

CHARTER SCHOOL ACCOUNTABILITY COMMITTEE

DELAWARE DEPARTMENT OF EDUCATION



ACADEMY OF DOVER

PRELIMINARY REPORT AND RECOMMENDATIONS

APPLICATION TO RENEW AN EXISTING CHARTER

OPENING DATE: September 2003

GRADES: K-4

LOCATION: Kent County

SEPTEMBER 30, 2011 UNIT COUNT: 256

DATE OF REPORT: December 20, 2011

BACKGROUND INFORMATION

NAME: Academy of Dover

PROJECTED	2011-12	grades K-4	256
ENROLLMENT:	2012-13	grades K-4	300
	2013-14	grades K-4	300
	2014-15	grades K-4	300

CURRENT
LOCATION: 104 Saulsbury Road, Dover, DE 19901

MISSION: The Academy of Dover Charter School's purpose is to serve as a pillar for life long learning, pride and self actualization. Looking to the past to prepare for the future, the Academy of Dover Charter School will combine the rigors of a classical education with the latest technology and the best teaching and learning practices worldwide. The Academy of Dover Charter School student will cultivate and promote multi-cultural and global awareness. Students will be prepared and encouraged to be entrepreneurs, will informed, and responsible world citizens with purpose, passion, and proficiency.

The Academy of Dover Charter School opened in September 2003 growing to serve students in grades kindergarten through sixth grade by the 2006-07 school year. Representatives from the Charter School Office and the Curriculum, Instruction, and Professional Development Work Group conducted a site visit to Academy of Dover on 14 November 2011.

On 7 December 2011, the Charter School Accountability Committee met with representatives from Academy of Dover for the Initial Meeting. To provide contextual information for the Preliminary Meeting, the Charter School Office developed eight questions that the Committee and the renewing school received in advance of the Initial Meeting. The Committee and school leadership also received analyses of state testing results from the 2008 – 2009 school year to the 2010 – 2011 school year.

The questions asked for staff from Academy of Dover to:

- Provide a broad overview of what has happened at the school since 2008
- Share accomplishments/successes and highlights relative to the school's performance agreement
- Give a brief overview of the financial status of the school
- Discuss academic achievement of the students relative to the Delaware State Testing Program and the Delaware Comprehensive Assessment System
- Tell about the use of formative assessments
- Identify the greatest challenge to the school leader and Board and responses to these challenges
- Contrast a typical day for a teacher and student during the school's first year of operation and the current school year
- Share the vision for the school during next five-years.

Members of the Charter School Accountability Committee and staff from the Charter School Office reviewed the renewal application. Additionally, content area experts from the Department of Education reviewed the renewal application based on their area of expertise.

A review of the Academy of Dover's history indicates that the school has been placed on formal review followed by probation several times (2003, 2005, and 2008) for issues related to its lease and construction, and economic viability and financial operation concerns.

Modifications to its charter have been granted permitting the school to decrease its enrollment and to change grade configuration. More recently, on January 4, 2010, the school's Board of Directors

submitted an application to modify the school's charter seeking approval to decrease the approved enrollment from 384 students to 300 students in kindergarten through grade 4 through 2013-14 school year and to decrease the school year from 200 days to 190 days. The Secretary of Education referred the application to the Charter School Accountability Committee for review and recommendations. The Secretary of Education with the assent of the State Board of Education approved the portion of the modification request to reduce the enrollment number and denied the request to reduce the student days.

Academy of Dover's charter was renewed in 2007, but the Secretary and State Board placed 24 conditions on the charter, with the final condition stating that failure to meet any of the conditions would result in immediate placement of the school on formal review to begin the charter revocation process. Since then, the Board has made some significant changes to turn around the school. In 2007, the Board was completely reorganized. In addition, the current school leader, Noël Rodriguez, was hired in July 1, 2008. Mr. Rodriguez has worked diligently to address the conditions placed upon the previous charter renewal. The school has realized improvements in academic, financial, and organizational performance.

The Charter School Accountability Committee met on December 13, 2011 to draft a preliminary report on the charter renewal application. A list of the attendees is in Appendix A.

The Committee makes the following recommendations for each of the fourteen approval criteria specified in 14 Del. C. § 512 as well as summary recommendations.

Evaluation of Each Statutory Criterion

- (1) **Applicant Qualifications.** *The individuals and entities submitting the application are experienced and qualified to start and operate a charter school, and to implement the school's proposed educational program. Certified teachers, parents and members of the community in which the school is to be located must be involved in the development of the proposed charter school. At the time at which the school commences its instructional program and at all times thereafter, the board of directors must include a teacher at the school and a parent of a student enrolled at the school as members.*

The Board of Directors was reconstituted in 2007 and has made strong strides to turn the school around. The board has completed a gap analysis to assess its strengths and weaknesses. As a result, it has contracted with an organization to provide board training to build its governance capacity.

The board is diverse and includes a number of members with complimentary skill sets. In 2008, the board hired a new school leader who has partnered with successful charter schools. Most importantly, the school has realized improvements in academic, financial, and organizational performance.

By a unanimous vote, the Committee recommends to the Secretary that Criterion One be considered met.

- (2) **Form of Organization.** *The chosen form of organization, identified in the articles of incorporation and by-laws, or the membership agreement, conforms with the Delaware General Corporation Law.*

The application states that a copy of the Certificate of Incorporation is attached as Exhibit A, but only two copies of the Certificate of Amendment of Incorporation were included. In addition, the by-laws are not fully compliant with the following sections of Title 14 Delaware Administrative Code, Section 275:

- Section 4.1.3.1 requires the charter holder's board of directors to include a certificated teacher employed as a teacher at the charter school. The by-laws only state that the board will include a professional educator as a member of the board. This does not comply with the requirements.
- Section 4.1.3.2 restricts the corporation's business to the opening and operation of: charter

schools, before school programs, after school programs and educationally related programs offered outside the traditional school year. The by-laws do not include this provision.

The school should address these technical changes in their response to their Preliminary Report.

*By a unanimous vote, the Committee recommends to the Secretary that Criterion Two be considered **not met**.*

- (3) Mission, Goals, Educational Objectives.** *The mission statement, goals and educational objectives are consistent with the description of legislative intent set forth in § 501 of this title and the restrictions on charter school operations set forth in § 506 in this title.*

The Committee found the mission statement to be well articulated, convincing and coherent. In addition, the mission reflects a strong commitment to high expectations and clearly serves the students of the school in measureable ways. The degree to which the mission and statement serves other school goals is clearly defined and measurable as well. The application states that efforts are underway to revise the mission statement.

*By a unanimous vote, the Committee recommends to the Secretary that Criterion Three be considered **met**.*

- (4) Goals for Student Performance.** *The school has set goals for student performance and will utilize satisfactory indicators to determine whether its students meet or exceed such goals and the academic standards set by the State. The indicators shall include the assessments required for students in other public schools, although the charter school may adopt additional performance standards or assessment requirements, and shall include timelines for the achievement of student performance goals and the assessment of such performance.*

The school has established the achievement target of increasing the percentage of students meeting or exceeding the standard on the DSTP to meet State requirements. Students have not met the State performance requirements on all tested areas between 2006 and 2011, but student performance results have improved dramatically over this time period. On average, proficiency has increased more than 20 percentage points between 2008 and 2011 in both third and fourth grade reading and math, demonstrating a positive trend in overall student performance in recent years.

State performance targets on DCAS for 2010-2011 were met, resulting in a 'Superior' rating from DDOE.

*By a unanimous vote, the Committee recommends to the Secretary that Criterion Four be considered **met**.*

- (5) Evaluating Student Performance.** *The school proposes a satisfactory plan for evaluating student performance and procedures for taking corrective action in the event that student performance at the charter school falls below such standards which are reasonably likely to succeed.*

The Committee noted that the school has selected research-based programs to evaluate student performance. The Academy of Dover uses multiple measures to evaluate student performance including teacher assessments, DCAS, MAPS and DIBELS.

The Academy of Dover is commended for implementing an effective Response to Intervention (RtI) plan which has led to increased student achievement results. Teachers and administrators have collaborated to provide a comprehensive system of supports designed specifically to address students' academic and/or behavioral areas of weakness.

Improved DSTP/DCAS results have demonstrated the impact of their concerted efforts to monitor and evaluate student performance.

By a unanimous vote, the Committee recommends to the Secretary that Criterion Five be considered met.

- (6) **Educational Program.** *The school's educational program, including curriculum and instructional strategies, has the potential to improve student performance; and must be aligned to meet the Delaware Content Standards and state program requirements, and in the case of a charter high school, state graduation requirements. High school programs must provide driver education. The educational program at all charter schools must include the provision by the school of extra instructional time for at-risk students, summer school and other services required to be provided by school districts pursuant to the provisions of § 153 of this title. A previously approved charter school may continue to operate in compliance with the terms of its current approval, but its charter shall not be renewed unless the school shall submit an application for renewal in full compliance with the requirements of this subsection.*

The Committee commended the school for their efforts since the last charter renewal. The school has engaged Department staff and is working with Innovative Schools. Two areas were identified for clarification to ensure continuing alignment– English Language Arts and Science (see below).

For the *English Language Arts Scope and Sequence*:

- Scope and Sequence-documents need further refinement
- Concepts organizers are available on the Department's ELA website:
<http://www.doe.k12.de.us/ela>,

For the *English Language Arts Units of Instruction*:

- While Common Core Standards are correctly identified as learning targets, clarification is needed regarding the corresponding assessment measures. Clarification is needed to better demonstrate ELA instructional scaffolding.

For *Mathematics*:

- Scope and Sequence: Meets Approval
- Units of Instruction: Meets Approval

For *Science*:

- The renewal application contained a memorandum of understanding (MOU) with the Delaware Department of Education Science Coalition. To clarify the MOU, the school is asked to provide the following clarifying information:
 - The school's plan for registering teachers for coalition training.
 - Identification of the school database coordinator
 - Evidence that Academy of Dover teachers have attended coalition training.
 - Scope and Sequence as well as Units of Instruction information

For *Social Studies*:

- Scope and Sequence: Meets Approval
- Units of Instruction: Meets Approval

For *Health Education*:

- Scope and Sequence: Meets Approval
- Units of Instruction: Meets Approval

For *Physical Education*:

- Scope and Sequence: Meets Approval

- Units of Instruction: Meets Approval

For World Languages:

- While Spanish appears in the school's schedule no curriculum was submitted for review.
- Scope and Sequence: *Not applicable*
- Units of Instruction: *Not applicable*

For Visual Arts:

- Scope and Sequence: Meets Approval
- Units of Instruction: Meets Approval

For Music:

- Scope and Sequence: Meets Approval
- Units of Instruction: Meets Approval

*By a unanimous vote, the Committee recommends to the Secretary that Criterion Six be considered **minimally met**; however, clarification is needed for the issues and concerns expressed in the review of this criterion.*

- (7) Students with Special Needs.** *The school's educational program sets forth appropriate strategies to be employed to accommodate the needs of at-risk students and those needing special education services.*

The school had some outstanding noncompliance issues in the area of Individual Education Plan (IEP) development highlighted during a fall 2010 monitoring visit to the school. Since then the school has been working with the Department's Exception Children Resources workgroup to correct the noncompliance issues in the timeline they had established.

On page 28 of the application, the school states that there will be a continuum of educational placements for students with disabilities. The Department was looking for an explanation of the process for students who are identified for special education and how the IEP team determines whether students can be best served in an inclusion setting or spends a portion of the day in a small classroom setting. The response does not full describe the continuum of placements available for students with disabilities. The response only restates the question.

*By a unanimous vote, the Committee recommends to the Secretary that Criterion Seven be considered **met**; however, clarification is needed for the issues and concerns expressed in the review of this criterion.*

- (8) Economic Viability.** *The plan for the school is economically viable, based on a review of the school's proposed budget of projected revenues and expenditures for the first 3 years, the plan for starting the school, and the major contracts planned for equipment and services, leases, improvements, purchases of real property and insurance.*

The school operates a very tight budget from year to year, but they have a history of managing it successfully. The budget shows that surpluses decrease from year to year. It is a small amount that appears to be driven mostly by facilities costs. The school was cautioned to make an adjustment to offset this.

*The Committee recommends to the Secretary that Criterion Eight be considered **met**;*

- (9) Administrative and Financial Operations.** *The school's financial and administrative operations meet or exceed the same standards, procedures and requirements as a school district. If a charter school proposes to operate outside the State's pension and/or benefits systems, a specific memorandum of understanding shall be developed and executed by the charter school,*

the approving authority, the Budget Director, the Controller General and the Secretary of Finance to assure that the State's fiduciary duties and interests in the proper use of appropriated funds and as a benefits and pension trustee are fulfilled and protected, the State's financial reporting requirements are satisfied, and the interests of charter school employees are protected. All charter schools shall operate within the Delaware Financial Management System (DFMS) and be subject to all of the same policies and procedures which govern other agencies operating within such system, except that any charter school previously approved to operate outside of the DFMS may continue to so operate subject to the terms of its memorandum of understanding until such time as the school's charter is renewed pursuant to this chapter.

The school contracts with Innovative Schools for budgeting, monitoring, financial oversight. The school involves teachers and parents in a number of ways. Parents and teachers participate in the Board's decision making processes. The school has a Family Passport Program to encourage parent involvement. The school also has a Lead Teacher Committee with the intent of facilitating input from the staff. A parent liaison works with parents to support and improve the school.

The school shows all of their teachers have met the highly qualified teachers' requirement and also uses the Delaware Performance Appraisal System to foster professional growth for educators as well as an evaluated school. Also the School Leader is opened to contact school board and parents and has provided a number of opportunities for family engagement. Finally over the years the school had several initiatives to maintain their enrollment.

The Committee recommends to the Secretary that Criterion Nine be considered **met**.

- (10) Insurance.** *The assessment of the school's potential legal liability, and that the types and limits of insurance coverage the school plans to obtain, are adequate.*

A review of the insurance documents indicated that they were adequate.

The Committee recommends to the Secretary that Criterion Ten be considered **met**.

- (11) Student Discipline and Attendance.** *The procedures the school plans to follow to discipline students and ensure its students' adherence to school attendance requirements comply with state and federal law.*

The review of the response to this criterion included the following needed clarifications that were shared with the school staff:

- Statement that administrators attend required Department of Education trainings about the mandatory school crime reporting law.
- Statement that administrators will utilize the Department of Education School Climate & Discipline program manager and DOJ Ombudsperson for technical assistance in regard to the law.
- Statement that any eSchool Plus discipline kicker notifications will be addressed within a specified period of time (i.e. 48 hours).
- In the "Assurances" section of the renewal application, include an assurance that the school will follow the requirements of 4112.
- Section 11a: Is the Student Rights and Responsibilities Manual distributed to parents and students prior to students applying for enrollment at the school?
- Section 11b: Clarify how behavior incidents will be reported to parents. Example: The process for reporting incidents of student misconduct to parents will always include phone contact from an administrator regardless of the level of infraction. In addition, any documented incident of student misconduct (including disciplinary action) will be mailed home to parents within 48 hours of the infraction.

- Section 11b: Please clarify procedural safeguards. Are these procedures for special education students only?
- Section 11b: Please clarify how you will report required disciplinary infractions to the Department of Education and/or the police. Example: The reporting of certain incidents of misconduct to DOE as required by 14 Del C 4112 and DOE regulation 601 will be completed through the eSchool Plus pupil accounting system within five days of the infraction occurring. Reports to law enforcement will be done in accordance with the requirements of 14 Del C 4112.
- Section 11b: The school's response references the Delaware Administrative Manual for Services for Exceptional Students (AMSES). It is an old version of state regulations and is no longer in use.
- Section 11d: Describe actions the school will take to ensure the students meet the required level of attendance. Example: Upon third unexcused absence AOD will call parent/guardian to review attendance policy. Upon fifth unexcused absence a certified letter will be sent to parent/guardian along with copy of attendance policy. Upon eighth unexcused absence a parent/guardian conference will be held, etc.)
- Section 11d: Provide specific examples of where and when the Attendance Policy will be distributed to students and parents. Example: The attendance policy will be included in the student code of conduct which will be distributed and reviewed with students during the first day of school.)

The Committee recommends to the Secretary that Criterion Eleven be considered **met** with the above clarifications to be provided by the school.

(12) Health and Safety. *The procedures the school plans to follow to assure the health and safety of students, employees and guests of the school while they are on school property are adequate and that the charter school will comply with applicable provisions of local, state and federal law, including the provisions of Chapter 85 of Title 11.*

The Committee noted the following areas of needed clarification for transportation:

- Section 12h: The current contract is dated October 7, 2011. Recommend that the contract be finalized before the school year starts.
- Section 12h: The current contract does not include a list of buses that are being used. The recent assurance checklists that were to be signed by the schools included this as an item to be verified in the school transportation contract.
- Section 12h: Earlier this year, the Transportation Office reviewed last year's contract which did include a list of buses with model year information. Several of the school's buses might not be in compliance with Title 14 §2907 which limits the maximum age of a school bus to be used to 14 model years old. For example, a 1998 model year bus is the oldest bus that can operate on to-from school bus routes in SY 2012. All buses need to be checked to ensure they are in compliance.
- Section 12k: It is not clear if there is someone in the school who is providing day-to-day oversight of transportation and coordination with the school transportation contractor.

The Committee recommends to the Secretary that Criterion Twelve be considered **met**; however, a response is required to the concerns or issues identified above..

(13) Student and School Data. *The school shall have a satisfactory plan for timely transferring student data and records to the Department of Education.*

The reviewer for this criterion indicated that the school has met the requirements of the Family Education Rights and Privacy Act (FERPA) and eSchoolPLUS.

The Committee recommends to the Secretary that Criterion Thirteen be considered **met**.

- (14) **Management Companies.** *The school's board of directors shall annually certify to the Department, on a form to be provided by the Department, that prior to the payment of any fees or other sums to any management company employed by the board, the board will insure that sufficient revenues of the school are devoted to adequately support the school's proposed educational program. Such form of certification may require documentation of all actual or proposed expenditures by the school. Failure to provide sufficient funds to adequately support the school's proposed education program shall be grounds for revocation of the school's charter.*

This criterion is not applicable to Academy of Dover.

SUMMARY RECOMMENDATIONS

Criterion 2 is not met. The remaining criteria are considered met, but the **following criteria require clarification from the staff of Academy of Dover:**

Criteria 6, 7, 11, and 12.

By a unanimous vote, the Charter School Accountability Committee recommends to the Secretary that the charter for Academy of Dover be **renewed** for another five year period.

Appendix A

List of Attendees

Meeting of the Charter School Accountability Committee

13 December 2011

Renewal Process for Academy of Dover

Voting Members of the Committee

- Dan Cruce, Deputy Secretary/Chief of Staff, Chair of Accountability Committee, Delaware Department of Education (DDOE)
- Cliff Coleman, Community Member
- Karen Field Rogers, Associate Secretary, Finances Reform & Resource Management (DDOE)
- Debora Hansen, Education Associate, Visual and Performing Arts, Charter Curriculum Review (DDOE)
- Paul Harrell, Director of Public/Private Partnerships
- Jennifer Kline, Education Associate, Procedural Safeguards & Monitoring (DDOE)
- Duncan Smith, Education Associate, National Assessment of Educational Progress (NAEP) (DDOE)

Members of the Charter School Office

- John Carwell, Charter School Officer, Charter School Office
- Patricia Bigelow, Education Associate, Charter Schools Office
- Scott Kessel, Education Associate, Charter School Finances

Representatives from Academy of Dover

- Noel Rodriguez, School Leader, Academy of Dover
- Kimeu Boynton, Board President, Academy of Dover
- Nancy Wagner, Board Vice President, Academy of Dover
- Jim Taylor, Counsel to Academy of Dover
- Leon Battle, Board Member