Finance/Charter School Office
Sheila Kay-Lawrence, Administrative Assistant, Charter School Office

Other

Kendall Massett, Executive Director, Delaware Charter School Network

Representatives of Charter School

Nikia Wongus, Business Manager
Keith Stephenson, Region VP, K12
Chris Curry, Board Chair

Ms. McLaughlin stated the purpose of today's meeting is to make a final recommendation on the New Maurice J. Moyer Academy's application for a charter modification to reduce the school's authorized enrollment and change the high school educational program from online instruction to traditional instruction. She said the Committee preliminary recommendation was that the charter application not be approved and the Committee's report required specific responses from the school.

Ms. McLaughlin stated that the Committee's discussion today will focus on the criteria that required further clarification from the school:

- *Criterion 3 – Mission, Goals and Educational Objectives*
- *Criterion 4 – Goals for Student Performance*
- *Criterion 5 – Evaluating Student Performance*
- *Criterion 6 – Educational Program*
- *Criterion 7 – Student with Special Needs*
- *Criterion 8 – Economical Viability*
- *Criterion 14 – Management Companies*

Ms. McLaughlin stated that at the conclusion of the Committee's discussion, John Carwell will provide the next steps.

She named the following criteria that will be discussed after the question and answer review, during which time she requested that the applicant refrain from answering or participating in the discussion with the Committee.

Criterion 3 – Mission, Goals and Educational Objectives. Mr. Carwell said that at the Preliminary Meeting, the Committee noted that based on the changes to the high school program this year it is not clear what is innovative or different about the school now that traditional instruction has replaced online instruction. He said the Committee requested that the school's response to the Preliminary Report include an explanation of the innovative features of the school and how the current educational program will improve student learning and meet measurable standards of student performance. The Committee also noted that the K12 curriculum was never aligned to Delaware standards and could negatively impact student performance on the DCAS. He said the school's response was a verbatim copy and paste from the original charter application. No additional information was provided.

Mr. Carwell said the school's response to the "Unique features of the school" section under Criterion Six indicated that *"Moyer's school design is based on a research-based school-within-a-school model. This model provides small learning communities called "Houses" within a larger school and promotes a greater sense of personal connections among students, faculty and families."* He said this section was also a verbatim copy and paste from the original charter application. No additional information was provided. He said under "Core Philosophy" the response states that K12's curriculum is research-based and aligned to Delaware State Standards. He said as the Committee noted during the Preliminary Meeting, the school's curriculum alignment was never completed. He said the curriculum documents were submitted to the Department on May 29, 2013. Thus, approval of curriculum alignment is pending.

Mr. Carwell said there was a request outside of this modification process for the school to submit curriculum to demonstrate alignment with the Delaware Content Standards and that the Curriculum and Instruction Workgroup, through his colleague Deb Hansen, had provided a deadline of May 31st for the school to compile the information and submit it to the DDOE for review. He said that the school provided the information and it will be reviewed.

Ms. Hansen said to be clear to everyone that this was actually part of the Phase II requirement of the school's initial application to approve the scope and sequence documents, but DDOE did not receive any units of instruction.

Mr. Carwell added that this was originally due in September 2012.

Mr. Carwell's recommendation is that this criterion is not met.

Ms. McLaughlin asked if there was any more questions or discussions under this section.

Mr. Harrell asked Mr. Carwell to clarify whether the school did not provide any documentation for the unique features of the school.

Mr. Carwell said that there was a statement made under Criterion 6 and he will provide comments under that Criterion. He said he referenced Criterion 6 because it is somewhat related to this criterion. He said there was a quote that he mentioned small learning communities called "Houses" within a larger

school which was included in the original application. He said as part of the mission of the school, K12 technologies are mentioned as an innovative feature so now the school is shifting from online to traditional instruction. He said there are online pieces that are a part of the electives, but not the main core. He said he was looking for a real explanation since innovation is a part of the statute and the purpose of charters and that was the reason why the charter was approved based on the online classes but now that it has shifted we wanted to know what was the innovative feature of the school.

Criterion Four: Goals for Student Performance. Ms. McCrae said the school used the Academic Performance Framework report to evaluate the school's academic progress. This is commendable; however, it is disconcerting to note that some of the student performance targets illustrated by this data are very low. For the school to claim these as goals for performance is a concern. For instance, the goal for the percentage of high school students meeting a score of 1550 or better on the SAT in 2014 is set at 20%, and the number of Special Education students set to meet reading standards is set at 10%. As goals these are not especially heartening.

Ms. McCrae said even though these numbers are representative of the direction the school is currently headed based on current data points, it is the hope of this reviewer that the goals of the school would be to change course toward altering those outcomes in a positive direction. She said because the intention of data from the Performance Framework is to inform Charter Schools of areas of strength and areas of weakness for the purpose of course altering, the goals of a school should illustrate that the information has prompted such course alteration.

Ms. McCrae's recommendation is that this criterion is not met.

Ms. McLaughlin asked if there was any more questions or discussions under this section.

Ms. Massett asked Ms. McCrae to clarify that even though the Applicant put in what their Academic Performance Framework report was, they didn't explain that they understood the information, such as with this information now they are going to do XYZ to make it to this goal. She said so what you are looking for is here is where we are and we understand where we are; here is what we are going to do with the information from where we are and now here are the goals; so they are two different things. Ms. McCrae said that is absolutely correct.

Criterion Five: Evaluating Student Performance. Ms. McCrae said while this section lists multiple, and appropriate assessments, a coherent plan for how these assessments will be used to inform instruction is not included. She said this section is considered partially met with the condition that the school provides a coherent plan outlining what each of these assessments will be used to assess and how the data from each will be used to inform instruction for students. She said it is her opinion that this plan should be presented to the Charter School Accountability Committee within 30 days of this proceeding. She said in other words what the school did was provide a list that all of the assessments that this school provide but they did not at all provide information saying what the assessment was needed for and what the data assessment is used to do.

Ms. McLaughlin said that thirty days is a concern to her because it is the State Board meeting where the final decisions are rendered around this. She said she would like to have a little discussion about the timeframe the Committee if it is reasonable to move the date up to ensure that the information could be submitted in time of the board meeting for their consideration or even the scope of that information if that is not reasonable. She asked if this made sense to them.

Ms. McCrae said actually this information was requested in the application so without it she could not consider this section met at all. She said what they have done was they provided a listing of the assessment that they did use.

Ms. Massett said that they've got the assessments down so now they need to say this is what these assessments have shown us and now that we know DIBELS results, our students are here. What they need to say is that they used DIBELS and it says this about our kids; so now that we know this about our kids we are going to do this and this is our goal. She said this is very similar to criterion 4; this is what we do, this is what we know from what we do, and this is what we are going to do with this information.

Ms. McCrae replied, "yes". She added even beyond that, this is what we do, this is why we do it, and this is what we are going to do with that information. She said if they don't have the data yet, this is what we will do and why we are going to do it and this is what we are going to do with the information.

Ms. Massett gave an example of "we know that our kids read at 5% and we have been told that the assessment is going to help us better understand why our kids are only at 5%. And that is why we are going to use this assessment, because it will help us to understand what is going on with our kids. And not that we have this information we will then be able to determine our individualize learning plan for each child."

Ms. McCrae said that this is exactly correct.

Ms. McLaughlin asked if the Committee could shorten the timeframe on the return response of the school.

Ms. McCrae offered 10 to 15 days.

Ms. McLaughlin said that the Committee would need to clarify that based on the State Board meeting and to include in the final report that the Committee will receive the information from the school in time to process it along with the Charter School Office to be able to relay the information to the Secretary of Education.

Mr. Carwell asked Ms. Hickey to correct him if he is wrong with regard to the CSAC process. He said it is essentially over after the final meeting and any other submission that is received from the school would be reviewed by the individual on the Committee or the Reviewer to provide feedback to the Secretary to help inform the Secretary's decision for the June 20th meeting. He said the public hearing is scheduled for June 11th and the applicant has up to that date to submit all required materials.

Ms. Massett asked if that meant the Applicant has to receive the Final Report in a timely manner so that they can respond before the public hearing as they cannot turn anything in after the public hearing.

Ms. McLaughlin said then the time frames will be clarified in the report. She said she will forget about the 30 days for the record, but will say that they will clarify before the date of the Public Hearing for the response to be given to the Secretary of Education.

Criterion Six: Educational Program.

(a), (b), (c) Scope and sequence, curriculum basis, MOU's. Ms. Hansen said that as was stated earlier by Mr. Carwell, this portion was deferred for the time being and the curriculum workgroup has not yet had a chance to review the documentation.

Ms. McLaughlin said to restate for the record they have given the applicant technical assistance, based on Ms. Hansen's support, to help them to make the May 31st deadline and they did submit their curriculum, but it is voluminous and the workgroup has just begun to review it.

(d) Plans for at-risk students. Ms. Mazza said the Applicant's response states that at-risk students will be identified based on a variety of data and that within the first six weeks of school staff will formally meet to consider supports for each student. Following this meeting, staff will meet with the student and their parents to develop a plan of supports with student/parent input. While the possible supports include a variety of instructional tools/methods, it is unclear how progress will be monitored, how often it will be monitored, and how instructional decisions about student performance will be made. She said this section is partially met.

Mr. Carwell asked if Ms. Mazza wanted to add a condition to this section.

Ms. Mazza replied, "yes", and that they will need an explanation of the progress will be monitored and how instructional decisions will be made.

(e) Graduation. Dr. Bigelow said that the application has been updated to reflect the correct credit requirements. The school should refer to 14 DE Admin Code 505 High School Graduation and Diplomas on a regular basis to ensure they are following all provisions and any updates thereto. She said the section is considered met.

(f) Student teacher ratio. Ms. Janiszewski said that the teacher to student ratio has been provided and it is considered met.

(g) Unique features of the school. Mr. Carwell said that the school's response to the "Unique features of the school" section indicated that "Moyer's school design is based on a research-based school-within-a-school model. This model provides small learning communities called "Houses" within a larger school and promotes a greater sense of personal connections among students, faculty and families." This section was also a verbatim copy and paste from the original charter application. No additional information was provided.

Mr. Carwell said there was also a response to Criterion 7 (Student with Special Needs) references the "innovative blended learning model" and how it "strategically allows students to receive more individualized support when they need it" but no other detail is provided.

Ms. Janiszewski added that the response did not address any of the concerns or requests for further information described in the preliminary report (p. 9).

Ms. McLaughlin asked if she could be more specific to what she is referring to.

Ms. Janiszewski said she would have to refer back to the preliminary report, but the entire section detailed what they were looking for and in their response none of it was provided.

Ms. McLaughlin said that if the final report could refer back to that and state exactly what was referenced, it would be helpful for the Applicant.

Ms. McLaughlin said that to be clear about this section, they are talking about the shift of the online curriculum to traditional and the concern is that the Applicant's response still references similar verbatim language that was used for the online curriculum and there is not enough

support for the traditional curriculum and how it is going to be innovative in its approach to a blended learning model. She asked if this was an accurate summary.

Mr. Carwell said that this was correct.

Ms. Massett asked if they are saying charter schools are required to be innovative. She said she hoped not.

Mr. Carwell said he is referring to the statute.

Ms. Massett said that the statute states that it “encourage the use of different and innovative or proven school environments and teaching and learning methods; provide parents and students with improved measures of school performance and greater opportunities in choosing public schools within and outside their school districts; and to provide for a well-educated community.” She said we need to be careful in not putting charter schools in a box. She said especially in what we say if they are articulating their mission then we cannot prescribe what that mission is, but rather we encourage the use of innovation. She said she is hopeful of innovation, but we cannot say that they have to.

Mr. Carwell agreed and said those points are helpful. He said what he wanted to do was to make it clear and to clarify; these pieces, particularly the online piece of the school, that was a clear basis for why the school was approved. He said that was part of their educational program.

Ms. Massett said that is fine and she is trying to clarify in putting all charters into one box.

Mr. Carwell agreed and said it is helpful until at the point when he read about “Houses” within a larger school model and “innovative blended learning model”.

Ms. Massett said that she would like to hear what that is and how it is affecting the kids.

Mr. Carwell said there were some mention before about project-based learning, or moving into that direction. He said it would help the Committee understand if more details were provided beyond a sentence or two.

Ms. Massett asked if this was to help us understand that the Board and the leadership understand the mission of the school and how that mission is articulated through their staff to their kids, and how that is providing a well-educated community.

Mr. Carwell said added to this how the “house within a house” and their current model aligns with the mission and if the mission is being still achieved or achievable through these strategies.

Ms. Massett apologized because she just wanted to clarify some things.

Ms. McLaughlin apologized too because she wanted to clarify it as well with the online and traditional teaching shift from the original charter.

Mr. Carwell said it is not just for the Committee but for the Public or for any interested parent that is interested in sending the child to the school. He said if this is their mission, how do these specific aspects of the school tie to the mission. He said it wasn't clear from the application.

Mr. Carwell's recommendation is that this section is not met.

Ms. McLaughlin asked if there was any more questions or discussions under this section.

(h) High Quality Professional Development. Ms. Hansen said that the preliminary report requested the following information: List the proposed activities (e.g. how will teachers adapt K-12's curriculum to traditional instruction?)

- The individual(s) delivering the professional development
- The intended outcomes for teachers and students and how the school will support and sustain them.
- Professional development for administrators
- What differentiated professional development will provide teachers with the ability to adapt the K-12 curriculum (designed for virtual classrooms) to face-to-face classrooms.
- What professional development is planned to ensure optimal use of the interactive whiteboards by teachers and students.

In the preliminary meeting the school acknowledged that staff development has been limited. The school further acknowledged a very high teacher turnover rate (60% and 85% in the last two years) precipitating a great need for high quality professional development.

The school provided a list of professional development activities, listed who was providing the professional development and who was receiving professional development, and listed professional development opportunities for administrators. While resources were identified it was unclear HOW the professional development would occur, what delivery models would be utilized and what the intended outcomes would be. This lack of information was especially evident in professional development for the optimal use of interactive whiteboards and other modes of technology at the school seeks to migrate from a virtual delivery model to a hybrid face to face instructional delivery model.

Ms. Hansen's recommendation is that this subsection is not met.

Ms. McLaughlin requested that the final report must reflect a clear understanding of what should have been expected from the school.

Ms. McLaughlin asked if there was any more questions or discussions under this section.

(I) Instructional Strategies/Formative and Summative Assessments. Ms. McCrae said the school states that it provides a "detailed description of how Moyer staff and students will use both summative and formative assessments" in section five of the application. As stated when that section was reviewed . . . While this section lists multiple, and appropriate assessments, a coherent plan for how these assessments will be used to inform instruction is not included. This section is considered partially met with the condition that the school provides a coherent plan outlining what each of these assessments will be used to assess and how the data from each will be used to inform instruction for students. This plan should be presented to the Charter School

Accountability Committee within 30 days of this proceeding. She said unless or until the condition is met for section five of this application, section six, subsection (l) is considered not met.

Ms. McLaughlin said in the final report please make sure that it will reflect a clear understanding of what should have been expected from the school.

Ms. McLaughlin asked if there was any more questions or discussions under this section.

Criterion 7: Student with Special Needs. Ms. Mazza said that the New Moyer Academy's response states that students with disabilities will be held to the same high standards and expectations for student growth and achievement as their peers while preparing them for post-secondary opportunities. They provide a detailed description of how they will ensure FAPE and provision of services for students with disabilities including identifying students suspected of having a disability, evaluation, and development of an IEP. Provision of services is based on the IEP including accommodations, modifications, frequent assessment using a variety of data driven instruction, progress monitoring, parent/school partnership, related services, and transition planning along with the Blended Model, differentiated instruction, and integration of technology. In addition they describe a continuum of services ranging from the regular education classroom with intensive instruction including programs for students with severe disabilities. Teachers will be highly qualified and all staff will receive professional development in Child Find and implementation of IEP services, supports, accommodations, and modifications on at least an annual basis.

Ms. Mazza's recommendation is that this criterion is considered met.

Ms. McLaughlin asked if there was any more questions or discussions under this section.

Criterion 8: Economical Viability.

Ms. Hughes said that the Preliminary Report indicated that the applicant needed to provide additional information or documentation in several areas. While some information was provided as requested, there are still several missing or incomplete items.

Ms. Hughes said the applicant notes that the expenses related to the marketing plan are part of the fees paid to K12, and are therefore not reflected as a line item on the budget. The applicant's contingency budget is based on the premise that K12's contract will be terminated; however, no funds are budgeted to cover the marketing plan in the contingency budget.

Ms. Hughes also noted that the Preliminary Report identified issues with the Federal revenue projections. The applicant submitted revised budget worksheets reflecting substantial Federal funding. However, no explanation of the calculations/estimates was provided so it is difficult to determine if these projections are reasonable. Additionally, it is unclear why the budget worksheets show sizable Federal surpluses at the end of each year.

Ms. Hughes said that the Preliminary Report requested information regarding the total funding provided by K12; however, that information was not provided and the applicant instead submitted a letter from K12's legal department.

Ms. McLaughlin asked if there was a model that they could use to show them how to use the worksheet because it seems it is more a line item issue.

Ms. Field Rogers said that they could give them a budget sheet specifically laid out for K12 to use.

Ms. McLaughlin said that for the record and in the final report they will indicate as an example the budget sheets that are provided to be used for K12 to fill out for their own support.

Mr. Carwell said that they almost equal or exceed federal funds from what K12 is providing in many ways. He said there is a separate sheet for federal funds.

Ms. Hughes said that the Preliminary Report requested a contingency budget based on 161 students. The applicant provided a contingency budget reflecting the current fiscal year (FY2013) and one additional fiscal year (FY2014). The budget worksheets are designed to capture four years' worth of data, and without those additional years completed, it is impossible to evaluate the long-term economic viability of the school.

Ms. Hughes said that as noted previously, the contingency budget does not include funding for the marketing plan or enrollment/recruitment expenses. Ms. Hughes asked if K12's contract is terminated, will Moyer retain the curriculum? If not, how will this impact the budget? She also asked what happens to K12's contract and the rent if enrollment is between 162 and 224 students? Are the termination/reductions only valid at 161 students?

Ms. Hughes noted discrepancies between the staffing model and the contingency budgets. Specifically she pointed out that it was unclear where the Business Manager's salary was captured and that it is unclear what comprises the expenses and FTEs listed as "Clerical." In FY2013, 2.84 FTEs cost \$26,889; in FY2014 the same 2.84 FTEs cost \$74,060. The narrative does not provide details on what is included in this calculation.

Ms. Hughes said that the Preliminary Report requested written confirmation from The Reinvestment Fund (TRF) of rent reduction (from \$325,000 in FY13 to \$144,000 in FY14). However, this document was not provided.

Ms. Hughes noted that the Preliminary Report requested written confirmation that K12 will provide the various positions listed on page 11 of the services agreement (e.g. educational and program management personnel, administrative, facility and student support staff). The applicant was asked to incorporate these costs into the revised budget to provide an accurate picture of total costs to run the school. However, the total costs to run the school are still not clear as K12 will not disclose this information and instead provided a written statement from its legal department.

Mr. Carwell said the current lease is up this coming June 30th and they have no verification of what the status will be after next month. Mr. Carwell said for clarity of his conversation with the school outside of this process, the school is currently working to try and purchase the facility, which is in process now. He said it would have been nice to see a backup plan with a lease, at least the rent figures, in case the process didn't go through.

Ms. Massett said that they are trying to buy the building and they would have to be careful in how they do this because it could taint the deal in the process. She added that because they could be in the midst of the buying and negotiating process, it could mess up their opportunity in buying the property if someone else comes along and outbids them.

Mr. Carwell said they need to confirm that the school is economically viable outside of any negotiation process.

Ms. Massett asked for clarification that the Committee is not asking them to upset their negotiation, but rather we are asking them for reassurance that they have the money financially to operate the facility if they buy or lease it.

Ms. McLaughlin replied, “yes” and at this point the Committee is asking for assurance that on July 1st they will actually have a facility to serve their children and will be able to cover the cost of the facility.

Mr. Harrell asked if \$700,000 in federal aid was that some of the same liability they had in previous years. Ms. Hughes said no it was higher than what they have. He asked if there is a reason why. She said she doesn’t know why because it wasn’t explained and this is why she mentioned it.

Ms. McLaughlin said that she wanted to ask for a little more detail for her own knowledge because of her lack of background in this area about this federal aid issue. She asked Ms. Hughes if she could talk them through what would be expected.

Ms. Hughes said that if the school says they are going to receive \$705,000 federal aid fund for next fiscal year, this is higher than what they are calculating for this year (\$559,000), and is a little bit higher than what she has an actual record of. She said then the Committee would expect an explanation on why they believe they are entitled to this additional funding or is there a specific grant they are going after that they expect to receive. She said it should be explained because the Applicant cannot just throw out numbers on a piece of paper; they will need to know how these calculations were derived.

Ms. McLaughlin said a clear explanation should account for \$705,000 and the \$559,000 differences.

Mr. Harrell asked about the other amount of \$300,000.

Ms. Hughes said the budget worksheet surpluses at the end of each year shows a beginning surplus of \$200,000 and each year it goes up to \$365,000, then \$395,000. She said schools typically spend their entire federal fund allotments.

Ms. Hughes’ recommendation is that this criterion is considered not met.

Ms. McLaughlin asked if there were any more questions or discussions under this section.

Criterion 14: Management Companies. Ms. Hickey said that when a management company is involved with a charter school application, it is to include a copy of the contract to include detailed descriptions and delineation of responsibilities between the school and management company. She said for a modification application, the original documentation and any changes are to be provided. She said the agreement that she reviewed had some issues with it. She said the document that was sent with the preliminary report response mentions the Department of Education and the State of Delaware in the agreement was going to do this and that in which are not valid. She said there were some blanks that looked like it needed to be fixed and probably needed to be looked at. She said this is a public school and it generates public money even if the management company is seeking to protect some information from public disclosure that may not be possible because of the obligation of the public entities dealing with public money that the disclosure will happen under various scenarios including the quest for that information.

Mr. Carwell said that he highlighted the concern of the evaluation of the CMO during the preliminary meeting as there was no evaluation tool submitted. A tool was submitted in the response to the preliminary report. He said it seems fairly comprehensive and it is quantitative in nature and provides category ranges from excellence to unsatisfactory. He said from his review of this the evaluation tool seems to be satisfactory.

Ms. McLaughlin asked about the management company not providing information that was asked to be provided.

Ms. Hickey said there was information requested by Ms. Hughes addressed and the response was the letter from the legal department from K12 stating that they were not going to disclose the information and they treated it as confidential personal information from a private employer. She said it needs to be provided to this committee in order for the Secretary and the Board to accept this application.

Mr. Carwell's recommendation is that this criterion is considered met.

Ms. McLaughlin said for purposes of the Final Report, her recommendation to the Committee is that the charter modification application for the New Maurice J. Moyer Academy Charter School Not be Approved. A vote was taken. Six ayes; none opposed and none abstained.

Ms. McLaughlin asked Mr. Carwell to share next steps. Mr. Carwell reviewed the criteria before providing the next steps in the modification application process.

- *Criterion 3 – Mission, Goals and Educational Objectives – not met*
- *Criterion 4 – Goals for Student Performance – not met*
- *Criterion 5 – Evaluating Student Performance – partially met*
- *Criterion 6 – Educational Program – not met*
- *Criterion 7 – Student with Special Needs – met*
- *Criterion 8 – Economical Viability – not met*
- *Criterion 14 – Management Companies – met*

➤ Public Hearing is scheduled for June 11, 2013 at the Townsend Building, Cabinet Room, Dover.

Meeting adjourned.