



Department of Education
Charter School Accountability Committee Meeting

January 4, 2013
Final Formal Review Meeting
Pencader Business & Finance High Charter School

Ms. Field Rogers called the meeting to order. She explained that the Committee chairperson, Mary Kate McLaughlin, was unable to attend the meeting and the Secretary of Education, Mark T. Murphy, authorized her to chair the Committee in Ms. McLaughlin's absence. For the purpose of the record introductions were made:

Attending Committee Members

Karen Field Rogers, Financial Reform & Resource Management, Acting Chairperson
Deb Hansen, Education Associate, Visual and Performing Arts, Charter Curriculum Review
Paul Harrell, Director, Public and Private Partnerships
April McCrae, Education Associate, Education Associate, Science Assessment and STEM
Jennifer Kline, Esq., Education Associate, Procedural Safeguards and Monitoring

Staff to the Committee

John Carwell, Director, Charter School Office
John Hindman, Deputy Attorney General, Counsel to the Committee
Patricia Bigelow, Education Associate, Charter School Office
Chantel Janiszewski, Education Associate, Charter School Office
Kendall Massett, Executive Director, Delaware Charter Schools Network
Donna R. Johnson, Executive Director, State Board of Education
Leighann Hinkle, Office of Management and Budget
Amber Cooper, Office of Management and Budget

Representatives of Charter School

Frank McIntosh, Board President
Barry Willoughby, Attorney for School
W. Daniel Young, Board Vice President
Steve Quimby, Head of School
Tami Koss, Assistant Head of School
Jane McGonegal, Innovative Schools

Ms. Field Rogers stated the purpose of the Final Meeting of the Charter School Accountability Committee relative to the Formal Review for Pencader Business and Finance Charter High School. On October 17th the Committee met with representatives of the school for the Initial Meeting. She stated that on November 26th the Committee held the Preliminary Meeting and recommended that the charter be revoked pending the Committee's review of all documentation the school was required to submit with its response to the Preliminary Report. Ms. Field Rogers explained that the Committee will review the relevant statutory criteria and make a final recommendation as to whether the school is violating the terms of its charter. This recommendation will be codified in a Final Report that will be sent to the school after this meeting. The Committee will discuss the following statutory criteria:

- Criterion 1- Governance & Administration
- Criterion 3 - Mission, Goals, Educational Objectives
- Criterion 6 – Educational Program and Student Performance
- Criterion 7 - Serving Students with Special Needs
- Criterion 8 – Economic Viability
- Criterion 9 – Administrative and Financial Operations

Ms. Field Rogers stated that at the conclusion of the Committee’s discussion John Carwell will provide next steps. She asked Mr. Carwell to begin with Criterion 1.

Criterion 1 – Governance and Administration. Mr. Carwell stated that Criterion 1 was not met at the Preliminary Meeting. The school’s response indicated that the board had been reconstituted with new directors who have relevant expertise in business, finance, and nonprofit governance. Mr. Carwell said the essential question is – can the the new board put Pencader back on a path for success that the school has not realized to date. This is the second board reconstitution with new promises made. He commented that the school’s response did not provide evidence that the Board looked at any high performing charter schools with similar missions and demographics to glean best practices in governance and administration. He added that there is no need to reinvent the wheel or address issues in isolation. There are numerous high performing charter schools in existence with a few in Delaware and many across the nation. The benchmarks for success are fairly common across high performing charter schools. The school’s response cited Pencader’s membership in the MBA Research Curriculum and plans to implement its *High School of Business* program. Will this program be implemented with fidelity? Its not clear from the response that Pencader reached out to other member schools. And there was no mention of financial implications.

Ms. Johnson raised additional concerns. She said the school was asked to response should have included a number of items. For example, the school was asked to provide their tax exempt status by December 1, 2012. The school’s response included an email with a tracking date showing December 19, 2012. The school filed an application, but it was not within the deadline that the school had given. At the initial meeting the school told the Committee that the information was ready to be filed and the school waited two days before their response to the Preliminary report was due to file it.

Ms. Johnson said the concept of Board training remains a concern. There have been numerous conversations with the school around the depth of Board training necessary for a charter board on how it is very unique and very different than traditional nonprofit, philanthropy board, and traditional school boards. There seems to not be a concrete plan in place for which these new charter board members will have significant board training. She said there is reference that they will be doing board training that includes training on the Citizen Budget Oversight Committee (CBOC) but that is typically provided by the Department of Education. That is not the training that was asked for in the reliminary Report. Ms. Johnson commented that the school’s response did not meet this requirement.

Ms. Hansen stated that she shared the same concerns as Ms. Johnson regarding boardtraining because of the initial feedback that the Committee provided to the school back in October and again in November. At that time there were indicators that the Boardneeded extensive training, including CBOC training. Ms. Hansen added that Ms. Kline could speak to the special education concerns that the Committee had as well.

Ms. Johnson said she had questions about current board membership. She explained that the school’s response included several lists of board members that were not the same. In addition the school’s

website has different listings of the board members which makes it unclear who is actually on the board. After reviewing the background information of each board member, she found that they bring considerable experiences from serving on previous boards. However, the Committee asked for board members with charter board experience. One of the teachers survey responses indicated that one board member served on the Moyer board which had its charter revoked. She stated that when she read this information she investigated further to see if this was the case. The school's response did not include any explanation to address the concern listed in the teacher survey results. Mr. Harrell commented that this oversight or lack of disclosure was concerning. Mr. Carwell stated that the board recognizes that leadership is a critical success factor and presented a new leadership structure and plans to recruit permanent administrators for these positions. This new leadership structure is an idea that has been effective in other settings. However, the budget implications regarding the new structure are not clear. Also, there was no consideration of recruitment costs. It would have been helpful to see a revised budget

He said Charters are intended to be model schools. The research indicates that schools with track records similar to Pencader usually do not turnaround. He commented that he is not convinced that Pencader can turnaround based on the school's response to the Preliminary Report.

Ms. Johnson said in discussing the new hiring plan for the new administrators, one of the things that the Preliminary report requested was a detailed recruitment plan. The school's response included a detailed interview process and description of the selection committee, but it lacked details regarding how they intended to recruit a highly effective school leader or in this case multiple school leaders. The Committee has seen the effectiveness of the dual leadership in other schools, but the school's recruitment plan was to prepare two job announcements to be posted on Monster.com. The recruitment plan did not consider organizations that appeal to highly successful school leaders such as ASCD, Ed Week, National Alliance for Public Charter Schools, Delaware Charter School Network, or Innovative Schools. To simply advertise the job postings for two weeks on Monster.com is not a detailed recruitment plan.

Ms. Field Rogers asked if anyone else had a question or comment.

Mr. Carwell recommended is this criterion remain not met.

Criterion 3 – Mission, Goals and Educational Objectives. Mr. Carwell said the school plans to develop a strategic plan that includes goals and objectives for meeting the school's mission. In addition, the school's response includes a description of the MBA Research Curriculum adopted by the school. The description is an excerpt from the MBA Research Curriculum website and does not explain how the curriculum has been implemented at Pencader. For example, the response says, "Students completing this program can earn up to six credit hours of college credit which helps move them along their way to a degree." These are results from another school. Also, the response did not provide goals and strategies for the program (e.g. how many students would participate, objectives, implementation strategies and challenges, professional development, etc.). Based on the excerpt alone, it was not clear how this program is being implemented at Pencader.

Mr. Carwell noted that the student performance data presented in the school's response was inaccurate and poorly presented in various parts of the document. For example, on page 28 the response notes that 9th grade students had a 40.85% proficiency rate in math in 2010-11 and increased to 51.75% in 10th grade, resulting in a positive increase of 26.68% in one year. The increase is not 26.68% but 10.9%. On page 31, the 9th and 10th grade mean scores show that Pencader outperformed the state but the state data is inaccurate. In addition, the Charter Schools Office provided the school with its student

performance results on the new Charter Performance Framework. The response did not reference this information in any way. In addition, the SAT data appears to be inaccurate. The Advanced Placement (AP) exam data appears to be accurate, but did not include any data from prior years. In addition, AP pass rates are very low. Also, it was not clear how the school calculated the graduation rate.

Ms. McCrae agreed with Mr. Carwell about the inaccuracy of the student performance data presented in the school's response. She said that it appeared to be either an intentional attempt to manipulate the data to look better or there is an extreme misunderstanding of how to access and analyze DCAS data. In either case, it raises a major concern. She explained that the State standard scores listed in the school's response are actually cut scores. The State mean scores for reading and math would have been a more accurate statistic. The school's response for ninth grade reading listed the State score as 811 but is actually 831 and the ninth grade math score was listed as 820 but is actually 847. Tenth grade reading was listed as 812 but is actually 846. For tenth graders in math it is listed as 830 and it is actually 863. Ms. McCrae added that based on the way the data is presented it would appear that the school is outperforming the State, but this is not the case.

Ms. Johnson highlighted Criterion 3 which focus on the school's mission, goals and educational objectives. She said the Committee asked the school to address how they will focus on their mission, because school representative stated to the Committee at a prior meeting that past problems made it difficult to focus on their mission and the Committee requested a compelling vision in school's response. She referred back to the MBA Research Curriculum information Mr. Carwell highlighted. The school's response only included an excerpt from a website and left many questions unanswered. She said there was no explanation regarding how they would utilize this curriculum program to implement the mission of their school. Ms. Johnson added that she researched the MBA Research Curriculum and contacted the Department's Education Associate for Business and Marketing Education for information on the school's implementation of this program, training, and costs. There is a cost to the program and training is provided for two years. Since the program is new no student have matriculated through program or have achieved 6 credit hours which is alluded to in the the school's response. Ms. Johnson commented that the program appears to have potential, but only if it is implemented with fidelity. Ongoing, job embedded professional development for teachers and the funds to pay for it are critical. Does Pencader have the capacity to deliver the level of implementation needed to achieve their mission. This was not clearly articulated in the school's response.

Ms. Johnson said the Committee also discussed the school's goals. The response did not articulate any measurable goals or objectives. She said the Department is developing a new Performance Agreement aligned to the new charter performance framework. The school was provided with the results but chose not to use them to inform their response. The performance framework was adopted and the regulation was changed in July 2012 and this is how the school will be measured going forward. The school had the opportunity to reference the performance framework results and report on any successes in student growth, proficiency, etc. She said it is unclear where how the school calculated its graduation rate because it does not match the graduation rate in the State's database. The school's response listed its graduation rate for 2012 at 98.5% but it is actually 85.6%. She said the SAT data was reported, but the PSAT data was not reported to the State. Ms. Johnson also noted the school's inaccurate presentation of DCAS data makes it difficult for the school to set meaningful educational goals and objectives.

Ms. Janiszewski said that the school's response indicated that they will have an afternoon professional development session on critical thinking, but there is no mention of sustained, job embedded professional development beyond that one day. The Committee knows that one-shot, professional development that is not research-based does lead to change in classrooms or student achievement. She added that the

school mentioned they will do walkthroughs during Professional Learning Communities (PLCs). Walkthroughs are done during instructional time to gather snapshots and data to see what is going on in the classrooms. It is not clear how the PLC walkthroughs as presented will lead to student achievement if students are not present.

Ms. Field Rogers asked if anyone else had a question or comment.

Mr. Carwell recommend that criterion 3 remain not met.

Criterion 6 – Educational Program and Student Performance. Ms. Hansen stated that the school’s response aligned to the school’s current performance agreement. As mentioned previously, there was no mention of the new performance framework. The school’s response included the following statement:

“The educational requirements needed for the business world do not always match those required by the state of Delaware. For example, in business students need the skills of accounting and book keeping, not necessarily Algebra and Geometry.”

Ms. Hansen said, as educators, we all can agree, that if you look at high performing schools in the State of Delaware there is no question that students are encouraged and required to take algebra and geometry. In addition, the school’s response included a comment regarding Personal Finance and Economics. She noted that standards for Personal Finance have been developed and approved by the State Board of Education. There is a regulation is required for schools that have a focus on business and finance. She said that it would behoove them to support business and finance for all the students in the school.

Ms. Johnson noted that the school’s response aligned to the school’s current performance agreement. However, the school did not reference its results on the Performance Framework that is now in use. Concerns were noted about the low pass rates (38.5%) for Advanced Placement (AP) tests and that Pencader’s pass rates are significantly below the State average. Additionally, fewer than half of the students in the AP classes take the test and that there are a considerable number of students scoring a one or two on the tests (based on a 1 to 5 scale).

Mr. Carwell stated that during the Initial Meeting school representatives highlighted Pencader’s participation in the Vision Network. The response did not include any details regarding continued participation or how it will complement the MBA Research Curriculum. Also, the Preliminary Report highlighted the Committee’s concerns regarding the Impact of financial cuts on educational program. Page 38 of the response says, *“The Formal Review status does not seem to have impacted the students to any degree that is outwardly noticeable.”* However, the teacher and student survey results provided in the school’s response indicate otherwise. Ms. Johnson added that the school conducted a student and teacher survey. Pencader included the results but not the questions.

Ms. Field Rogers asked if there were any more questions or comments.

Mr. Carwell recommended that this criterion 6 remain not met.

Criterion 7 – Serving Students with Special Needs. Ms. Kline stated that Criterion 9 was considered “not met” at the Preliminary Meeting primarily because of an administrative complaint filed with the DOE’s

Exceptional Children Resources Work Group. The concerns at the time centered on Pencader staff demonstrating a lack of understanding about when a student may evidence a disability that requires a special education evaluation. Under the Individuals with Disabilities Education Act (IDEA), the school has a duty to recognize when any student may be in need of special education services and/or need to be evaluated to determine if s/he is eligible.

The school has provided evidence of a training program being in place for staff relative to special education requirements and an attorney, well-versed in educational programs, is available to the school. Additionally, the school has instituted a change of leadership within the special education program and it is clear through submitted documentation that the new leader for special education has an understanding of the requirements and the complaint process. This new leader is working with the teachers. Pencader plans to hire three additional para-educators to support the special education teachers and to monitor practices. DOE will continue to monitor the school to assure that the new practices are implemented with fidelity and are sustained over time. Finally, in the complaint decision, DOE directed the school to institute the Instructional Support Team model that is a State requirement and used in many other states. This is a process to ensure that students are receiving a special education evaluation or intervention when needed.

Ms. Field Rogers asked if there were any other questions or comments.

Ms. Kline recommended that this criterion is met.

Criterion 8 – Economically Viability. Ms. Field Rogers stated that this criterion was deemed as “met” during the Preliminary Meeting; however, considering a new curriculum and organizational structure, the Committee had concerns about how these changes affect the school’s budget.

Ms. Johnson said the school’s response did not describe how the new curriculum, organizational structure, the AVID program (Advancement Via Individual Determination), and summer programs will impact the budget. She said the school has a student recruitment plan, a school leader recruitment plan and new curriculum plans but did not provide any financial information. In addition, the response included information about a lawsuit being finalized and the school was working out compensatory damages. It was not clear how this might impact the school financially. Ms. Kline stated it wasn’t compensatory damages it was compensatory instruction (educational services) that could be provided by a teacher or outsourced. Mr. Harrell said the the Board ought to have provided a new budget; have been more proactive; and made certain to communicate any new data. In addition, he said the the school did not provide a clear plan for attracting students to the school.

Ms. Field Rogers asked Mr. Hindman since the criterion was met before how should she make a recommendation. Mr. Hindman said that the Committee could impose a condition in the event that the charter is not revoked.

Ms. Field Rogers asked if there were any questions or comments.

Ms. Field Rogers recommended that Criterion 8 is met with a condition.

Criterion 9 – Administrative and Financial Operations. Mr. Carwell said that the school’s response included a student recruitment plan but it only listed a few actions steps and a brochure. It did not

include any measurable goals or objectives to evaluate the effectiveness of the recruitment efforts. In addition, there was no mention of what has worked in the past.

Ms. Johnson stated that although the Committee requested at the Initial Meeting that the Board and the school involve parents to increase transparency in communication, the response did not indicate involvement of parents. The Student Recruitment Plan provided some action steps and a brochure but did not include any measurable goals to evaluate the effectiveness of the recruitment efforts and there was no mention of what outreach has worked in the past. The Committee noted little evidence of parental involvement; recruitment events not being well attended; and a lack of information about the recruitment events themselves, e.g., how the school notifies parents about the events and the school's current status. Ms. Johnson said the it was not clear from the school's response that the school was forthcoming about the implications of the Formal Review.

Mr. Carwell recommended that this criterion remain not met.

Summary and Recommendations

Criterion 1: Governance & Administration – NOT MET
Criterion 3: Mission, Goals, Educational Objectives – NOT MET
Criterion 6: Educational Program and Student Performance – NOT MET
Criterion 7: Serving Students with Special Needs – MET
Criterion 8: Economic Viability – MET WITH A CONDITION
Criterion 9: Administrative and Financial Operations – NOT MET

The Charter School Accountability Committee recommended that the charter for Pencader Business and Finance Charter High School be revoked.

A vote was taken. 4 ayes; none opposed and 1 abstention (Ms. Hansen).

Ms. Field Rogers asked Mr. Carwell to share the next steps. Mr. Carwell provided the date for the Public Hearing as scheduled.

- Public Hearing is scheduled for February 11, 2013 at 5:00 PM

Meeting adjourned.