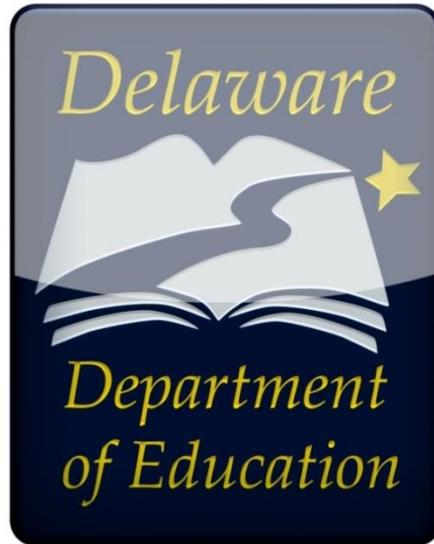


CHARTER SCHOOL ACCOUNTABILITY COMMITTEE

DELAWARE DEPARTMENT OF EDUCATION



The Maurice J. Moyer Academic Institute

**FORMAL REVIEW
FINAL REPORT**

CSAC Final Meeting: August 29, 2014
CSAC Final Report Published: September 5, 2014

CSAC FINAL RECOMMENDATION: REVOCATION

Background

The Maurice J. Moyer Academic Institute Charter School (Moyer) received approval of its charter on April 21, 2011 at the meeting of the State Board of Education. Moyer's approval came with several conditions, which included curriculum and instruction requirements. The charter school is located in Wilmington, Delaware, at 600 E. 17th Street, and was approved to serve students in grades 6 through 12 with an initial authorized enrollment of 365 students for school year 2012-13.

On December 17, 2012, Moyer submitted a request for a major modification of its authorized enrollment (decrease) and educational program (change the high school program from online to traditional instruction for core academic courses). The request was not approved.

On December 19, 2013, Moyer submitted a request for a major modification to decrease its authorized enrollment. The request was approved.

On January 5, 2014, Moyer submitted a request for a minor modification to change the name of the school from The New Maurice J. Moyer Academy to Maurice J. Moyer Academic Institute. The request was approved, effective July 1, 2014.

On May 21, 2014, Moyer submitted a request for a major modification of the educational plan of its charter to implement SpringBoard, a new curriculum for Math and English Language Arts (ELA). At the Charter School Accountability Committee (CSAC) Final Meeting on this modification request, the application was recommended for approval pending submission, by July 14, 2014, of satisfactory documentation to address outstanding concerns. Moyer submitted a response by the deadline, but the documentation only partially addressed the CSAC's concerns. As a result, the application was not recommended for approval by CSAC. The modification application review process concluded with the State Board of Education meeting on August 21, 2014, during which the Secretary of Education, Mark T. Murphy, presented his decision to not approve the modification.

On July 17, 2014 the Department of Education (Department), with the assent of the State Board of Education, placed the Maurice J. Moyer Academic Institute Charter School on Formal Review, pursuant to 14 Del. C. § 515(b), to determine whether it was violating the terms of its charter and the law, and, if so, whether to order remedial measures. In a letter dated July 17, 2014, Moyer was notified of the Formal Review and the reasons for the review.

On August 5, 2014, the CSAC met with representatives of Moyer for the Initial Meeting to review the relevant statutory criteria and make an initial recommendation as to whether Moyer was violating the terms of its charter. The CSAC focused on the areas of noncompliance detailed below:

Academic Performance (pursuant to Performance Agreement)

- 2013-14 Delaware Comprehensive Assessment System (DCAS) test scores are the lowest for any charter school in the state.
- For the 2013-14 school year, only 23.1% of all students demonstrated proficiency in ELA on state testing; only 10.2% of students demonstrated proficiency in Math; only 6.2% of students demonstrated proficiency in science; and no students demonstrated proficiency in social studies.
- For the 2012-13 school year, only 49.6% of all students demonstrated proficiency in ELA on state testing; only 40.3% of students demonstrated proficiency in Math; only 12.1% of students

demonstrated proficiency in science; and only 39.3% of students demonstrated proficiency in social studies. The Academic Framework overall rating was “Does Not Meet Standard.”

Appropriate Strategies to Accommodate the Needs of At-Risk Students and Those Needing Special Education Services (pursuant to 14 Del. C. § 512(7))

- Monitoring visits by the Department determined that, as of January 8, 2014, nearly all Individualized Education Plans (IEPs) did not meet federal and state legal requirements. The deadline for corrective action was extended twice, but the requirements were still not met. Follow-up monitoring visits by the Department determined that, as of June 2, 2014, almost half of the IEPs previously identified as noncompliant had not been sufficiently corrected.
- Monitoring visits by the Department found violations of state and federal law with respect to procedural safeguards, eligibility determination, secondary transition, and students being served in the Least Restrictive Environment (LRE).
- Monitoring visits by the Department determined that Moyer did not have sufficient staff capacity to serve students with special needs effectively. As of the end of the 2013-14 school year, Moyer employed only a part-time Special Education Director and four Paraprofessionals.
- Monitoring visits by the Department found violations of Response to Intervention (RTI) regulations.
- Monitoring visits by the Department determined that staff members did not fully understand RTI regulations.

Educational Program (pursuant to 14 Del. C. § 512(6))

- Monitoring visits by the Department and materials submitted by the charter school determined that the curriculum in use by Moyer during the 2012-13 and 2013-14 school years was not aligned to meet the Delaware Content Standards, Common Core State Standards, state program requirements, or state graduation requirements.
- Monitoring visits by the Department determined that staff members did not fully understand Common Core State Standards.
- Monitoring visits by the Department determined that curriculum content and implemented instructional strategies were not supported by research.

School Discipline & Attendance Procedures (pursuant to 14 Del. C. § 512(11))

- Out of school suspension rate of students was 61% for the 2013-14 school year.
- During the 2013-14 school year, Moyer did not provide the Department with required written decisions regarding five expelled students who were not placed in a Consortium Discipline Alternative Program (CDAP), as required by 14 DE Admin. Code § 611.
- There were nine unsafe incidents, as defined by 14 DE Admin. Code § 608, that occurred during the 2013-14 school year.
- For the 2012-13 school year, Moyer’s attendance rate was 82.3%, below the required 95%.
- For the 2013-14 school year, Moyer’s attendance rate was 89.4%, below the required 95%.
- During monitoring visits by the Department, students reported that they do not feel safe at Moyer because of fights and unsecured entryways.

Student Assessment (pursuant to 14 Del. C. § 512(4))

- During the 2012-13 school year, 92.1% of students participated in required reading DCAS testing; 94.7% of students participated in Math; 87.9% participated in science; and 93.3% participated in social studies, all below the required 95%.
- During the 2013-14 school year, preliminary data indicates that 86.5% of students participated in required ELA DCAS testing; 90.3% of students participated in Math; 56.1 % participated in science; and 56.2% participated in social studies, all below the required 95%.

Staff Credentialing (pursuant to 14 Del. C. Ch. 12 and 14 DE Admin. Code § 1500)

- During the 2012-13 school year, only 43.5% of all teachers met state and federal Highly-Qualified Teacher requirements.
- During the 2013-14 school year, only 70.4% of all teachers met state and federal Highly-Qualified Teacher requirements.
- Monitoring visits by the Department determined that, due to high teacher turnover, new teachers were placed in positions without consideration of qualifications.

Financial and Administrative Operations (pursuant to 14 Del. C. § 512(9))

- School Board and Citizens Budget Oversight Committee meeting dates, agendas and minutes were not posted in complete compliance until June 2014 (29 Del. C. Ch. 100).
- School Board bylaws were not posted on Moyer’s website until June 2014.
- Checkbook link was not posted on Moyer’s website until June 2014 (14 Del. C. § 1509).
- The submission of the Fiscal Year 2012 audit did not include the independent auditors’ report, the schedule of findings and recommendations, and the report on internal control over financial reporting.

The CSAC recommendation at the Initial Meeting was that Moyer be found not in compliance with the terms of its charter in all areas identified above.

On August 22, 2014, Moyer submitted a comprehensive response to the CSAC Initial Report requirements.

On August 29, 2014, the CSAC met to discuss the concerns about each of the noncompliant areas and the additional information provided by Moyer in order to make a final recommendation regarding whether to find Moyer in compliance with the terms of its charter and the criteria set forth in 14 Del. C. § 512 and, if not, whether to recommend remedial measures.

The following were in attendance at the Final Meeting of the CSAC on August 29, 2014:

Voting Members of the Charter School Accountability Committee

- David Blowman, Chairperson of the Charter School Accountability Committee and Deputy Secretary of Education, DDOE
- Karen Field Rogers, Associate Secretary of Education, Financial Reform and Resource Management, DDOE
- Barbara Mazza, Education Associate, Exceptional Children Resources, DDOE
- April McCrae, Education Associate, STEM coordinator, DDOE

Staff to the Charter School Accountability Committee

- Catherine Hickey, Deputy Attorney General, Counsel to the Charter School Accountability Committee
- Jennifer Nagourney, Executive Director, Charter School Office, DDOE

- John Carwell, Education Associate, Charter School Office, DDOE
- Jennifer Carlson, Education Associate, Charter School Office, DDOE
- Michelle Whalen, Education Associate, Charter School Office, DDOE

Additional Attendees

- Kendall Massett, Executive Director, Delaware Charter Schools Network

Representatives from Maurice J. Moyer Charter School

- Christopher Curry, Ed.D., Board President
- Bebe Coker, Board Vice President
- Keenan Dorsey, Principal
- Chris Bennett, Assistant Principal
- Nikia Whitaker, Director of Curriculum
- Nikia Wongus, Business Manager
- Sylvia Simmons, Special Education Director

Representatives from K 12

- Robin Wise, Senior Manager Academic Services
- Lorna Bryant, Regional Vice President

Representatives from the Public

- Elizabeth Lewis, Office of Management and Budget
- Matthew Albright, The News Journal

Discussion

Academic Performance (pursuant to Performance Agreement)

Ms. April McCrae stated that she did not have any questions, but stated that she observed some discrepancies between Moyer's response to the CSAC's Initial Report and what the Department has on record. She noted that Moyer stated in its response that 75% of its current population was new, but that, according to the Department records, 58% of Moyer's students during the 2013-14 school year were new and, for the 2014-15 school year, 17% of Moyer's current population is new.

Ms. McCrae also stated that, with respect to Moyer's DCAS ELA and Math data, Moyer reported that its DCAS fall ELA participation rate was 97% and achieved 12% proficiency. Ms. McCrae stated that Moyer did achieve 12% proficiency, but that its participation rate was 88.5%, so the 97% record is incorrect. She also observed that Moyer stated in its response that Moyer tested 96% and achieved 4% proficiency. She stated that Moyer did achieve 4% proficiency, but that its participation rate was only at 89%. Dr. Curry stated that the information came right off of the Department's website, and asked Ms. McCrae to clarify that she was stating that the fall participation rate was not 96% (for Math). Ms. McCrae stated that Moyer's participation rate was 88.5% (for ELA), and Dr. Curry responded that 88.5% was the spring participation rate. Ms. McCrae replied that the participation rate was for the fall.

Mr. Blowman stated that, in the report, Moyer noted the reading levels of Moyer's incoming students which Mr. Blowman stated was a significant part of the discussion at the CSAC Initial Meeting. He acknowledged that 58% is still a significant number of new students. He stated that the Department

looked at the student information for those who arrived at Moyer, and found that even if you set aside proficiency itself, the growth targets are independent of proficiency levels and the percentage of students at Moyer who met growth targets was 28.76%, which is the lowest of any charter school in the state.

Mr. Blowman also stated that he was curious as to whether Moyer had data to confirm the reading levels of the students as they entered Moyer. Ms. Whitaker responded that the scores were an average of the Lexile scores that were stated on the students' DCAS scores.

Ms. McCrae said that a large portion of the conversation at the CSAC Initial Meeting was that many of the students at Moyer were brand new and comparing this year's students to last year's students was not a fair comparison to conclude that students this year were not performing as well as last year. She stated that what was done, however, was take the scores of students who entered Moyer, regardless of where they came from, and compare their scores from last year to their scores from this year. She noted that there was not a significant difference and that those students' scores were significantly higher at their previous schools than when they came to Moyer, so their scores went down after they came to Moyer. Dr. Curry stated that someone mentioned this, and he requested the information, but the data has not been provided to him. He stated that nothing he has says that, but that he would like to see that information. He stated that, based on the data he has, the scores were significantly lower. He noted that he was not saying that the data that Ms. McCrae cited was wrong, but that he would like to see the information to be able to validate it.

Appropriate Strategies to Accommodate the Needs of At-Risk Students and Those Needing Special Education Services (pursuant to 14 Del. C. § 512(7))

Ms. Mazza stated that she did not have any questions, but would like to clarify a few things about Moyer's response to the CSAC's Initial Report. With regards to the due dates for the individual student corrections, she clarified that the due dates were extended due to the volume of corrections that were required to bring the students' IEPs into compliance. She said that, during the January 2014 on-site review of records, 67 out of 68 IEPs were found to be noncompliant in one or more regulatory areas, including evaluation, IEP development, meeting participants, and secondary transition. Ms. Mazza stated that, upon review of those same records in May of 2014, 29 remained noncompliant in one or more regulatory areas.

Ms. Mazza also noted that, with regards to the provision of special education services, Moyer's response stated that teachers were contracted in January. She clarified that the Compliance Agreement between Moyer and the Department clearly states that concerns regarding special education and procedural safeguards were identified during the January 2014 monitoring process. In addition, during the June 11th meeting, documentation was provided regarding the employment of special education staff, which evidenced that special education units earned were not utilized in their entirety.

Ms. Mazza further noted that it was mentioned in Moyer's response that the concerns that were identified during the January monitoring were isolated to this year and that there haven't been concerns in the past. She clarified that, in the fall of 2012, an on-site record review was conducted by the Department and, in December 2012, Moyer received a letter identifying noncompliance in 21 regulatory areas, including IEP development, LRE, secondary transition, and IEP meeting participants. She stated that, based upon those results, a corrective action plan was developed, which described the strategies and steps that Moyer would take to ensure compliance with special education regulations, including correction of individual student noncompliance, procedural development, and a system of internal controls.

Ms. Mazza stated that she wanted to make clear that, while the Department appreciates the enthusiasm of the staff and all that the staff is doing, the Department entered into the Compliance Agreement with Moyer because the areas that the Department identified during monitoring resulted in violations of the Individuals With Disabilities Education Act (IDEA). She stated that, while there was mention that some of the records that remained out of compliance had one area, if one area is out of compliance, the whole IEP is out of compliance.

Mr. Dorsey asked Ms. Mazza to clarify whether, as of right now, Moyer is following every guideline that the Department put in place and doing everything that the Department needs from Moyer. Ms. Mazza stated that Moyer participated in professional development and the Department would be returning to Moyer on September 15th to review those 29 records again to determine whether they are in compliance, noting that the process was still in progress. Ms. Massett asked whether the information would be in the record for the State Board of Education to have and whether there was a possibility that the information could affect the information that they would make their decision upon on September 18th. Ms. Mazza stated that it was just one piece of the Compliance Agreement. Ms. Simmons clarified that September 15th is the due date and that the review would take place on September 17th. Mr. Blowman stated that the process would proceed. Mr. Blowman stated that the CSAC certainly acknowledges that Moyer had a significantly high needs population that, for the most part, enrolled late towards the beginning of school last year. He stated that, at the same time, there were concerns raised at the last meeting about the fact that, even with three teachers and four Paraprofessionals, Moyer was still staffed significantly below what was earned as a result of those positions. He clarified that, in Delaware, three teachers plus four Paraprofessionals equals five units.

Educational Program (pursuant to 14 Del. C. § 512(6))

Mr. Blowman asked Dr. Curry if he or any members of Moyer's team wished to highlight any points from Moyer's response to the CSAC Initial Report. Dr. Curry stated that Moyer's team has been working hard to identify a curriculum that would satisfy the Department and the students Moyer serves. He also noted that, based on the CSAC's concerns regarding Moyer's capacity to implement the curriculum, Moyer has contracted with Generation Ready to support effective delivery of the curriculum. Dr. Curry also noted that he is awaiting feedback from the Department. He added that Moyer's charter management company, K12, Inc., is a curriculum company and they could not align its curriculum to Delaware Content Standards. Dr. Curry also stated that he depended on K12, Inc. very strongly, but when he realized that K12's curriculum would not work, he and Moyer's School Board decided to find a curriculum that would satisfy Moyer students and the Department. He also commented that the selected curriculum, SpringBoard, is right for Moyer's students and the concerns expressed by the CSAC regarding Moyer's capacity to deliver the curriculum have been addressed.

Ms. McCrae noted that the Department has approved most of Moyer's curriculum, except for ELA and Math. She asked Dr. Curry to explain Moyer's efforts to align ELA and Math to the Common Core State Standards. Dr. Curry explained that he is awaiting a response from the Department regarding Moyer's recent Mathematics submission. He also noted that he received feedback from the Department's Chief of Staff that the math curriculum is heading in the right direction. Mr. Blowman clarified for the record that Moyer's intent is to use SpringBoard for both Math and ELA. Ms. Nagourney noted that she visited Moyer earlier in the week and observed SpringBoard materials in use.

Mr. Blowman clarified for the record that Moyer is still implementing SpringBoard notwithstanding the fact that the recent charter modification application was denied. He added that the Department's

concerns were relative to Moyer's capacity to implement and not with the curriculum itself. Dr. Curry noted that the Department's most recent questions and concerns were relative to Math not ELA.

School Discipline & Attendance Procedures (pursuant to 14 Del. C. § 512(11))

Mr. Blowman asked Dr. Curry if he or any members of Moyer's team wished to highlight any points from Moyer's response to the CSAC Initial Report. Mr. Dorsey stated that the school year is off to a great start. He stated that, based on feedback he has received from students, staff and parents, the difference in Moyer's culture since last year is like night and day. He stated that staff training was provided by Brandywine School District's Dr. Douglas DiRaddo on school climate and de-escalation and classroom management strategies. He added that well-defined rules and expectations have been established for the students and, thus far, they have risen to the new expectations with minimal issues. He added that teachers' and students' spirits are high.

Mr. Blowman noted for the record that there was a significant discussion at the CSAC Initial Meeting regarding the accuracy of the 61% suspension rate calculation. He clarified that it does not mean that 61% of students were suspended during the 2013-14 school year, but the Department has confirmed the accuracy of the calculation. Ms. McCrae commented that the suspension rate highlights the need for transparency and open communication among Moyer's administration. She stated that a comment was made at the CSAC Initial Meeting that no students were ever in danger. However, she noted that there were nine reported unsafe incidents, which means that, by definition, students were in danger. Ms. McCrae added that, according to Moyer's response, 13 out of 228 students accounted for over one-half of the reported 61% suspension rate. However, she noted that, according to the Department's records, 138 of the suspensions were unduplicated. Mr. Dorsey noted there were 13 students who had between five and 44 suspensions. Ms. McCrae reiterated that 138 students out of 228 is high and she stressed the need for improved communication and transparency among the administration and staff moving forward. Mr. Dorsey agreed and stated that he foresees a lower suspension rate this year due in part to the implementation of Positive Behavior Support (PBS). He also stated that he is replicating a number of strategies that he used as an administrator for Brandywine School District.

Mr. Blowman noted for the record that Moyer's 2013-14 attendance rate approached 90% (89.4%), a six-point improvement over the prior year. He noted that the attendance rate was still below the State's goal of 95% but was headed in the right direction. Mr. Dorsey stated that he foresees an increase in attendance with the addition of a visiting teacher.

Student Assessment (pursuant to 14 Delaware Code § 512(4))

Ms. Nagourney apologized to the CSAC that she had mistakenly grouped the list of students tested outside of the school with materials sent to the Exceptional Children Resources Group, and had not made them available for CSAC review. She committed to getting the information to the CSAC as quickly as possible.

Mr. Blowman asked if there was anything in the information that could change the recommendation with respect to this area of concern. Ms. Nagourney responded that she believed it could.

Staff Credentialing (pursuant to 14 Del. C. Ch. 12 and 14 DE Admin. Code § 1500)

Mr. Blowman asked the CSAC if any additional information received would change the recommendation from the CSAC Initial Meeting with respect to this area of concern. There was no response to his question.

Financial and Administrative Operations (pursuant to 14 Del. C. § 512(9))

Mr. Blowman stated that Moyer provided information that they are now in compliance and have remained in compliance in this area since May. He also stated that Moyer's financial information has been consistent. He then explained that the CSAC has sufficient information to remove this as an area of noncompliance and asked the CSAC if there were thoughts to the contrary.

Ms. Mazza asked Moyer about its teacher retention plan. Mr. Dorsey stated that Moyer would be transparent and get teachers involved. He elaborated that it is all about communication and having the teachers feel valued. He stated that Moyer currently has a teacher waiting list. Ms. Wongus said that there was a huge staff turnout at Moyer's last School Board meeting. Ms. Coker stated that Moyer has capable leaders in place for the first time. Dr. Curry then stated, that it should have always been that way. Dr. Curry said Moyer's School Board members recognized that they had been "bamboozled" and that they wanted to be sure that they found those that understood the City of Wilmington and academia.

Mr. Blowman acknowledged that, after four days, Moyer is off to a good start, but noted that there have been similar good initial indicators before. He questioned how much of the last two years can be balanced with the first week of school.

Mr. Blowman then asked for final comments and there were none.

Conclusion

A motion was made and seconded that the CSAC recommend that the charter for the Maurice J. Moyer Academic Institute be found out of compliance with academic performance, special education, educational program and school discipline.

The CSAC concluded that student assessment, staff credentialing, and financial and administrative operations were not out of compliance. Ms. McCrae stated that the CSAC was not sure of student assessment status at the time. Mr. Blowman stated that the CSAC will err on the side of caution and will work off of information available at the meeting.

The motion was unanimously carried.

Mr. Blowman stated for the record that the CSAC recommendation is just that; a recommendation and not a final decision. He stated that the Secretary of Education will present his final decision to the State Board of Education. Mr. Blowman also stated that, if areas of noncompliance in student achievement were not as significant as they are and the previous two years had not been as difficult as they were, it would be easier to recommend probation and place faith in Moyer. He explained that there was too much history over the last two years and the issues concerning services to Special Education students make it difficult to set aside.

A motion was made and seconded that the CSAC make a final recommendation that the charter for Maurice J. Moyer Academic Institute be revoked, effective June 30, 2015.

The motion was carried by the majority, with one person not voting.

Mr. Blowman articulated the next steps in the new application process as follows:

- The CSAC Final Report will be issued no later than September 5, 2014.
- Moyer will have the opportunity to submit a written response to the CSAC Final Report. The deadline for the response is September 15, 2014, by 5:00 p.m.
- The second public hearing will be held on September 10, 2014, at 6:00 p.m. in the 2nd Floor Auditorium of the Carvel Building in Wilmington.
- The Secretary of Education will announce his decision at the September 18, 2014 State Board of Education meeting.