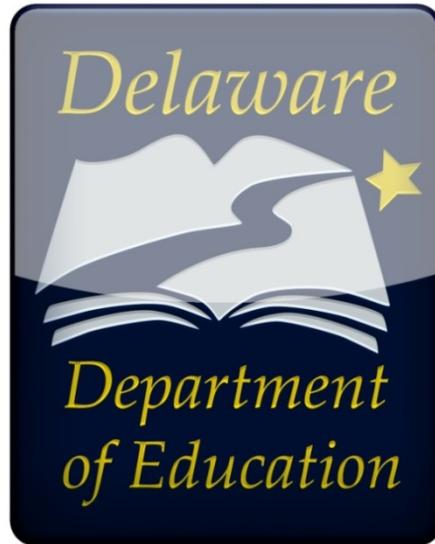


CHARTER SCHOOL ACCOUNTABILITY COMMITTEE

DELAWARE DEPARTMENT OF EDUCATION



Sussex Academy Charter School

**MAJOR MODIFICATION APPLICATION
FINAL REPORT**

CSAC Meeting: February 27, 2020
CSAC Report Published: March 5, 2020

On December 31, 2019, Sussex Academy Charter School (SA) submitted an application for a major modification of its charter.

The following individuals attended the Charter School Accountability Committee (CSAC) on February 27, 2020:

Voting Members of the Charter School Accountability Committee

- Chuck Longfellow, Ed.D., Chairperson of the Charter School Accountability Committee, and Associate Secretary, Operations Support, DDOE
- Susan Veenema, Education Associate, Exceptional Children Resources, DDOE
- Brian Moore, Education Associate, School Climate and Discipline, DDOE
- Gregory Fulkerson, Ph.D., Education Associate, Language Acquisition, DDOE
- April McCrae, Ed.D., Education Associate, CTE / STEM initiatives, DDOE
- James Pennewell, Education Associate, Capital Project Management, DDOE
- Cathy Wolfe, Education Associate, Federal Funds / LEA Indirect Costs, DDOE
- Charles Taylor, Community Member, Retired Head of School

Non-voting Members of the Charter School Accountability Committee

- Audrey Noble, Ph.D., Vice President, Delaware State Board of Education

Staff to the Committee (Non-voting)

- Darryl Parson, Deputy Attorney General, Department of Justice, Counsel to the Committee
- Leroy Travers, Lead Education Associate, Charter School Office, DDOE
- John Carwell, Education Associate, Charter School Office, DDOE
- Brook Hughes, Education Associate, Finance Office, DDOE
- Jennifer Roussell, Administrative Secretary, Operations Support, DDOE
- Alicia Balcerak, Administrative Secretary, Charter School Office, DDOE

Representatives of Sussex Academy

- Jennifer Scott, Member, Board of Directors
- Eric Anderson, Head of School
- Duncan Smith, Chief Operating Officer

Dr. Longfellow stated this was the Final Meeting of the CSAC relative to the Major Modification Application submitted by Sussex Academy (SA). SA has applied for a modification to its charter to:

- Increase its approved enrollment from 840 to 1080 students (240 or 28%);
- Change its grade configuration from grades 6-12 to include grades K-5;
- Establish a second campus at 22051 Wilson Road, Georgetown, DE (located 3 miles from its main campus) that would serve grades K-5.

The proposed modifications would be effective next school year (2020-2021). In accordance with 14 Del. Code § 511 (3),

“In addition to meeting the approval criteria established in § 512 of this title, when the department considers a modification in which the increased enrollment will occur less than 18 months from the date of application (an “expansion”), it shall also consider the potential positive and negative impact of the expansion on the schools and the community from which the charter school’s new students will likely be drawn. In reviewing the impact, the department shall consider all information furnished to it during the application process and may exercise its reasonable discretion in determining whether the proposed expansion is contrary to the best interests of the community to be served, including both those students likely to attend the charter school and those students likely to attend traditional public schools in the community.”

The CSAC initial report was issued on January 31, 2020 and the school submitted a timely response. An initial public hearing was held on February 10, 2020. Dr. Longfellow stated that the purpose of the meeting was for the CSAC to discuss the Major Modification Application with the applicant, ask questions, and to further probe areas of concern based on the CSAC’s initial review of the written application and feedback from the initial report, and to issue its recommendation on the application. Dr. Longfellow announced that the Department would issue the final report no later than March 5, 2020.

Discussion:

Dr. Longfellow stated that, in its initial report, the CSAC requested the following information from the school:

1. A statement clarifying why the decision was made to create a new elementary program as opposed to responding to the already expressed demand of the community.
2. Clarification of procedures that will be utilized to ensure that qualified teachers will be in place in time to offer the proposed elementary school program within the proposed time frame.
3. A detailed recruitment plan that will illustrate your commitment to serve a wider range of students in your community, specifically in the newly added grades.
4. A description of activities that you have utilized to share successful practices with other Delaware schools
5. The application outlines a purchase of the 43-acre Jefferson school but does not describe a plan for explanation for inclusion of teachers and staff or administration of the new facility. Please provide a staffing plan to include the answers to the following questions:
 - a. Will the existing Jefferson School staff be included in the SA staffing plan?
 - b. Will the existing staff be implementing new state curricula, and will they receive appropriate training in all elementary curricular standards and instruction expectations before opening next year?

6. Clarification as to whether Spanish-speaking English –Language Learners(ELs)will be a special focus for recruitment for the new elementary program
7. An explanation of how the Spanish literacy program will be structured to promote bilingualism and bi-literacy, specifically for ELs? Explain how this will be different than the two-way immersion programs currently in Seaford, Indian River, Milford and Cape Henlopen? Explain other structures that are being considering such as Sheltered Instruction Observation Protocol (SIOP) and Guided Language Acquisition Instruction (GLAD) that would provide a school-wide approach to meeting the needs of ELs?

Dr. Longfellow asked if there were additional questions or comments regarding the items submitted by the school in their response.

Dr. McCrae stated that she had concerns, not with the idea of their expansion plan, but with the timing of the plan. Specifically, she added, the school has not articulated a staffing plan (e.g., teachers, secretaries, cafeteria employees, custodians, etc.). Additionally, she stated that she has not seen a plan detailing how the school will address particular operational aspects of the school (e.g. food service, transportation, project management, substitute plans, etc.). She stated that the instruction appears to be well planned out, but the operations that support instruction appear to be missing.

Mr. Anderson stated that the school is not “starting from scratch.” He stated that the school already has operational plans for the 6-12th grade program and that those operations and contracts will be extended to the elementary school. For instance, he added, contracts are already in place for transportation and personnel to cover the additional 180 bus riders. Mr. Anderson stated that the same would be the case for its food service program. He reiterated that operational processes are currently in place.

Dr. McCrae asked about special education and related services such as speech therapy and occupational therapy. Mr. Anderson responded that they already have contracts with occupational therapy and speech therapy providers and these services will be expanded to serve the elementary school. Dr. McCrae stated that she has not seen a plan on how these contracts and organizations will be utilized at the K-5 school. Mr. Anderson stated that they have a Director of Special Services who will oversee all of these services.

Dr. McCrae asked if expansion was part of a strategic plan. Mr. Anderson replied that the school has the human and financial resources as well as the capacity to develop an effective K-5 program. Mr. Anderson noted that Sussex Academy is at the same stage as a new charter school that is opening in the fall.

Mr. Taylor asked if the teachers at the current Jefferson School would be joining the staff of SA. Mr. Anderson replied that the Jefferson School’s current school leader would be the principal of SA’s elementary school. Mr. Taylor asked how many Jefferson School staff members they expect to remain with SA. Mr. Anderson stated that he would like to retain some of them, but they need the proper certification. He added that approximately 30% of the current Jefferson

staff are certified to teach public school in Delaware. Mr. Smith stated that a majority of the teachers needed for their elementary school would be recruited externally.

Mr. Taylor asked if SA has had any difficulty filling vacancies. Mr. Anderson stated that filling vacancies has not been difficult and SA currently has identified a number of veteran teachers looking to join the SA team. Mr. Anderson reiterated that he anticipates no issues with filling vacancies.

Mr. Taylor asked the school to describe its plan to train new staff members. Mr. Anderson replied that teachers would come in over the summer to receive training and professional development. He stated that professional development for teachers typically occurs over the summer. Mr. Taylor stated that schools typically do not have difficulty recruiting staff members, when needed, over the summer. Mr. Travers stated that the school currently has a full high school program with athletics and systems in place to support a large operation. Mr. Anderson reminded the CSAC that their COO, Mr. Smith, has been an elementary school principal and an HR Director.

Dr. Longfellow asked about the school's transportation services and how the transportation plan would ensure that outreach efforts include more traditionally disadvantaged students. Mr. Anderson stated that SA currently utilizes a hub system and they currently transport students from every part of Sussex County. However, he added, the elementary school may dictate some changes to their current system. Mr. Smith also stated that the current contractor, Dutton Bussing, has committed to finding additional busses, as needed, for the elementary school. Dr. Longfellow asked the school how it would determine whether to change from a hub system to a more granular approach. He explained that he was not asking for a specific plan, but simply wanted to know what discussions they have had. Mr. Anderson stated that the school always bases its decisions on what is best for families and children, including bus service to neighborhoods in addition to hubs.

Dr. Noble stated that the State Board is concerned about the short timeline and asked Mr. Anderson why the school wants to rush the opening given the differences between serving elementary and secondary grades. Dr. Noble asked if the decision to expedite the opening was due to the availability of the Jefferson School property or based on what is best for prospective students. Mr. Anderson stated that SA has the opportunity to purchase this property now and do great things for kids. He expressed concern about perceptions that the expedited opening is a rushed endeavor. He acknowledged that SA is operating on a faster timeline than schools have done in the past, but expressed confidence that the school has the capacity to execute the expansion effectively. Mr. Anderson stated that he would not do a disservice to students and would not rush a school's opening if he felt that it would harm students.

Mr. Anderson stated that the school decided to expedite its expansion because they have an opportunity now to purchase property that fits into the school's educational plan. He added that this opportunity might not be available in the future. Mr. Anderson also noted that SA could not afford to pay for a facility that would sit empty for a year. Current Jefferson School

students, he added, would have an opportunity to enroll as well as students throughout Sussex County. Mr. Anderson reiterated that the school has the capacity, knowledge and resources to launch the elementary school and serve students effectively.

Dr. McCrae expressed concern that SA has not fully considered the effects on current Jefferson School students who might return to a different school setting next year and the supports available to support their transition successfully. Mr. Smith stated that many schools are going through changes right now, such as curriculum, staff changes, training staff, etc. He stated that parents would need to make decisions based on what is best for their children. He explained that he approaches everything from the lens of a parent. He commented that adding an extra year to the opening date would not make a significant difference because the systems are already in place. Mr. Smith reiterated that the building leadership at the elementary school would not change. The focus will be on training new staff and enrolling new students.

Dr. Longfellow asked how many physical classrooms are in the current Jefferson School property. Mr. Smith replied that the school currently has 15 classrooms. Dr. Longfellow asked Mr. Smith to provide additional information about his professional background and experience. Mr. Smith stated that, prior to joining Sussex Academy, he was the Human Resources Director at Seaford School District for four years. As Seaford's HR director, he added, there were some years when the district had to fill 55-70 teacher vacancies over the summer. Mr. Smith stated that SA would hire ten to twelve teachers for the elementary school. He added that prospective teachers are seeking out SA and he feels confident that SA is well positioned to hire a solid team for the elementary school.

Mr. Taylor stated that some charters start as a K-3 school and add a grade each year. SA, he added, is doing something similar, except that they have twenty years of experience in running a school, which increases the potential for success. Mr. Taylor stated that SA would not be the first charter school execute an expedited expansion. Dr. Longfellow stated that the district where he previously worked added eight schools in 14 years. He commented that as long as the academic program is solid, teacher training is in place, the recruitment on-track, and the finances are taken care of, SA could effectively open the elementary school in the fall of 2020.

Ms. Veenema asked the school to describe its plan to roll out its Multi-Tiered System of Supports (MTSS) to address struggling students' academic and emotional needs. Mr. Anderson stated that the school recently developed a strategic plan that focuses on the whole child. The school, he added, has hired a school counselor who has developed an entire social/emotional curriculum. The school has been working on the Erin's Law requirements for the Prevent Child Abuse Delaware (PCAD) program. Ms. Veenema noted that the Response to Intervention (RTI) regulations will be moving from the special education regulations to a MTSS regulation and the school needs to be aware of the changes as they plan the elementary program. Mr. Anderson stated that the school's Special Education Director is an expert in K-12 special education and would ensure compliance. Ms. Veenema asked if the school psychologist has been contracted. Mr. Anderson replied that the school psychologist is currently contracted, but he noted that they might need to hire a full-time psychologist should the elementary school be approved.

Ms. Veenema stated that finding bi-lingual school psychologists is difficult and asked if they have thought about that. Mr. Anderson stated that their current contractor provides bilingual services.

Mr. Moore asked if Prevent Child Abuse Delaware (PCAD) has committed to working with SA. Mr. Anderson stated that he serves on PCAD's Board of Directors and has had conversations with them.

Mr. Moore asked if the school has letters of commitment for food services and transportation to provide services next year. Mr. Anderson stated that their food service vendor has requested to expand the program for some time. Their transportation provider, he added, has provided a commitment to expand services. Mr. Moore asked if prospective elementary school parents are aware of the transportation hub process and what it entails. Mr. Anderson replied that they would survey parents once they are enrolled and determine the best means for transportation.

Mr. Pennewell asked if the Jefferson School purchase could be jeopardized if the school was to delay opening for one year. Mr. Anderson responded that it could. Ms. Scott agreed. Mr. Anderson stated that they needed the student count to pay the lease. Mr. Smith clarified that SA will not purchase the property. The SA foundation will purchase the property. Mr. Pennewell asked for more information regarding the financing between the foundation and the seller. Mr. Anderson stated that the foundation would pay off the debt on the building. Ms. Scott clarified that there will be no financing in place. She stated that the purchase is contingent on the school opening in the fall. The school will have to renegotiate with the seller if the opening is delayed. She stated that the Jefferson School would not be able to continue operations after this year.

Dr. Fulkerson stated that the Department is happy with the instructional materials selected by the school. He commented that he is pleased to see a school focus on bi-literacy, but asked for clarification around the design of the program. Mr. Smith explained that the program is similar to that of a special education or English Language Learner program in which specialists push into the classroom. The curriculum, he added, has components in English and in Spanish. Lessons are conducted in English, then the Spanish teacher takes over and the class works on Spanish language acquisition. Mr. Smith also stated that the program would provide support for EL students. Additionally, he added, students acquire Spanish language skills within their core subjects.

Dr. Noble asked how the school defined "underserved populations." Mr. Anderson stated that underserved students include: low-income students, students of color, special education students and students that have been historically failed by the education system. Dr. Noble asked how the school plans to serve this population when over half of the students would be drawn from current Jefferson School families. She added that only three percent of the current Jefferson students are considered underserved. Dr. Noble commented that SA does not have the diversity of any of the schools in Sussex County. Mr. Anderson stated that he understands that SA can only accept students that apply so community outreach. To increase the diversity of the applicant pool, he added, SA's outreach efforts include attendance at community events

such as the Seaford community with materials translated in Creole and Spanish. Mr. Anderson noted that in 2015 the school only had a .04% Hispanic population and this year SA's Hispanic population is at 15%.

Mr. Anderson stated efforts are underway to build the school's capacity to better support the needs of underserved students. Dr. Noble commented that students would not attend the school if they do not feel welcome. She also stated that the elementary school could provide a pipeline for diversity and if efforts are not made to increase diversity at the elementary school, true diversity may never happen. The message, she added, needs to clearly articulate that underserved students are welcome at the elementary level. Mr. Anderson stated that there is a misperception that those efforts are not currently underway. Mr. Anderson stated that 93% of current SA students from Cape Henlopen School District met or exceeded the standard in ELA and 89% met or exceeded in Math. Mr. Anderson stated that the elementary school would allow SA to intercept these students at the beginning of their academic journey as opposed to sixth grade.

Dr. Noble reiterated the importance of ensuring that more underserved families are aware of the opportunity to attend SA. Mr. Anderson commented on the irony that he, the first leader of color at a high performing charter school in State history, is defending his school's outreach program to underserved students to a committee that lacks diversity. Mr. Anderson stated that his hiring is significant and represents a culture shift at the school that he is leading. Ms. Scott stated that the board of directors was intentional about hiring diverse leadership and recognizes challenge SA is facing regarding diversity.

Mr. Anderson stated that he represents the school at various community events, such as Boys and Girls Clubs, Hispanic Festivals, and AfrAm Festivals, and the community has responded positively when they see a person of color representing SA. Mr. Anderson stated that underserved students often feel left out of SA's application process by the time they reach sixth grade.

Mr. Anderson reiterated that there is an opportunity for SA to make a difference for students that have traditionally felt left out of a process to enter SA. He feels that if the charter medication application is denied, this opportunity may be lost. Mr. Anderson stated that they would not have submitted this application if they did not feel it would succeed.

Conclusion:

The criteria for approving a modification to a charter are set forth in 14 *Del. C.* § 512. The criteria include that the charter school's educational objectives are consistent with the legislative intent of and restrictions set forth in Title 14, Chapter 5 of the Delaware Code; the charter school's educational program has the potential to improve student performance; the plan for the charter school is economically viable; the charter school's financial and administrative operations meet or exceed the same standards, procedures, and requirements as a school district; and the charter school's procedures to assure students', employees', and guests' health and safety are adequate.

Dr. Longfellow asked if there was a motion to recommend approval of Sussex Academy's application to modify its charter. The motion was made and seconded to recommend approval without any conditions and was carried unanimously. Dr. Longfellow reminded the school that the CSAC's recommendation was just that: a recommendation to the Secretary of Education on the application to modify its charter.

Next Steps

- On or before, March 5, 2020 the CSAC will issue a Final Report, which will include its recommendation on the Major Modification Application.
- A second and Final Public Hearing will be held on March 10 at 5:00p at Georgetown Public Library, 123 West Pine St. Georgetown, DE.
- The public comment period ends on March 12, 2020.
- The Secretary of Education will announce her decision at the March 19, 2020 State Board of Education meeting.