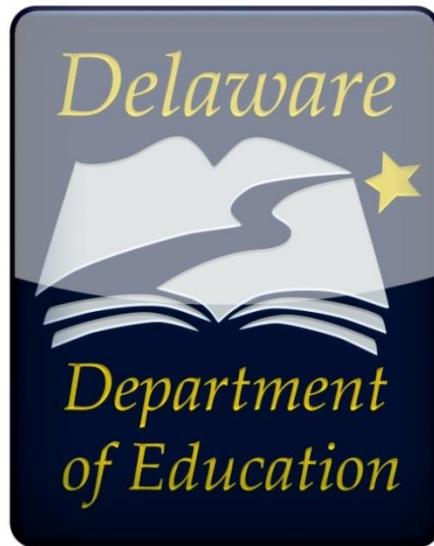


CHARTER SCHOOL ACCOUNTABILITY COMMITTEE

DELAWARE DEPARTMENT OF EDUCATION



The Maurice J. Moyer Academic Institute

**FORMAL REVIEW
INITIAL REPORT**

CSAC Initial Meeting: August 5, 2014
CSAC Initial Report Published: August 7, 2014

CSAC INITIAL RECOMMENDATION: NON-COMPLIANCE

Background

The Maurice J. Moyer Academic Institute Charter School (Moyer) received approval of their 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 thru 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. 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 will conclude with the State Board of Education meeting on August 21, 2014, during which Secretary Murphy will present his decision.

On July 17, 2014 the Department of Education, with the assent of the State Board of Education, placed the Maurice J. Moyer Academic Institute Charter School on Formal Review, pursuant to 14 Delaware Code § 515(b), to determine whether the school is violating the following terms of its charter and the law, and, if so, whether to order remedial measures. Reasons for the formal review action are 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 reading 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 reading 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 Delaware Code § 512(7))

- Monitoring visits by the Department of Education determined that, as of January 8, 2104, 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 of Education determined that, as of June 2, 2014, almost half of the IEPs previously identified as non-compliant had not been sufficiently corrected.
- Monitoring visits by the Department of Education 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.
- Monitoring visits by the Department of Education determined that the school did not have sufficient staff capacity to serve students with special needs effectively. As of the end of the 2013-14 school year, Maurice J. Moyer Academic Institute employed only a part-time Special Education director and 4 paraprofessionals.
- Monitoring visits by the Department of Education found violations of Response to Intervention (RTI) regulations.
- Monitoring visits by the Department of Education determined that staff members did not fully understand RTI regulations.

Educational Program (pursuant to 14 Delaware Code § 512(6))

- Monitoring visits by the Department of Education and materials submitted by the charter school determined that the curriculum in use by the school 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 of Education determined that staff members did not fully understand Common Core State Standards.
- Monitoring visits by the Department of Education determined that curriculum content and implemented instructional strategies were not supported by research.

School Discipline & Attendance Procedures (pursuant to 14 Delaware Code § 512(11))

- Out of school suspension rate of students was 61% for the 2013-14 school year.
- During the 2013-14 school year, the charter school did not provide the Department of Education with required written decisions regarding 5 expelled students who were not placed in a Consortium Discipline Alternative Program (CDAP), as required by 14 Del. Admin Code § 611.
- There were 9 unsafe incidents, as defined by 14 Del. Admin Code § 608, that occurred during the 2013-14 school year.
- For the 2012-13 school year, the charter school's attendance rate was 82.3%, below the required 95%.
- For the 2013-14 school year, the charter school's attendance rate was 89.4%, below the required 95%. (This reflects updated data that was received and confirmed after the Formal Review Notification Letter was issued.)
- During monitoring visits by the Department of Education, students reported that they do not feel safe at the charter school because of fights and unsecured entryways.

Student Assessment (pursuant to 14 Delaware Code § 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 reading 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 Delaware Code chapter 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 of Education determined that due to high teacher turnover, new teachers were placed in positions without consideration of qualifications.

Financial and Administrative Operations (pursuant to 14 Delaware Code § 512(9))

- School Board and Citizens Budget Oversight Committee meeting dates, agendas and minutes were not posted in complete compliance until June 2014 (29 Delaware Code, Chapter 100).
- Board bylaws were not posted on the school's website until June 2014.
- Checkbook link was not posted on the school's website until June 2014 (14 Delaware Code § 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 following were in attendance at the Initial Meeting of the CSAC on August 5, 2014:

Voting Members of the Committee

- David Blowman, Chairperson of the Charter School Accountability Committee and Deputy Secretary, DDOE
- Karen Field Rogers, Associate Secretary, Financial Reform and Resource Management, DDOE
- Barbara Mazza, Education Associate, Exceptional Children Resources, DDOE
- April McCrae, Education Associate, STEM coordinator, DDOE
- Tasha Cannon, Deputy Officer Talent Recruitment, Selection and Strategy, Teacher and Leader Effectiveness Unit (TLEU), DDOE

Staff to Committee

- Catherine Hickey, Deputy Attorney General, Counsel to the 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

- Donna R. Johnson, Executive Director, State Board of Education
- 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
- U’Gundi Jacobs, Board Member
- Monique Chadband, Board Member
- Keenan Dorsey, Principal
- Chris Bennett, Assistant Principal
- Nikia Whitaker, Director of Curriculum
- Nikia Wongus, Business Manager
- Kalisha Turman, Director Internal Affairs
- Valerie Jones, Executive Assistant
- Sylvia Simmons, Special Education Director

Representatives from K 12

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

Representatives from the Public

- Jea Street, Chairman of NAACP Education Committee
- Lisa Harvin, State Director of Generation Ready

Discussion

Academic Performance (pursuant to Performance Agreement)

Mr. Blowman summarized Moyer’s Delaware Comprehensive Assessment System (DCAS) results from the 2013-14 school year, as stated in the Formal Review notification letter. He then turned to the committee to ask questions regarding academic performance.

Ms. McCrae stated that the proficiency rates were very low, and that they represented a drop of nearly 30% in both reading and math from the 2012-13 scores, and asked for an explanation about what had changed. Dr. Stephenson stated that during the 2012-13 school year, Moyer had a “laser-like” focus on instruction and alignment between the board, K12 (Moyer’s charter management organization), and the school-based leadership. He stated that, during the 2013-14 school year “it just did not happen. There was not the emphasis on test-taking, as there should have been. As a result of that, the scores plummeted. I can’t come before you and give you any excuses. That’s just the reality of the situation.”

Dr. Curry said that it was also important to consider that during the 2013-14 school year, many of Moyer’s students were new to the school, and many of the students who made gains during the 2012-13 school

year had transferred to other schools. He also noted that the school experienced difficulties with teacher turnover throughout the year. He said that he had looked at the 2013-14 DCAS data from the fall to spring, and noted that he saw improvement. He also noted that many students came to the school with skills well below grade level, with the average 6th graders reading on a 4th grade reading level. Ms. McCrae stated that if special education students were receiving the required content and modifications in science and social studies, they would have the ability to demonstrate their achievement on the state assessments, so she did not accept that reasoning with respect to those subjects.

Ms. Johnson expressed a negative reaction to Dr. Stephenson's statement about a focus on testing during the 2012-13 school year, stating that Moyer had a responsibility to provide a comprehensive education that prepared students for success in the future. Dr. Stephenson responded that, while there had been an emphasis on testing that year, that was not the only focus – the focus was on education, and that is about more than passing a test. Mr. Dorsey stated that testing should not be the only thing a school is focused on, but he did not know any educators in the state who were not concerned about testing.

Ms. Johnson posed a question about the percentage of students who were new to Moyer for the 2013-14 school year. She said that, according to their 2012-13 Annual Report, which was submitted in December of 2013, approximately half the students had re-enrolled from the prior year. Dr. Curry stated that the number was closer to 75 percent new students.

Ms. Johnson stated a concern about the DCAS participation rates, which were below the required 95% for all subjects for both years of the charter. She also expressed a concern about the end-of-course assessments. Dr. Stephenson stated that he had transitioned out of his work with Moyer by the end of the 2013-14 school year, and could not speak to the participation rates for that year's spring testing windows. Dr. Curry stated that those figures did not include participation rates for students who were receiving services provided by outside agencies. He stated that if those students had been counted, the proficiency rate for ELA and math would have met the 95% requirement. Ms. Johnson asked about the science and social studies participation rates. Dr. Curry said he could not speak to them.

Ms. Johnson said that she wanted to respond to a prior statement about students coming into the school below grade level, and wanted to know what the school had done for a Response to Intervention procedure. Dr. Curry replied that several things had been done throughout the year to try to get the students to where they needed to be, including tutoring sessions. Ms. Johnson asked if the school had used any interim assessments to measure the effectiveness of the interventions. Dr. Curry said that he could not speak to that. Ms. Whitaker stated that Moyer had implemented an interim assessment system to use during the 2014-15 school year, and that DCAS and interim assessment dates were already marked on the calendar.

Dr. Curry stated that there had been several questions and comments about Moyer's performance before the 2012-13 school year, and noted that the current board had not been in place at that time. He noted that the board had inherited many problems that were already in existence, and had been trying to solve them. He noted that the board had taken the new step of hiring the school director and curriculum director – who had previously been hired by K12 – because they recognized that they needed different candidates, ones who understood the needs of Delaware students. He stated that he had followed through on every action he had promised, stating "I don't make promises that I do not fulfill." He asked the committee to "please be mindful of the fact that we hear the cry about children, and we are doing everything in our power to move them in the best direction."

Mr. Blowman said that he wanted to make a few clarifications for the meeting record. First, he stated that the purpose of the meeting was to determine whether Moyer is in compliance with its charter, and that questions from committee members needed to be directly related to that purpose. Second, there were seven areas of concern and academic performance was only one: "I think it's safe to say that even if Moyer had built on or sustained last year's growth, given the other areas of concern, we would still be sitting here today."

Mr. Blowman asked the committee members if there were any additional comments or questions related to academic performance, and asked the Moyer representatives if they wanted to share any additional data. No comments or questions were offered. Mr. Blowman stated that Moyer would also have the opportunity to submit a written response within 15 days of the issuance of CSAC's Initial Report.

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

Mr. Blowman turned to the committee to ask questions regarding special education.

Ms. Mazza indicated that she did not necessarily have questions, as everything was outlined in the Compliance Agreement, but for the purposes of the committee meeting, stated that on-site monitoring identified some areas of non-compliance in addition to the provision of services and procedural safeguards, and some issues with needs-based funding. She stated that the Department has met with the staff at Moyer several times to craft a Compliance Agreement, which is very detailed with respect to professional development and tasks that need to be completed. She stated that professional development will be provided by the Department beginning on Thursday, August 7, 2014. She stated that, as long as Moyer is on target to complete the Compliance Agreement, the Department has continued concerns but will work with Moyer through the process.

Dr. Curry stated that, for purposes of clarifying the record, the determination is whether Moyer is in violation of the terms of its contract, so it is important to special education and Ms. Wise to share where Moyer is, what the issues were, and whether or not there were services provided. He stated that, if you just go off of what is written, it would be easy to determine whether Moyer met the requirements.

Ms. Wise stated that she wished to make a few clarification points regarding the July 17, 2014 letter to Moyer. She stated that the corrective action deadline was extended twice at the Department's offering and not at Moyer's request. She stated that Moyer began the 2013-14 school year with three special education teachers and, by January, had none for various reasons. She stated that Moyer hired Ms. Simmons as a full-time director, rather than a part-time director as stated in the July 17, 2014 letter. Ms. Wise stated that Moyer also contracted with three special education teachers and another state certified teacher to support students at Moyer. She stated that Moyer was actively searching for special education teachers and is fully staffed for the 2014-15 school year.

Ms. Mazza clarified that the deadline was extended twice due to the sheer volume of the items that Moyer needed to correct. She stated that the files were still out of compliance after the third meeting with Moyer, which is what prompted the development of the Compliance Agreement. She then requested clarification and timelines regarding who was hired and stated that there was a person serving as a special education teacher whose background was actually as a French teacher.

Ms. Simmons stated that Pritchett and Associates was the company that Moyer used to provide services to students. She stated that Juanita Pritchett was one of the individuals who provided special education services, as well as Cathy Benjamin, who is another consultant with Pritchett and Associates used by Moyer. She stated that they are all consultants with Pritchett and Associates. Ms. Wise stated that these individuals have been at Moyer since January, as soon as Moyer knew that there was an area that they needed to address. She stated that they brought in the team from Pritchett and Associates to support them, particularly since the three teachers that they had transitioned out.

Ms. Mazza stated that, at the last meeting, when going through the IEPs and discussing the number of hours on the IEPs of direct service, it was stated then that the services were not provided in accordance with the IEP. Ms. Wise acknowledged that some of those students weren't getting all of the services on the IEP. She stated that the clarification was really regarding services in the self-contained classroom. She stated that, at that time, Moyer had substitutes in the self-contained room, and that they did go back and amend the IEPs to change those services.

Mr. Blowman stated that the school earned over 11 units based on its special education population in 2013-14, of which almost half of which are in intensive or complex categories, and Code requires 100% of the resources earned for those units to support those students directly. He acknowledged that there is more flexibility with the basic population. He stated that, whether it's three teachers, three contracted positions, or a couple of paraprofessionals, Moyer was still a long way from utilizing 100% of the resources that were generated for the school as a result of those students' IEPs. He stated that Moyer had a lot of intensive and complex students in 2013-14, and that they are intensive or complex for a reason. He stated that it is a stretch for him to believe that the services articulated on an IEP could have been met with that level of resources.

Ms. Wise stated that Moyer had an influx of 30 special education students at the beginning of the 2013-14 school year, most of which were high need. She stated that Moyer was working with the staff that Moyer had at the beginning of the year, including special education teachers and four paraprofessionals to meet their need, but found that the lead wasn't holding up her end of the bargain. She stated that Moyer thought things had been going very well, so the transition occurred once Moyer learned that things were not. She stated that it takes a long time to find the appropriate staff. She stated that a lot of interviews were conducted, but many individuals did not meet the qualifications. She stated that it took a semester to find the right staff, but they now have the right staff, the right number of staff, and the right ratio of staff to students. She stated that Moyer feels it will not only provide the services, but will exceed the services students will receive in other schools.

Ms. Wise acknowledged that Moyer still has corrective action to address on the IEPs. She noted that, when initially audited, Moyer had 926 corrections to be made, but at the end of the year had 36 corrections to be made. She acknowledged the Department's assistance. Ms. Nagourney asked how many total IEPs were currently at issue and remained out of compliance. Ms. Wise acknowledged that 28 files needed to be corrected and stated that, of those 28, 10 actual IEPs did not need correction. She stated that the only correction on 10 IEPs yet to be made is the receipt of a doctor's note based on the students' evaluations. Ms. Mazza clarified that it still remains a violation of regulations. Ms. Nagourney asked for clarification regarding how many months it has taken to get to this point, where 28 files still remain out of compliance. Ms. Wise stated that it has been since January. Dr. Curry stated that working with the community that Moyer works with is difficult. Dr. Curry stated that getting a doctor's note from a parent who doesn't have insurance is difficult. Dr. Curry stated that the school providing services is one thing, and relying on another agency or a parent who may not be stable is more challenging.

Ms. Massett asked for clarification regarding whether there was concern that utilization of 100% of the funds and resources for intensive and complex students did not occur. Ms. Field-Rogers stated that there were 5.13 intensive and complex units for which the Code provides that 100% of the resources must go to the students. Mr. Blowman clarified that it does not have to be full-time staff, but could include contracted services, occupational therapy, physical therapy, speech, or technology services, but that those resources have to follow those students. He expressed concern that any approved, credible IEP for those students in the two highest categories of need implied a level of services through the course of the school year that he found hard to believe could have been provided with the level of resources that are showing against those students. Ms. Field-Rogers stated that they would like to see some of the details regarding how the resources that the Moyer earned were matched against those intensive and complex units that earned them.

Ms. Field-Rogers then sought clarification regarding whether the newly-hired teachers were returning. Ms. Wise clarified that they were hired at the end of the 2013-14 school year for the 2014-15 school year. Ms. Wongus stated that Therapy Source, Pritchett and Associates, and someone else that Moyer used came to over \$100,000. She stated that extended day services were given students after school to meet the requirements for special education. She stated that she is being billed during the summer for fuel, transportation, and services for the teacher who is teaching students on IEPs who require services. She stated that Moyer exhausted what it received, and even more funds as being a Title I school, to make sure that Moyer met the needs of the services.

Ms. Mazza clarified that the units are one thing, but the actual hours on the IEP is a different issue, as you can have speech services being provided through the unit count, but then also twenty hours of specialized instruction. She stated that she wasn't aware that Ms. Pritchett was in the classroom providing direct individualized instruction. Ms. Simmons clarified that Ms. Pritchett was doing "pull out." Ms. Mazza stated that they would need documentation regarding the number of hours, what was given, and who was giving it, in order to say that services were provided. Ms. Wongus stated that the information would be easy for her to access, including the student's name, how many hours, and, in some cases, some of what the lessons are. Dr. Curry expressed reservation with sending the information "off the record" and whether it would reach the record. Ms. Hickey clarified that it's not "off the record," but just not available to the public. Ms. Massett stated that Moyer would provide the information to the Exceptional Children Resources group and that Ms. Mazza would report out through CSAC that it's been satisfied.

Dr. Curry and Ms. Wise clarified that they are not challenging the Compliance Agreement, but information reported in the June 23, 2014 letter. Dr. Curry asked whether, if Moyer used 100 percent of the money for the services, but did not have enough money to do all of the services, Moyer has not honored its agreement. Mr. Blowman stated that, for intensive and complex students, any school has to demonstrate that 100 percent of the units and resources earned by those students are going to those students, which is not true for basic. He reiterated that the school has 15 days to reply to the CSAC Initial Report in writing.

Educational Program (pursuant to 14 Delaware Code § 512(6))

Mr. Blowman asked Ms. McCrae to summarize the Department's concerns regarding Moyer's educational program. Ms. McCrae noted that the curriculum Moyer used during the 2012-13 and 2013-14 school years was not aligned to Delaware content standards, Common Core State Standards, state program requirements, or state graduation requirements. Additionally, monitoring visits by the Department determined that Moyer staff members did not fully understand Common Core State Standards.

Additionally, monitoring visits by the Department determined that curriculum content and implemented instructional strategies were not supported by research. Ms. McCrae also noted that materials provided by the Delaware Science Coalition had not been returned to the Department. Mr. Dorsey stated that the materials will be returned to the Department as soon as possible.

Dr. Curry requested clarification regarding the curriculum concerns outlined in the formal review notification. He stated that Moyer submitted curricula to the Department in June 2013. Additionally, Moyer contacted the Department in August 2013 to find out the status of the curriculum reviews. Dr. Curry also noted that the Department's Corrective Action Plan for Moyer was implemented after August 2013. He explained that Moyer began to explore different curricula after the Department had not approved several curriculum submissions. Ms. McCrae reiterated that monitoring visits by the Department determined that the curriculum Moyer had implemented in 2012-13 and 2013-14 was not aligned to Delaware state content standards or Common Core State Standards. She added that Moyer's resubmissions to the Department were deemed unsatisfactory.

Dr. Curry asked for clarification regarding the content areas that were approved and the areas that were not. Dr. Curry stated that he did not recall any curricula that were approved by the Department. He added that his understanding was that Moyer complied with the Corrective Action Plan. Mr. Blowman stated that Moyer has been operating without an approved curriculum which is why they submitted a charter modification application to bring the school into compliance. He added that the actual teaching observed during the Department's monitoring visits did not demonstrate alignment to Delaware Content Standards. Dr. Curry noted that all of the Department's feedback did not indicate any of this information.

Ms. Johnson asked Dr. Curry if Moyer's charter had any conditions relative to curriculum and instruction when the charter was approved. Dr. Curry asked Mr. Carwell for clarification. Mr. Carwell stated that one of the approval conditions for Moyer's charter required that "[b]y August 1, 2012, the school will submit to the Curriculum, Instruction, and Professional Development Workgroup for review and approval of math, social studies, physical education, world languages, visual arts, and performing arts." Mr. Carwell added that Moyer did not meet the deadline and began instruction on August 27, 2012 without approved curricula aligned to Delaware Content Standards. Ms. Johnson noted that Moyer filed an application to modify its curriculum in 2013. The application was not approved and Moyer's charter remained in violation of the August 1, 2012 approval condition.

The Department provided Moyer with two deadline extensions (December 31, 2012 and May 31, 2013) to comply with State curriculum requirements. Based on Moyer's May 28, 2013 submission, the Department approved Science, Health Education and Physical Education. However, English Language Arts, Mathematics, Social Studies, Visual and Performing Arts were not approved and World Languages was partially approved.

Moyer continued to resubmit curriculum documentation to the Department and by August 8, 2013, the Department had approved Science, Health Education, Physical Education, World Languages, Visual Arts, Social Studies and Performing Arts. However, English Language Arts and Mathematics were not approved and the Department placed Moyer on a Corrective Action Plan to address these areas.

Mr. Blowman reiterated that the Department's monitoring visits during the 2013-14 school year revealed that actual instruction was not aligned to Delaware Content Standards which is reflected in Moyer's 2013-14 assessment data.

School Discipline & Attendance Procedures (pursuant to 14 Delaware Code § 512(11))

Mr. Blowman stated for the record the issues surrounding school discipline and attendance included that the out of school suspension rate of students was 61% for the 2013-14 school year; the charter school 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 Del. Admin Code § 611; there were nine unsafe incidents as defined by 14 Del. Admin Code § 608; and attendance was 82.3% for the 2012-13 school year and 84.5% for school year 2013-14, both of which are below the required 95%.

Ms. Massett expressed concern about the discipline figures, stating that a charter school recently determined that their discipline figure was an incorrect calculation on their school profile page, which was confirmed by John Sadowski. Mr. Blowman stated that the Department will verify the number.

Dr. Curry stated that Moyer has reviewed the discipline data and “these children have problems”. According to Dr. Curry, the school has a zero tolerance policy and that it is very difficult to believe that a student would not feel safe at Moyer. He went on to further explain that Moyer receives whoever applies and, for some students, Moyer is the last resort. Dr. Curry stated that Moyer reported the gun possession appropriately and he confirmed that there were nine unsafe incidents last year.

Mr. Blowman requested an explanation of the strategies planned to ensure a safe environment for the 2014-15 school year. Mr. Dorsey stated that all teachers will receive professional development to learn how to use deescalating strategies; the school will employ a School Resource Officer (SRO) to provide a visual presence; and the Code of Conduct will be enforced.

Mr. Dorsey stated that students go to Moyer when other schools don’t want them and students don’t believe they are important. He stated that this is a different type of student mentality and Moyer will teach students that they are important. A visiting teacher will act as a liaison to agencies and go to the homes, report truancy issues and provide student and family counseling. Mr. Dorsey stated to CSAC that “Moyer is different.”

Mr. Blowman stated that if school districts are telling kids that they don’t want to educate them, it needs to be reported to the Department, as school districts do not have the legal right to decline to enroll a student.

Mr. Blowman then asked if the SRO was included in the budget for school year 2014-15. Ms. Wongus stated that the truancy officer is in the budget but the SRO is not the original budget.

Dr. Curry stated that the school year ended with an attendance rate of 89.9%, which is still below the 95% requirement but it is higher than the 84.5% reported in the letter.

Ms. Mazza stated that, as part of the Compliance Agreement, a memorandum will be entered into for Moyer to participate in the Positive Behavior Support Project, as well as training for the school-based team and on-site coaching. Ms. Coker asked who would be participating in the training because she feels that Moyer needs someone with a different perspective.

Ms. Johnson asked Moyer to explain why five students were expelled without placements and why it was not reported to the Department. Dr. Curry stated there was no letter written for the five students and he

was not able to locate where in Code that a notice is required. Dr. Curry stated that the students were placed in CDAP. Ms. Johnson requested documentation to verify the placement of these students and for Moyer to explain why students are suspended out of school versus in school. Dr. Curry stated that he is not there every day but there were fights and sometimes the only option left was to remove the students from the area. Mr. Bennett stated that before out of school suspension occurs, Moyer conducts parent conferences and in school suspension but unfortunately many interventions result in out of school suspensions. Mr. Bennett explained that Moyer doesn't want the environment to suffer if previous interventions do not improve behavior.

Dr. Curry stated that Moyer deals with a different type of student; the "minority at most schools is the majority at Moyer". He stated that Moyer must deal with students that are pushed out by other schools and it disrupts the school.

Mr. Dorsey explained that the 61% figure includes a count of repeated students and the majority of suspensions were a result of approximately eight students.

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

Ms. Johnson expressed concern that, two years ago, Moyer was cautioned about participation rates. She therefore requested an explanation as to why Moyer did not reach the assessment participation rate. Dr. Stephenson stated that he could not speak to the reason because he transitioned out.

Ms. McCrae stated that, on June 4, 2014, the Department contacted Moyer to inform them that the testing window was coming to a close because the Department was concerned about the testing participation rates. She stated that, in the conversation with Moyer, it was clear that no one at Moyer was aware of the Smarter Balanced field test. She stated that the Department, at that time, advised Moyer to not worry about Smarter Balanced field test and get DCAS testing done. She stated that, unfortunately, after the conversation, no further DCAS testing was completed. She stated that it was clear to the Assessment Office that there was a communication breakdown at Moyer. She asked Moyer what systems are in place to assure that this won't happen again. Ms. Whitaker stated that Moyer has developed a team accountability approach. She explained that there won't be one person responsible for everything, which will ensure that checks and balances are in place.

Staff Credentialing (pursuant to 14 Delaware Code chapter 12 and 14 DE Admin. Code 1500)

Mr. Blowman stated that the rate of Highly-Qualified Teachers (HQT) for the 2012-13 school year was 43.5%, and in the 2013-14 school year, only 70.4% of all teachers met the HQT requirements. Ms. Cannon asked Moyer to explain the teacher recruiting and hiring procedures for new staff, and whether the teachers understand the difference of Moyer students as presented by the Moyer representatives. Mr. Dorsey explained that the recruitment process was based on relationships that focused on teachers who have a heart for students. He stated that Moyer had an interview committee, which he did not participate in (to ensure the objectivity of the process), and the committee selected the same candidates that she had recruited. Ms. Whitaker explained that Moyer has contracted with Generation Ready to provide coaches to teachers during professional development and also for one-on-one coaching throughout the year.

Ms. Cannon asked if all teachers are 100% HQT in the correct subject matter. Ms. Whitaker stated that all teachers are HQT, with the exception clarified by Dr. Curry of vacant Spanish and English positions.

Ms. Johnson asked if all secondary special education teachers are content certified. Ms. Simmons stated they are dually certified in certain content areas. Ms. Johnson explained that the content certification is a new requirement and asked again if all secondary special education teachers are content certified. Ms. Simmons stated that they are not certified in content, but have some teachers who are qualified to teach in self-contained environments Ms. Johnson recommended that someone talk with Moyer about the new certification requirement.

Financial and Administrative Operations (pursuant to 14 Delaware Code § 512(9))

Mr. Blowman asked the committee if there were any questions about the areas of non-compliance of financial and administrative operations. Dr. Curry stated that the Citizen Budget Oversight Committee information was posted. He explained that, when the name of the school was changed on the website, the information was not available. He stated that, in April, he received an email that Moyer was in full compliance with the website posting, but he received an email in May stating that the checkbook link was not posted, which he said was addressed within hours. He does not think it is fair, because the website was up-to-date and if there was an issue it was addressed within hours. He stated that he was not in charge of the school for the Fiscal Year (FY) 2012 audit.

Ms. Johnson asked if the Generation Ready contract is in the budget. Ms. Wongus stated that the funds were coming from the Professional Development budget.

Public Comment

Mr. Street stated that he is not a proponent of charter schools, but he feels this is an issue of fundamental fairness. He stated that the charter school must be held to the same standard when comparing same populations at other public schools. He stated that Moyer is protected by the Equal Protection Clause, and that the Department has the resources to make Moyer a stellar school. He stated that Moyer has been sabotaged before the decision has been made.

Mr. Blowman stated that this decision is not predetermined and the school has the ability to respond. He stated that we are all here in the best interest of the students. He stated that the Department's concerns are significant and the process will be managed openly and fairly.

Conclusion

A motion was made and seconded that Moyer was found to be non-compliant with Academic Performance at this Initial Meeting.

A motion was made and seconded that Moyer was found to be non-compliant with Appropriate Strategies to Accommodate the Needs of At-Risk Students and Those Needing Special Education Services at this Initial Meeting.

A motion was made and seconded that Moyer was found to be non-compliant with Educational Program at this Initial Meeting.

A motion was made and seconded that Moyer was found to be non-compliant with School Discipline and Attendance Procedures at this Initial Meeting.

A motion was made and seconded that Moyer was found to be non-compliant with Student Assessment at this Initial Meeting.

A motion was made and seconded that Moyer was found to be non-compliant with Staff Credentialing at this Initial Meeting.

A motion was made and seconded that Moyer was found to be non-compliant with Financial and Administrative Operations at this Initial Meeting.

All motions were unanimously carried.

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

- The Initial Report will be issued no later than August 7, 2014
- The initial public hearing will be held on August 5, 2014, at 5:00 p.m. in the 2nd Floor Cabinet Room in the Townsend Building in Dover, DE
- The applicant will have the opportunity to submit a written response to the CSAC Initial Report. The deadline for the response is August 22, 2014, by 5:00 p.m.
- The final CSAC meeting will be held on August 29, 2014, at 1:00 p.m.
- If, after the final meeting, CSAC recommends remedial measures, a second public hearing will be held on September 10, 2014, at 5:00 p.m. in the Second Floor Auditorium in the Carvel Building in Wilmington