

**STATE OF FLORIDA
STATE BOARD OF EDUCATION**

**Second Amended Request for Waiver of Termination by
Broward Charter School of Science and Technology**

Broward Charter School of Science and Technology (hereinafter “Broward Charter”), files this Second Amended Request for Waiver of Termination to the State Board of Education in order to supplement its original Request for Waiver of Termination, which was timely filed on July 28, 2014.¹ Broward Charter, currently a grade K-7 charter school in the Broward County School District (“District”), School No. 5055, having completed its second year of operation, respectfully requests that the State Board of Education, pursuant to Section 1002.33(9)(n)4.c., Florida Statutes, waive termination of Broward Charter’s charter contract for having received an “F” grade on the FCAT for school years 2012-13 and 2013-14. Florida Statutes, Section 1002.33(9)(n)4.c., provides that “[t]he state board may waive termination if the charter school demonstrates that the learning gains of its students on statewide assessments are comparable to or better than the learning gains of similarly situated students enrolled in nearby district public schools.”

Broward Charter’s learning gains meet the statutory requirement for comparable learning gains for similarly situated students in nearby schools. In fact, Broward Charter’s learning gains beat all the other nearby District schools at 15 of 36 points of comparison.² A copy of this data

¹ The First Amendment was filed to reflect data on comparable schools that was provided to Broward Charter by FDOE after the initial Waiver of Termination Request was filed.

² This is based on the growth of all applicable categories of comparison, even those with cell sizes of less than 10 students. As of the date the First Amended Waiver of Termination was filed, District Staff have used a narrower data set for analysis, based on concerns of student privacy. District Staff’s published data combines categories in order to reach a cell size of 10. District Staff’s published data also excludes comparison in some categories because the cell sizes are below 10. When categories are combined and student scores excluded, the result is an analysis that does not comply with statutory requirement of comparing similarly situated students. It is also an unfair analysis for a small charter school because it does not consider all the students served by the charter school. Broward Charter formally objects to the combination of comparison categories and exclusion of student scores in the determination of whether to grant this Waiver of Termination. If there are concerns about student privacy due to the small cell size,

comparison is attached hereto. Because of its strong learning gains and other factors, the FCAT score for Broward Charter improved from 308 in 2013 to 384 in 2014, missing a “D” by 11 points. This is a one-year increase of 76 points. Staff from Broward Charter report that they were never informed by the District of the ability to locate missing scores from students. After receiving their FCAT grade, Broward Charter discovered the missing scores. However, it was too late for those scores to be included. If the missing data had been included, Broward Charter would have received at least 5 additional points. While this would not have resulted in a higher FCAT grade, it is important to note because Broward Charter’s FCAT score does not actually reflect the learning gains of all the Broward Charter students. It also underscores how much improvement Broward Charter made between the two years.

Broward Charter’s FCAT score increase was also greater than the comparison schools. When looking at the FCAT scores of the comparison schools, one school made no improvement between the two years, and two of the six comparison schools actually dropped a letter grade between the two years. Broward Charter’s improvement in its FCAT score was more than double the any improvement in 4 of the 5 schools that actually showed improvement, and 28 points higher than the next highest school.

In the granting of a Waiver of Termination, the State Board carefully considers why a school like Broward Charter is worthy of a waiver. The answer is simple: the school is on a clear path to receiving a higher grade. When Broward Charter’s benchmark testing showed that it was not moving in the right direction in the 2013-14 School Year, its governing board replaced its principal and added an assistant principal in the middle of school year. Both the principal and assistant principal are administrators with experience in achieving two-grade increases in school

then the results can be redacted from public view. However, student privacy concerns should not prevent the data from being considered in making a determination.

district schools in Miami-Dade. The new principal has also consulted on school reform across the United States. In addition, the weakest learning gains for the school occurred in 5th grade math, and that teacher has been replaced. Over the summer of 2014, Broward Charter held free reading and math boot camps for its lowest performing and ELL students. These camps were well attended by students who are enrolled for the upcoming 2014-2015 school year. Please enclosed letter from the Governing Board chairman, Dr. Jamie Manburg, Associate Dean for Teacher Education at Nova Southeastern attached as Exhibit "A".

The improvement in FCAT scores, the learning gains of the school, and the actions taken by Broward Charter over the summer in preparation for the 2014-2015 school year should give the State Board great confidence that the granting of a waiver to Broward Charter will be rewarded with at least a one grade level improvement next year.

Respectfully submitted this 12th day of August, 2014.

/s/ Shawn A. Arnold
Shawn A. Arnold, Esq., B.C.S.
Fla. Bar No. 0193232
Melissa Gross-Arnold, Esq., B.C.S.
Fla. Bar No. 0194300
Arnold Law Firm
6279 Dupont Station Ct.
Jacksonville, FL 32217
904-731-3800 (Office)
904-731-3807 (Facsimile)
sarnold@arnoldlawfirmllc.com
melissa@arnoldlawfirmllc.com

BROWARD CHARTER SCHOOL OF SCIENCE AND TECHNOLOGY

1800 North Douglas Road PEMBROKE PINES, FLORIDA 33024

Phone (954) 885-4040 ~ Fax (954) 441-6490



Dr. Jamie Manburg, Board Chairman
Mr. Matt Rosenbaum, President
Mr. Carlington Ferguson, Parent Liaison
Mr. Greg Capdevila, Member
Mr. Baldomero Perez, Member
Dr. Ronnie Hunter, Principal

August 12, 2014

Florida Board of Education
325 W. Gaines Street, # 1544
Tallahassee, FL 32399

Re: Waiver of Termination for Broward Charter School of Science and Technology

Dear Honorable Members of the Florida Board of Education:

I am writing this letter as Governing Board Chair of Broward Charter School of Science and Technology, Inc. and in support of our Request for Waiver of Termination. Our School is the type of School that should be granted a Waiver. Our School is on its way to a higher standardized test grade next year. We missed a "D" on the FCAT by only 11 points. That means we were only 11 points away from not even needing to participate in the Waiver process. One might say that we must meet or beat the growth of the comparison Schools at all points of comparison. However, if we met or beat the comparison Schools at only half the points of comparison, we would not even have received an "F" on the FCAT. If the standard we have to meet would result in us not even needing to be in this process, then it must not be the standard. We believe that we have met the standard for showing growth that is comparable to schools with similarly situated students.

We improved our FCAT test score by 78 points in one year. We achieved this increase beginning in December 2013 by replacing our Principal and hiring an Assistant Principal; both of whom have experience turning around public Schools in Miami-Dade County. We are confident they can do the same good work at our School in Broward County. Much of the original teaching staff were replaced with highly qualified teachers last year and our test scores began to rise. We extended the School day for our level I and Level II students by one hour. This past summer we held a summer "boot camp" for our Level I, II, and ESOL students in which we had nearly 100 percent attendance. It is clear by any metric that we are on our way to being a School with a passing FCAT score.

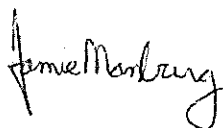
I serve as Associate Dean for Teacher Education & Undergraduate Programs at Nova Southeastern University's Abraham S. Fischler School of Education and I have identified resources to truly innovate the learning experiences of our students by getting commitments from qualified professors at the University to provide professional development training and services to our teachers

and students within the areas of Science, Technology, Engineering, and Mathematics (STEM). Two of the new members of the Governing Board of the School are a vice president at a major bank and an owner of one of the nation's largest security companies, have pledged not only their time but significant capital infusions to this School. These generous gifts allowed the School's summer program to exist and will fund the lengthening of the school day next year for our Level I, II, and ESOL students.

Dr. Ronald Hunter started this School as a way to honor his deceased brother who was also an educator. He returned to the school last year as principal devoting full-time efforts to the School with a passion for helping children and taking no salary for his time. Seventy-nine (79%) percent of the students who are at our School are on free or reduced lunch. The students that are at our School are underserved by the School district, and we are bringing innovative teaching methods and curriculum to this at-risk population. To cut off our mission when we are clearly on the way to success would be a terrible setback for these children and their parents. One of the many missions of charter Schools in Florida is to "[i]ncrease learning opportunities for all students, with special emphasis on low-performing students." Shutting down a School that has shown this type of improvement would have a chilling effect on other operators of charter Schools that serve children who have similar low levels of academic achievement and socio-economic position.

In short, if our school is not entitled to a waiver, how can we experience the growth we need to better serve our children? We have shown significant improvement on our FCAT scores, far out-pacing the schools identified as our comparison. Increasing another 11 points in FCAT score gains next year is easily achievable as we have improved 78 points in one year. The work we accomplished this summer, in addition to one extra hour of remediation for students in need for the 2014-2015 school year, and the volunteered time by dedicated professionals at Nova Southeastern University will complete the turnaround already underway at our school!

Sincerely,

A handwritten signature in black ink that reads "Jamie Manburg". The signature is written in a cursive, flowing style.

Jamie Manburg, Ed.D.
jmanburg@nova.edu

CC: Shawn Arnold, Esq.
Melissa Gross-Arnold, Esq.
Ronald Hunter, Ed.D

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Second Amended Request for Waiver of Termination by Broward Charter School of Science and Technology was served via email and U.S. Mail on counsel for the School Board of Broward County, Robert P. Vignola, Esq., Robert.Vignola@browardschools.com and the Director of Charter School Management and Support, Jody Perry, Jody.Perry@browardschools.com, this 12th day of August, 2014.

/s/ Shawn A. Arnold