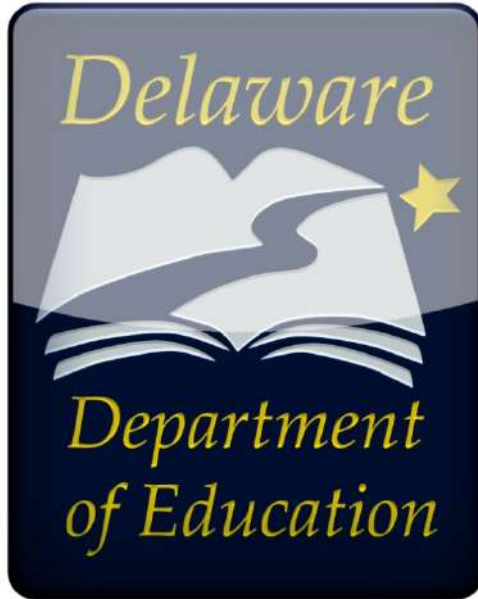


# CHARTER SCHOOL ACCOUNTABILITY COMMITTEE

DELAWARE DEPARTMENT OF EDUCATION



**DELAWARE ACADEMY OF PUBLIC SAFETY AND SECURITY**

**PRELIMINARY REPORT AND RECOMMENDATIONS**

**APPLICATION TO MODIFY AN EXISTING CHARTER**

Opening Date: August 2011

Grades: 9, 10, 11, 12

Location: New Castle County

September 30, 2012 Unit Count: 192

Date of Report: 14 June 2013

## Background

**Name** Delaware Academy of Public Safety and Security

**Current Enrollment** 192

<b>Projected Enrollment</b>	<b>Year</b>	<b>Students</b>	<b>Grade Levels</b>
	Year 1	117	9
	Year 2	240	9, 10
	Year 3	360	9, 10, 11
	Year 4	480	9, 10, 11, 12

**Mission** The mission of the Delaware Academy of Public Safety and Security is to provide an optimum setting for both typical and at-risk students that equally supports academics and personal growth and will result in increased graduation rates. The school will prepare 9<sup>th</sup> through 12<sup>th</sup> grade young men and women to qualify for positions within Delaware's public safety and security industry upon graduation and to pursue education opportunities that lead to higher level public safety and security positions.

**Vision** The vision of the Delaware Academy of Public Safety and Security (DAPSS) is to provide an integrated and active learning approach to education that helps students to develop a long-term, outcomes-based view of education. Given the awareness of the availability of well-paying positions in the public safety and security industry upon high school graduation, traditionally low performing, at-risk students who begin high school immersed in DAPSS's career activities will be more likely to embrace the importance of a high school diploma and work towards that goal. Knowing that there will be many bends in the road that challenge these students, each student will receive intense mentoring in academic, professional, and social areas to help ensure that the student receives important decision-making support. All of these components combined create the core philosophy of DAPSS: follow when ordered; lead when asked; trust as a brother; protect above all.

Members of the Charter School Accountability Committee (Committee) convened on 30 May 2013 for the Initial/Preliminary Meeting.

At the Initial Meeting, the Committee engaged the Applicant in discussion about the proposed change in the location of the school. During the Preliminary Meeting, the Committee considered the modification application relative to the following approval criteria listed in 14 Del. Code § 512:

- Criterion Eight: Economic Viability

- Criterion Nine: Administrative and Financial Operations
- Criterion Ten: Insurance
- Criterion Twelve: Health and Safety

## **Initial Meeting**

During the Initial Meeting, the Committee asked the DAPSS representatives to give an overview of the application as well as to provide clarification upon several points. The following is a summary of the discussion.

- All classrooms available to DAPSS at the current Faith City location are in use and the school began to pursue the possibility of adding modular classrooms to accommodate the expansion to the eleventh and twelfth grades.
- In January 2013, the Our Lady of Fatima School became available. The proposed modular classrooms on the current DAPSS site and associated costs were substantial. The school leadership decided that the Our Lady of Fatima School would provide a long-term solution and could accommodate DAPSS at its projected final enrollment of 480 students.
- DAPSS could not break its lease with Faith City; however, the leadership determined that the Our Lady of Fatima School made better economic sense. The school had needed features not available at Faith City, such as a gymnasium, nearby parks with sports facilities, science laboratories, fully fitted-out classrooms, and adequate parking.
- DAPSS representatives noted the possibility of subleasing its wing of the Faith City site.
- Our Lady of Fatima School could accommodate DAPSS's maximum approved enrollment of 480 students.
- The new, proposed site is within approximately fifteen minutes of Wilmington and is in a more central and accessible location than the current site.
- The school had conducted parent meetings and based on these meetings and discussions with parents, the school leadership believes that most families will choose to keep their students at DAPSS. Overall, the parents appear to be supportive of the move.
- The parents understand the need for the move and are satisfied with the school.
- At the new site, there is an additional building available that could become a flagship lab area for first responders.
- Our Lady of Fatima School has science labs; however, the Applicant will need to work with DOE to assure that the facilities are up to par and meet recent changes in statutory requirements for science labs.
- The school was reminded of the need to remove or cover any religious artifacts in the school.
- The Applicant clarified that major repairs were capped at \$5,000 and that costs in excess of this amount would be the responsibility of the landlord.

## Preliminary Meeting

### Criterion Eight: Economic Viability

The Committee discussed the response to the Economic Viability criterion and noted the following:

- The Federal funds revenue was projected by using FY13 allocations. However, the Applicant's FY13 Federal allocation amounted to \$40,988 whereas the projected amount for FY14 was \$130,000. It is not clear how this value was calculated because the budget does not specifically address the method of calculations.
- The budget worksheet was built using all funding sources (state, local, Federal, and other). This is not the preferred method for projecting budgets because Federal funds are typically restricted for specific purposes and cannot be considered to be available to cover shortfalls in State/Local/Other funding.
- The budget worksheets on the Charter School website have separate tabs for each funding source; thereby providing clarity as to the source and allocation of funds.
- It is difficult to determine if the school will have sufficient State/Local/Other funds to cover expenses because they were combined with the Federal Funds.
- The revenue streams and expenses need to be split out.
- The contingency budget included only one year of data; thus, it is not possible to review the long-term viability if the school's enrollment does not meet the projected levels.
- The Applicant ought to produce a four-year projected budget based on 80% of maximum student enrollment.

***The Committee concluded that Criterion Eight was partially met.***

Note: The school's response to the Preliminary Report should provide clarifications regarding the issues cited above.

### Criterion Nine: Administrative and Financial Operations

The Committee discussed the response to this criterion and noted the following:

- ***Plans for Managing Financial Operations.*** The Applicant's response to Criterion 9(a) explains that the operation and organizational structure currently in place will remain intact after moving to the new location. There are no changes to the current operations. Innovative Schools will continue to provide back-office support.
- ***Criteria and Timeline for Hiring Staff and Teacher Recruitment.*** Job descriptions that are provided for each role are comprehensive and provide a clear understanding of each role. The plan accounts for a principal, assistant principal, teachers, administrative assistant, and school nurse. There is not mention in this section of additional service providers, such as custodians, security, etc.
- ***Plan to Recruit Students.*** It is not clear what impact, if any, the proposed relocation will have on current and/or future enrollment and retention of students. The school must demonstrate that it will be able to attract enough students to keep the school financially viable. The proposed site would place the school closer to the City of Wilmington, the

school's target population. The move will be a factor for some parents in continuing the enrollment of their children at DAPSS.

***The Committee concluded that Criterion Nine was partially met.***

Note: The school's response to the Preliminary Report should provide clarifications regarding the issues cited above.

### **Criterion Ten: Insurance**

The Committee discussed the response to the insurance criterion and noted the following:

- The application did not include a copy of the school's Certificate of Insurance to verify the projected premiums included in the budget. The original charter application includes a reference to Pratt Insurance in Smyrna, Delaware; however, the Charter School Office does not have a copy on file. The school's response to the Preliminary Report must include a quote.

***The Committee concluded that Criterion Ten was not met.***

### **Criterion Twelve: Health and Safety**

The Committee discussed the response to the Health and Safety Criterion and noted the following:

- *Procedures to ensure health and safety of students and staff and Processes to ensure physical examinations, immunizations, etc.* The proposed modification does not change the originally approved charter. Affinity Health has been working with the charter as a pilot Wellness Program.
- *Criminal Background Checks.* The response is acceptable.
- *Facilities, location, compliance with building codes, maintenance, safety concerns.* The facility is located at 801 North DuPont Highway in New Castle. The access to the building is via a main entrance on Harrison Street and a secondary entrance from the parking lot. Additionally, a security door system that limits access at the site is activated, which will require staff to be notified upon visitor admittance or entrance.

*The building is currently in operation as a school.* The transfer of use will not require immediate upgrades. As the school grows, plans will be developed for modernizing the HVAC, electrical, and some space utilization.

*School maintenance* will be managed by on-site personnel or approved vendors. The site has a full-use gymnasium.

Additional comments are provided in Appendix B.

- **School Transportation.** The modification application states: “The students will be transported by school bus with a blend use of hub stops and student access needs. The 2013-14 contracts will be negotiated to include service at a rate not to exceed the state transportation allocation.” Schools are to provide transportation for those students meeting the eligibility criteria in DOE Regulation 1105 and that those who reside in the same district as the school will receive the same level of transportation service that would be provided by that school district. Hub points may be established for those outside of the district where the school is located.

The present school appears to be located in an area where all students are eligible for transportation. The new school will be located in an area where some students might not be eligible for transportation. The school should evaluate the area and could also check with the local school district transportation staff for assistance in how they have defined eligibility zones in that same area. There could be a decreased number of students eligible, which would decrease the transportation funding available for the school.

- **Providing Meals to Student and Compliance with the Free/Reduced Lunch Program.** The Delaware Academy of Public Safety and Security does not participate in the National School Lunch/School Breakfast Programs. They can choose to begin the program at any time. Further discussion can be directed to Aimee Beam, Education Associate School Nutrition Programs at 302-735-4060.

**The Committee concluded that Criterion Twelve was partially met.**

Note: The school’s response to the Preliminary Report should provide clarifications regarding the issues cited above.

### Summary and Recommendations

Criterion	Charter School Accountability Committee’s Recommendations
(8) Economic Viability	<b>Not Met</b>
(9) Administrative and Financial Operations	<b>Partially Met</b>
(10) Insurance	<b>Not Met</b>
(12) Health and Safety	<b>Partially Met</b>

The Charter School Accountability Committee recommended that the charter school modification application for the Delaware Academy of Public Safety and Security **not be approved.**

## **Appendix A**

### **List of Attendees**

#### **Final Meeting of the Charter School Accountability Committee**

**30 May 2013**

#### **Application to Modify an Existing Charter**

##### **Members of the Committee**

- Mary Kate McLaughlin, Chief of Staff; Committee Chair
- Karen Field Rogers, Associate Secretary, Financial Reform and Resource Management
- Debora Hansen, Education Associate, Visual and Performing Arts, Charter Curriculum Review
- Paul Harrell, Director of Public and Private Partnerships
- Barbara Mazza, Education Associate, Exceptional Children Resources
- April McCrae, Education Associate, Education Associate, Science Assessment and STEM
- Kendall Massett, Executive Director, Delaware Charter School Network (Non-voting)

##### **Staff to the Committee**

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

##### **Representatives from Delaware Academy of Public Safety and Security**

- Charles Copeland, Board President
- Charles Hughes, Head of School
- Sandra Hypes, Teacher, Delaware Academy of Public Safety and Security
- Brent Waninger, Teacher, Delaware Academy of Public Safety and Security
- Herbert Sheldon, Charter School Operations Manager, Finance; Innovative Schools

## Appendix B

### Additional Facilities Information

Based on the most updated property layout/floor plans, custodial units will be re-evaluated.

- DOE may need to perform a site visit to review and assess.
- School needs to ensure compliance with ADA regulations: see [http://www.ada.gov/2010ADAstandards\\_index.htm](http://www.ada.gov/2010ADAstandards_index.htm)
- **School Safety:** It is recommended to refer to the Delaware Emergency Management Agency's web site for disaster preparedness [http://www.dema.delaware.gov/services/disaster\\_prep.shtml](http://www.dema.delaware.gov/services/disaster_prep.shtml) and terrorism preparedness guidelines <http://www.dema.delaware.gov/disprep/terrorism.shtml>.
- **Technology:** Technology wiring is recommended to comply with current DCET/DTI standards. Wiring closets (MDF and IDF) must have adequate electrical capacity (isolated ground if available) as well as adequate HVAC ventilation. See technology standards as applicable at <http://dti.delaware.gov/information/standards-policies.shtml>.

### RELATED PROJECT INFORMATION

- Prior to the construction of a new charter school or the renovation of an existing building as a charter school, it is recommended that the charter school review the following websites for laws and regulations:
  - Preliminary Land Use Service (PLUS)
  - <http://stateplanning.delaware.gov/plus/>
  - For State of Delaware laws pertaining to asbestos, Title 16, Chapter 78 of Delaware Code that can be accessed at the following link: <http://delcode.delaware.gov/title16/c078/index.shtml>
  - Federal EPA laws and additional information pertaining to asbestos can be obtained at the following links:
    - [www.epa.gov/schools](http://www.epa.gov/schools) or [www.epa.gov/asbestos](http://www.epa.gov/asbestos)
- Further, contact the regional EPA office in Philadelphia at:  
  
Asbestos Program Coordinator  
USEPA Region 3  
1650 Arch Street  
Philadelphia, PA. 19103-2029  
(215)814-2103
- For additional information see the following reference documents:
  - Title 14, Chapter 5 (Charter Schools) of Delaware code
  - Department of Education School Construction Manual <http://facilitynet.doe.k12.de.us/schooldata/default.shtml>



Comments on Lease:

Exhibit C\*:

- a) In areas where the landlord would perform the repair/replacement services and invoice the tenant for the cost, Landlord and Tenant, so to not compromise the Tenant's ability to pay, shall be given the opportunity to bargain in good faith over the cost of additional rent items, services and maintenance related to such space.
- b) For contracts with custodial staff or other maintenance contracts: As per Delaware Code, it is required that services contracted for are provided in a nonreligious and nonsectarian manner and are of a nonreligious and nonsectarian type.

Exhibit E (and all other pertinent sections)\*:

Considering that the school will be located inside existing church school, all religious artifacts must be removed from the premises.

\*Title 14, Chapter 5, § 504A:

(6) "Contract with any school district, or any other public school or private nonsectarian, nonreligious entity also empowered to enter into contracts, for any and all real property, equipment, goods, supplies and services; provided, that a school district must make unused buildings or space (defined as space no longer needed, permanently or temporarily, for non-charter school purposes) buildings or space in buildings available to a charter school, and shall bargain in good faith over the cost of rent, services and maintenance related to such space; provided further, that a charter school may, with the approval of the Secretary and the State Board for the sole purpose of determining compliance with this proviso, contract with a sectarian or religious college or university incorporated in the State and operating a program or programs for teacher education within the State empowered to enter into contracts for such property and services, so long as the property contracted for is used in a nonreligious and nonsectarian manner and the services contracted for are provided in a nonreligious and nonsectarian manner and are of a nonreligious and nonsectarian type. A charter school's continued use of school district space shall be subject to review at least on a 5-year basis, and may be terminated by the district with 1 year's notice, if the district's non-charter school capacity requirements warrant. Charter schools shall have preference over state agencies for purposes of § 1057(b) of this title except that nothing in this section shall require the displacement of any tenant either during the term of its current lease or any renewal thereof;"