

# STATE BOARD OF EDUCATION AGENDA



Gary Chartrand, Chair  
John R. Padget, Vice Chair  
Ada G. Armas  
John A. Colón  
Marva Johnson  
Rebecca Fishman Lipsey  
Andy Tuck  
August 18, 2014

Conference Call: 1-888-339-2688  
Passcode: 889 907 79

10:00 a.m. Call to Order

Chair Gary Chartrand

Welcome

## Action Items

1. Request for Waiver of Termination – Shining Star Academy of the Arts – Columbia County pg. 1
2. Request for Waiver of Termination – Broward Charter School of Science and Technology – Broward County pg. 27
3. Request for Waiver of Termination – Florida International Elementary Academy – Miami-Dade County pg. 47

Concluding Remarks

Chair Gary Chartrand



**STATE BOARD OF EDUCATION**  
**Action Item**  
August 18, 2014

**SUBJECT:** Request for Waiver of Termination – Shining Star Academy of the Arts –  
Columbia County

---

**PROPOSED BOARD ACTION**

The Board may either grant or deny the request for waiver of termination.

**AUTHORITY FOR STATE BOARD ACTION**

Section 1002.33(9)(n)4.c., Florida Statutes

**EXECUTIVE SUMMARY**

The sponsor shall terminate a charter if the charter school earns two consecutive grades of "F" unless the State Board of Education grants the charter school a waiver of termination. The 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. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver. Shining Star Academy of the Arts of Lake City received a school grade of "F" for the 2012-13 and 2013-14 school years.

If the State Board denies the waiver request the School Board of Columbia County will initiate termination proceedings against the school. If the State Board grants the waiver the school will be permitted to remain open for the 2014-15 school year.

---

**Supporting Documentation Included:** Summary; Request for Waiver of Termination submitted by charter school; Comparison data provided by Office of Accountability, Research, and Measurement, Rule 6A-1.099827; and Section 1002.33, Florida Statutes

**Facilitator/Presenter:** Adam Miller, Executive Director, Office of Independent Education and Parental Choice



Request for Waiver of Termination  
Shining Star Academy of the Arts  
Columbia County

Background:

**Section 1002.33(9), Florida Statutes:**

*The sponsor shall terminate a charter if the charter school earns two consecutive grades of “F” unless the state board grants the charter school a waiver of termination. The 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. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.*

**State Board of Education Rule 6A-1.099827**

*In determining whether to grant a waiver the State Board of Education shall review student achievement data provided by the Department of Education...Analysis of student learning gains data must be based on comparisons between students enrolled in the charter school and similarly situated students enrolled in nearby district public schools and may include such factors as prior performance on state assessments, disability status, and English language learner status. Nearby district public schools shall include the three (3) geographically closest district public schools with similarly situated students. If three such schools do not exist within the school district the comparison may include less than three.*

History: Shining Star Academy of the Arts Charter School submitted a charter school application to Columbia County School Board in August 2011. The application was subsequently approved by the Columbia County School Board and the charter school began operations in the 2012-13 school year.

Historical Data

	2012-13	2013-14
Enrollment	235	235
FRL %	18%	5%
School Grade	F	F

2013-14 Enrollment by Grade

<b>K</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>	<b>5<sup>th</sup></b>	<b>6<sup>th</sup></b>	<b>7<sup>th</sup></b>
29	40	24	28	24	29	30	31

Shining Star Academy of the Arts received a school grade of “F” in both the 2012-13 and 2013-14 school year. The charter school did not meet either of the exceptions to termination (Section 1002.33(9)(n)4., Florida Statute) and submitted a waiver of termination request on July 28, 2014.

Process: Upon release of school grades, the Department, in coordination with the District, identified the three geographically closest District public schools serving the same grade levels (SBE Rule 6A-1.099827, F.A.C). The Division of Accountability, Research and Measurement provided comparison student achievement data. The charter school did not have a sufficient population of students with state assessment scores in the Students with Disabilities or English Language Learners category to use for comparison purposes.



## **Waiver Request to the State Board of Education from Shining Star Academy of the Arts**

Shining Star Academy of the Arts, a K-7<sup>th</sup> grade charter school in the Columbia County School District, school # 12-0400, respectfully requests that the State Board of Education, pursuant to Florida Statutes – 1002.33 (8) (n) 4.c., waive termination of this charter school for having received an F grade for each of its first two years of operation. Shining Star Academy of the Arts therefore makes the following assertions:

### **Background**

Shining Star Academy of the Arts has been in operation for two years, and is entering its third year of operations. It was created as an avenue to bring more culture and higher order thinking to the community through the arts (Music, Art, Drama, & Dance). Most schools in the county and surrounding districts only provide music or art once a week if at all. Shining Star Academy of the Arts daily provides 45 minutes of instruction in one of the arts areas on rotation for Kindergarten thru 3<sup>rd</sup> grade and twice daily for 4<sup>th</sup> thru 7<sup>th</sup> grades. Shining Star Academy of the Arts serves students in Columbia and all surrounding counties within reasonable driving distance. Shining Star Academy of the Arts had approximately 230 students in its first and second year of operation. This same amount are currently enrolled for this upcoming school year. District data with regards to Free or Reduced Lunch is inaccurate. The majority of these students would qualify for Free or Reduced Lunch if this school participated in the Federal Lunch Program. Shining Star Academy of the Arts plans to become a Title I school this year.

Shining Star Academy of the Arts is operated by a not for profit governing board made up of current and retired educators, business people and artists.

While Shining Star Academy of the Arts has received an F in each of its first two years, it has made significant progress from year one to year two. For an elementary school to not be an F school it must make a minimum of 395 points on the school grading system. In its first year of operation, the school received 248 points, and this past year it received 377 points. This is approximately a 40% increase in performance, and the school only missed the 395 benchmark by eighteen points.

To put this in context, if just four more of its students had scored a 3.5 on FCAT 2.0 Writing instead of 3.0, the school would not have received an F grade. As can be understood from the year over year improvement, Shining Star Academy of the Arts took steps to ensure that its students made significantly more progress in its

second year of operation. This was a journey in the right direction, but the board acknowledges that there is still much hard work to complete to raise the level of performance of the school.

### Comparative Data

The Department of Education, pursuant to rule 6A-1.099827, identified five geographically close schools for comparative purposes with Shining Star Academy of the Arts, three elementary schools to compare 3<sup>rd</sup> thru 5<sup>th</sup> grades and two middle schools to compare 6<sup>th</sup> & 7<sup>th</sup> grades. The three elementary schools were Pinemount Elementary School (12-0291), Summers Elementary School (12-0141), and Westside Elementary School (12-0271). The two middle schools were Lake City Middle School (12-0241) and Richardson Middle School (12-0031). It is worth noting that Pinemount Elementary and Westside Elementary have been A schools the past two years. They serve the most affluent students in the district. Summers Elementary has been a C school the past two years. They serve students more “similarly situated” as Shining Star Academy of the Arts. Richardson Middle was an F school last year and earned a D this past year. Lake City Middle was a C last year and earned a B this year.

According to the data from FLDOE, Shining Star Academy of the Arts scored 64% in Reading Gains, while Richardson Middle scored 52%, Lake City Middle scored 62%, Summers Elementary scored 63%, Pinemount Elementary scored 65%, and Westside Elementary scored 78%. Shining Star Academy of the Arts scored comparable to all comparative schools and better than three.

Shining Star Academy of the Arts scored 44% in Math Gains, which when compared to the math gains made last year (14%), this was an improvement of over 300%. Richardson Middle scored 56%, Summers Elementary scored 63%, Lake City Middle scored 70%, Pinemount Elementary scored 71%, and Westside Elementary scored 86%. These scores are comparable when considering the level these students were at the year before. Below is an example of where Shining Star Academy outscored the others in 6<sup>th</sup> grade math:

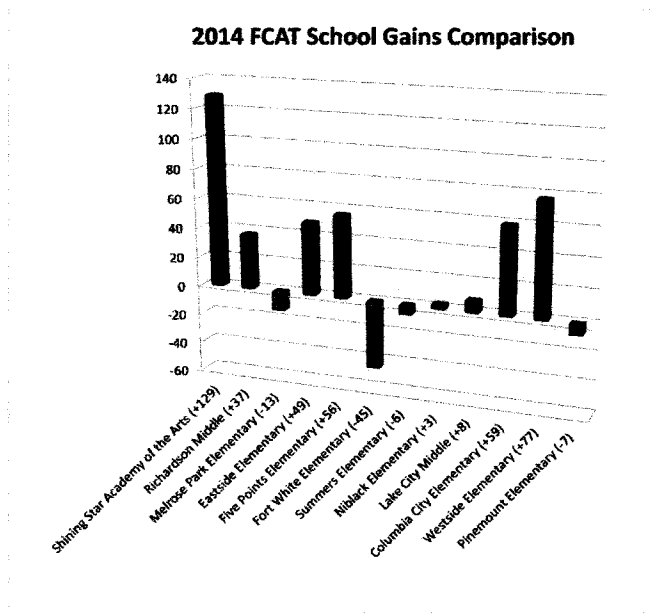
MATH Average DSS Gain - GR 6	031 N	031	241 N	241	400 N	400	SSAOTA 400 Compared to Richardson 031	SSAOTA 400 Compared to LCMS 241
Achievement Level TOTAL	181	4.47	272	8.39	23	10.6	6.13	2.21
Achievement Level 1	42	10.5	45	8.98	11	13.2		
Achievement Level 2	51	2.69	78	11.4	5	13.2		
Achievement Level 3	42	4.26	82	8.67	4	5.5		
Achievement Level 4	34	2.18	43	5.95	3	3.33		
Achievement Level 5	12	-1.9	24	0.71				



The Reading Gains in the Lowest 25 Percentile of Shining Star Academy of the Arts is greater than every school in Columbia County at 84%. Richardson Middle scored 50%, Lake City Middle scored 64%, Pinemount Elementary scored 64%, Summers Elementary scored 75%, and Westside Elementary scored 81%.

The Math Gains in the Lowest 25 Percentile of Shining Star Academy of the Arts scored 55%. Pinemount Elementary scored 61%, Lake City Middle scored 63%, Richardson Middle scored 66%, Summers Elementary scored 70%, and Westside Elementary scored 92%. These learning gains in the lowest 25% are comparable to Pinemount and the Middle Schools, only 6 to 11 percent difference in gains.

Shining Star Academy understands that FLDOE is looking for learning gains where each school is graded yearly on its learning gain percentages; however, the below chart is significant enough to draw attention to the fact that Shining Star Academy made a greater increase in points this year than any other school in Columbia County. It is also a fact that if a D elementary school scored 395 points (the lowest to earn a D) and gained 129 points the following year, they would find themselves 1 point shy of being an A school (525). Shining Star Academy achieved this gain in one year, bringing the points up from 248 in 2013 to 377 in 2014, just 18 points shy of a D.



Graph represents 2013 and 2014 FCAT point gains and losses. Source: www.fl DOE.org

Shining Star Academy serves any student in Columbia and surrounding counties within reasonable driving distance of the school. Students may enroll from any zone or county, regardless of their backgrounds. Shining Star Academy argues the point that their learning gains are comparable to or better than neighboring schools in all outlying districts schools served. The Reading Gains in the lowest 25% were the HIGHEST of every school in Columbia County.

### **Request for Waiver**

Shining Star Academy of the Arts understands that a waiver of the charter school termination requirement for a school receiving two consecutive F's is not to be granted lightly, but would respectfully suggest that this is an appropriate case for the State Board to exercise that flexibility. Even though Shining Star Academy remained an F this past year, it made significant improvements in student performance compared to its first year, with a 129 point (over 40%) improvement to its school grade points. This brought Shining Star Academy within 18 points of not receiving an F this past year. Clearly this school is located in a geographically available area for many students from all over the county and surrounding counties to enroll. Shining Star Academy received many challenging and needy students from the area. The current enrollment of this school, maintaining the number 230 students, shows a powerful faith in this school by the parents and students. Parents are well aware that the future of Shining Star Academy is at the mercy of the State Board. Their faith and trust in Shining Star Academy's staff is overwhelming.

Looking at the comparative gains data for this past year, as set out more fully above, Shining Star Academy of the Art's overall gain scores in reading were better than both Middle Schools and Summers Elementary, and lower than Pinemount Elementary by 1 point and Westside Elementary by 14 points. In the Lowest 25% in Reading, Shining Star Academy of the Arts outscored every school in the county. In Math, Shining Star Academy of the Arts's overall gain scores were significantly better than the previous year's gains by over 40%. The overall gains in Math were only slightly lower than Pinemount and the Middle Schools in the Lowest 25%.

As a whole, this comparative data 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." §1002.33(8)(n)(4)(c) Florida Statutes.

In conclusion, Shining Star Academy of the Arts has shown significant student improvement from year one to year two, and the comparative data demonstrates comparable student gains. Shining Star Academy of the Arts therefore respectfully requests that this Board allow the charter school to continue to operate for the 2014-2015 school year, believing that the charter can make continued improvement with this student population and that it will no longer receive an F grade. If the Charter were to receive an F grade for the 2014-2015 school year, the charter board would voluntarily relinquish Shining Star Academy of the Arts charter.

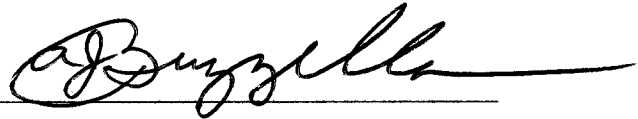
**Certifications**

I, Bruce Witt, chair of the governing board of Shining Star Academy of the Arts charter school, # 12-0400, located at 7443 US Hwy 90 West, Lake City, FL 32055 respectfully request a waiver from the State Board of the termination for a charter receiving two F grades, this 25<sup>th</sup> Day of July 2014 and certify that the governing board voted at a duly noticed public meeting to support the submission of the waiver request. I also certify that a copy of this request for a waiver has been served this day by email on counsel for the Columbia County School Board, Guy Norris, at [gnorris@norrisattorneys.com](mailto:gnorris@norrisattorneys.com) this 25<sup>th</sup> Day of July 2014.

Respectfully submitted,



Shining Star Academy of the Arts Chair Bruce C. Witt



Witnessed by Principal Anthony J. Buzzella

Shining Star Academy of the Arts

7443 US Hwy 90 West

Lake City, FL 32055

Telephone: 386-628-1606

Facsimile: 386-752-9453

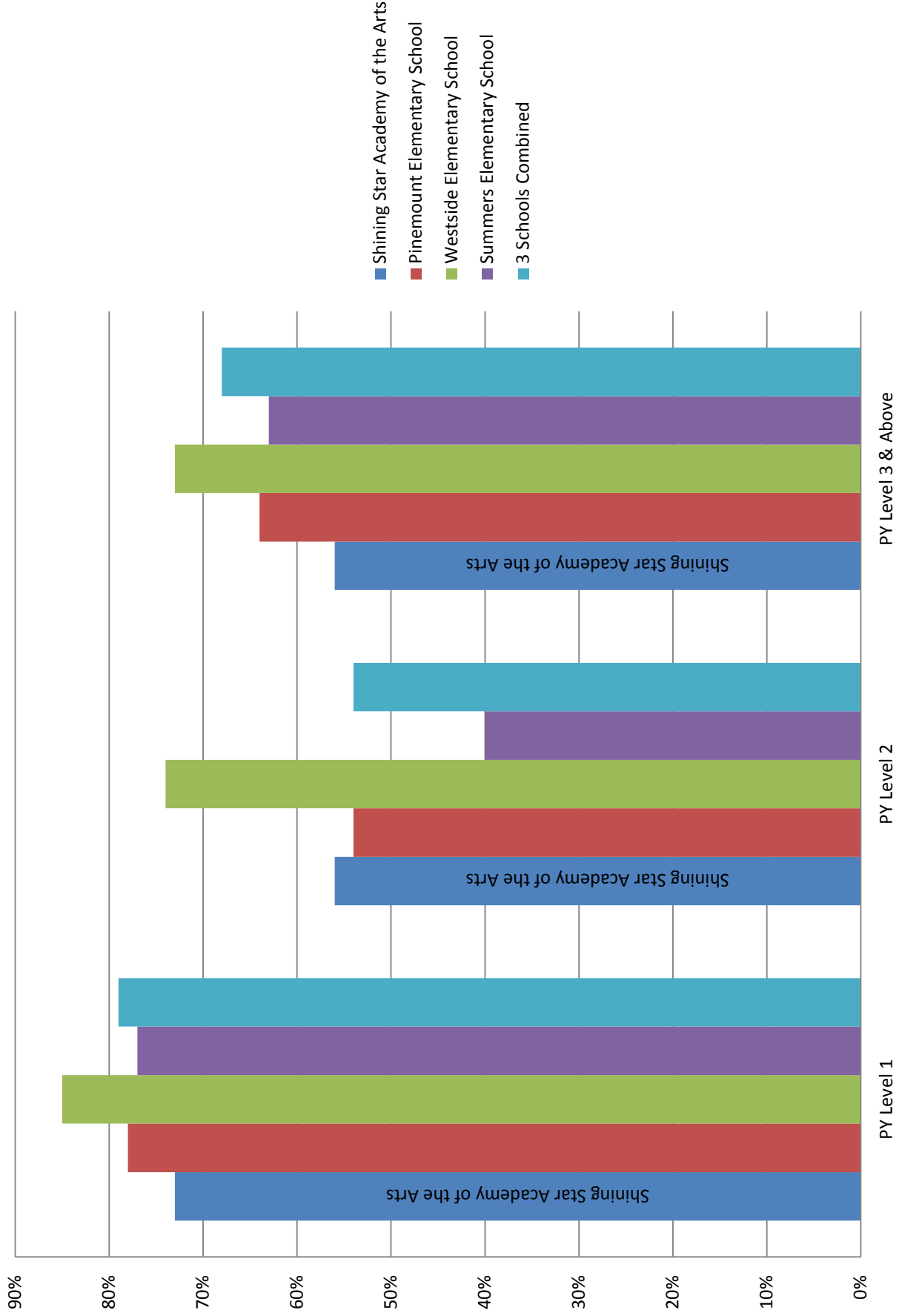
Email: [Abby@ShiningStarAcademyOTA.com](mailto:Abby@ShiningStarAcademyOTA.com)



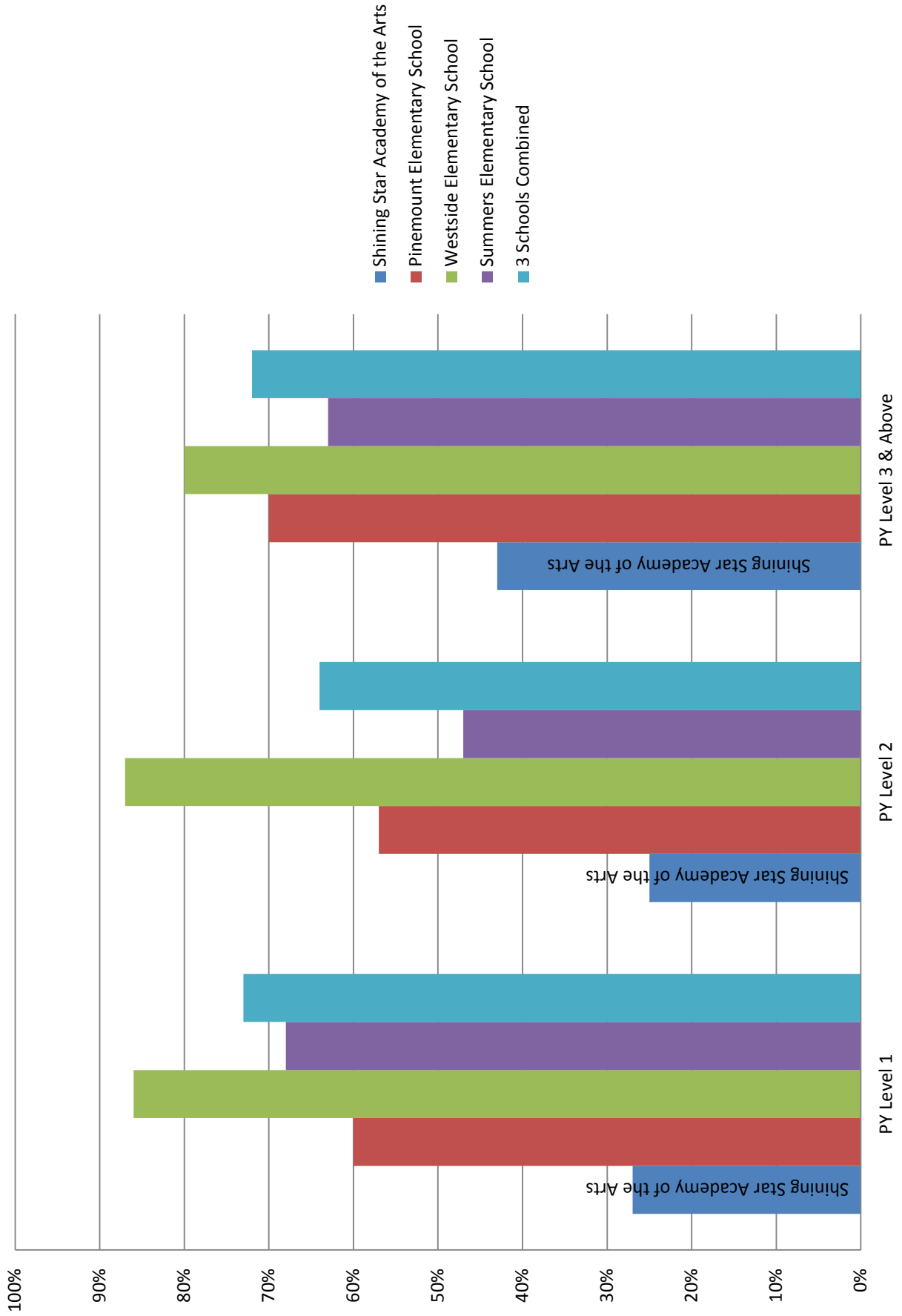
Learning Gains in Reading - No Extra Weighting in Numerator (K-5)						
	PY Level 1	PY Level 2	PY Level 3 & Above	ELLs	SWDs	
Shining Star Academy of the Arts	73%	56%	56%	N/A	N/A	
Pinemount Elementary School	78%	54%	64%	N/A		50%
Westside Elementary School	85%	74%	73%	N/A		58%
Summers Elementary School	77%	40%	63%	N/A		63%
3 Schools Combined	79%	54%	68%	N/A		58%
Learning Gains in Math - No Extra Weighting in Numerator (K-5)						
	PY Level 1	PY Level 2	PY Level 3 & Above	ELLs	SWDs	
Shining Star Academy of the Arts	27%	25%	43%	N/A	N/A	
Pinemount Elementary School	60%	57%	70%	N/A		50%
Westside Elementary School	86%	87%	80%	N/A		72%
Summers Elementary School	68%	47%	63%	N/A		44%
3 Schools Combined	73%	64%	72%	N/A		56%
Learning Gains in Reading - Includes Extra Weighting for Gains (K-5)						
	PY Level 1	PY Level 2	PY Level 3 & Above	ELLs	SWDs	
Shining Star Academy of the Arts	79%	61%	58%	N/A	N/A	
Pinemount Elementary School	83%	58%	65%	N/A		51%
Westside Elementary School	92%	78%	77%	N/A		62%
Summers Elementary School	83%	43%	65%	N/A		68%
3 Schools Combined	85%	58%	70%	N/A		62%
Learning Gains in Math - Includes Extra Weighting for Gains (K-5)						
	PY Level 1	PY Level 2	PY Level 3 & Above	ELLs	SWDs	
Shining Star Academy of the Arts	29%	28%	44%	N/A	N/A	
Pinemount Elementary School	66%	60%	74%	N/A		53%
Westside Elementary School	92%	94%	85%	N/A		76%
Summers Elementary School	73%	50%	64%	N/A		46%
3 Schools Combined	78%	68%	75%	N/A		59%
Learning Gains in Reading - No Extra Weighting in Numerator (6-7)						
	PY Level 1	PY Level 2	PY Level 3 & Above	ELLs	SWDs	
Shining Star Academy of the Arts	N/A	55%	55%	N/A	N/A	
Lake City Middle School	66%	51%	60%		92%	50%
Richardson Middle School	47%	26%	58%	N/A		43%
2 Schools Combined	58%	41%	59%		92%	47%

Learning Gains in Math - No Extra Weighting in Numerator (6-7)						
	PY Level 1	PY Level 2	PY Level 3 & Above	ELLs	SWDs	
Shining Star Academy of the Arts	59%	43%	47%	N/A	N/A	
Lake City Middle School	65%	55%	73%		67%	53%
Richardson Middle School	69%	38%	68%	N/A		52%
2 Schools Combined	67%	48%	72%		67%	52%
Learning Gains in Reading - Includes Extra Weighting for Gains (6-7)						
	PY Level 1	PY Level 2	PY Level 3 & Above	ELLs	SWDs	
Shining Star Academy of the Arts	N/A		60%	N/A	N/A	
Lake City Middle School	72%	56%	62%		98%	53%
Richardson Middle School	51%	28%	60%	N/A		46%
2 Schools Combined	63%	45%	61%		98%	50%
Learning Gains in Math - Includes Extra Weighting for Gains (6-7)						
	PY Level 1	PY Level 2	PY Level 3 & Above	ELLs	SWDs	
Shining Star Academy of the Arts			46%	N/A	N/A	
Lake City Middle School	71%	58%	76%		71%	57%
Richardson Middle School	75%	41%	69%	N/A		55%
2 Schools Combined	73%	51%	74%		71%	56%

# Learning Gains in Reading - No Extra Weighting in Numerator (K-5)

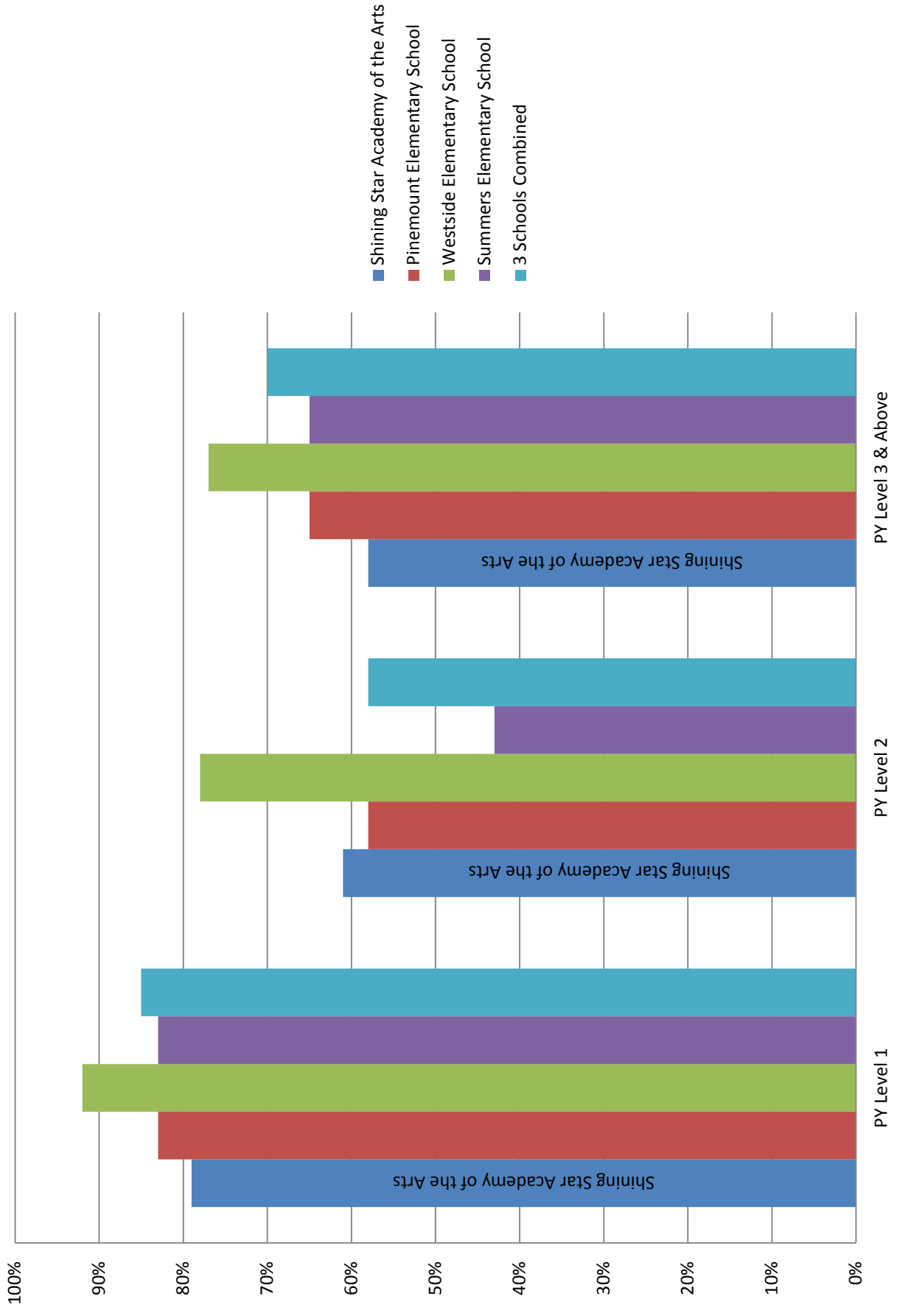


# Learning Gains in Math - No Extra Weighting in Numerator (K-5)

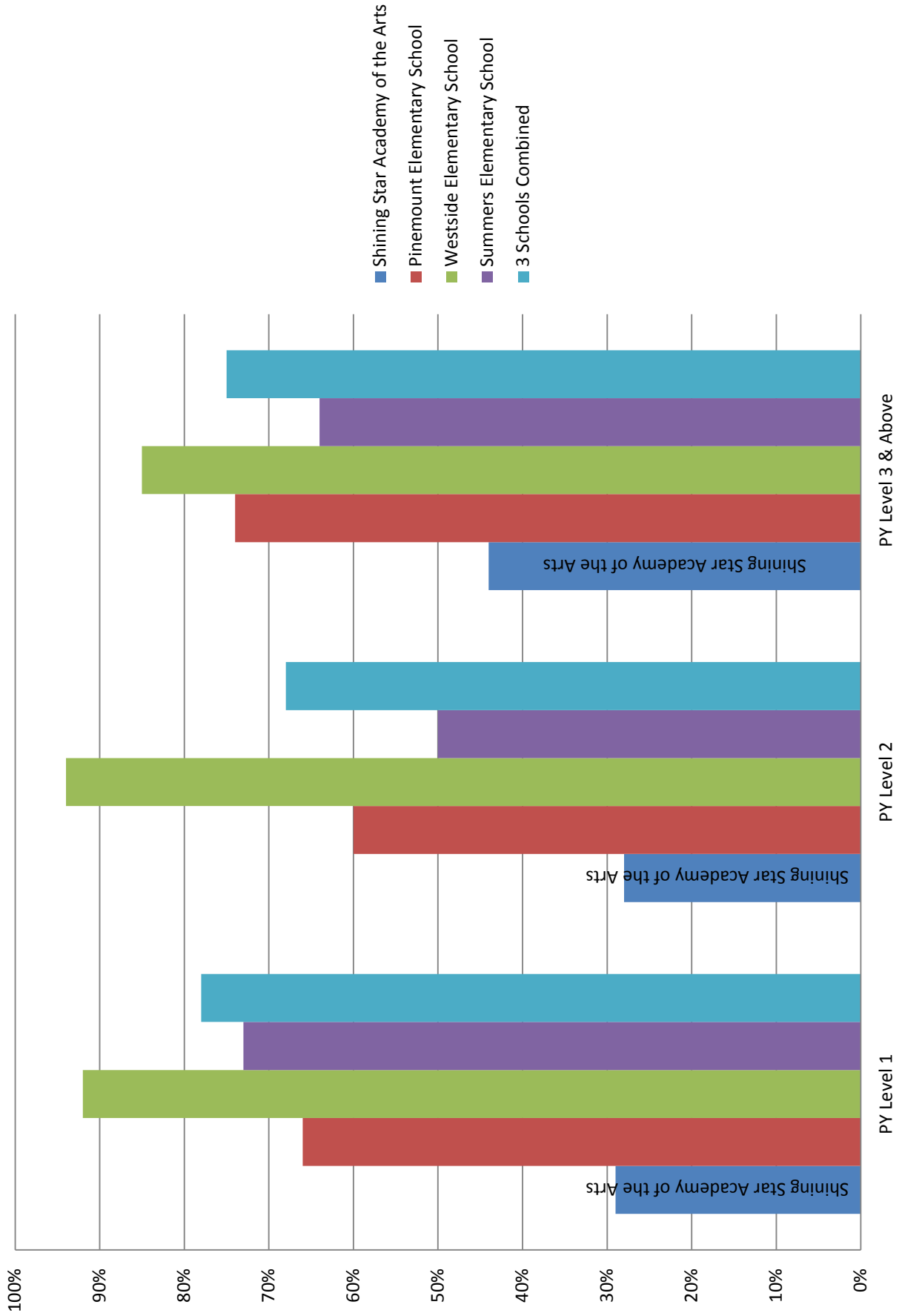




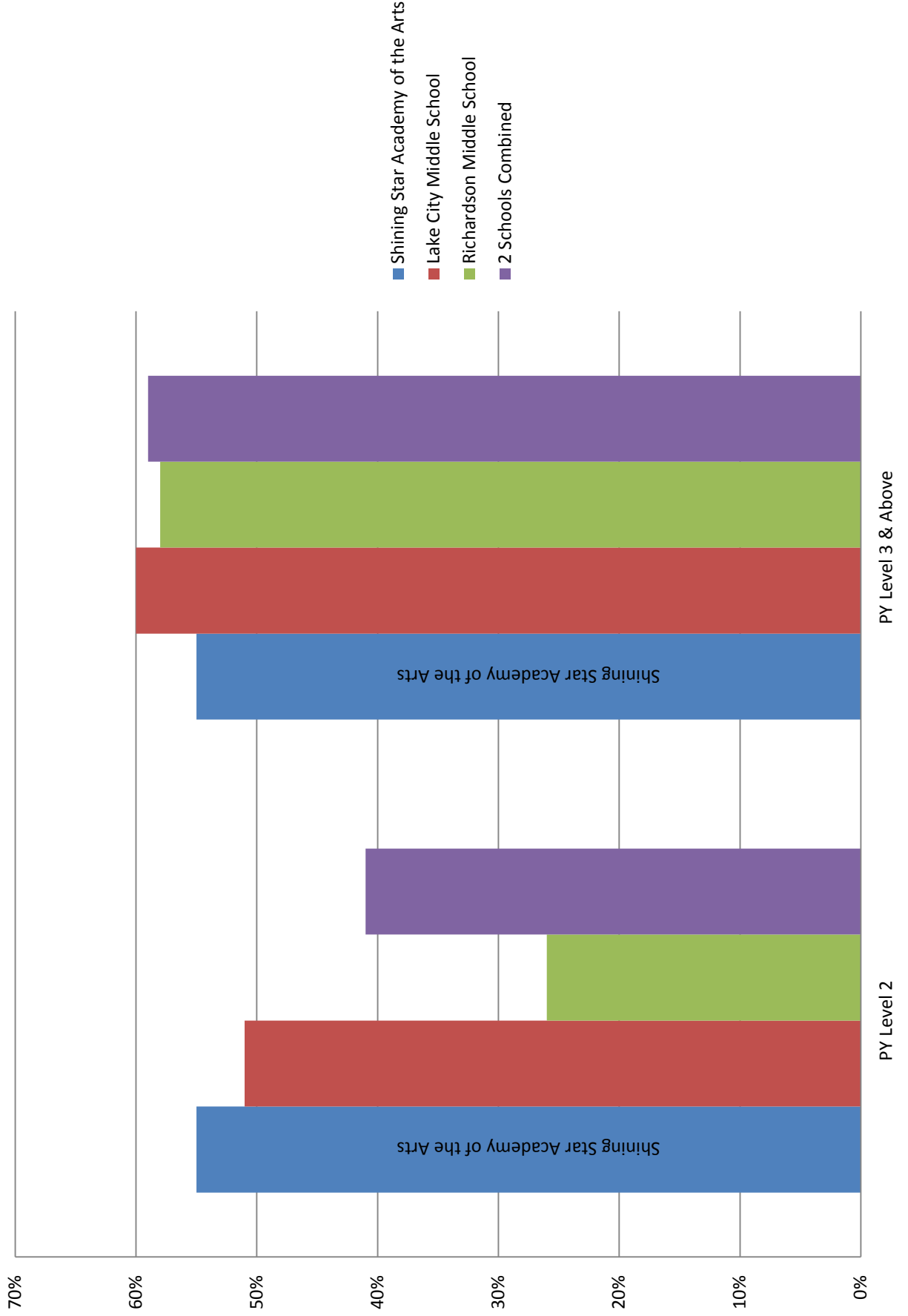
# Learning Gains in Reading - Includes Extra Weighting for Gains (K-5)



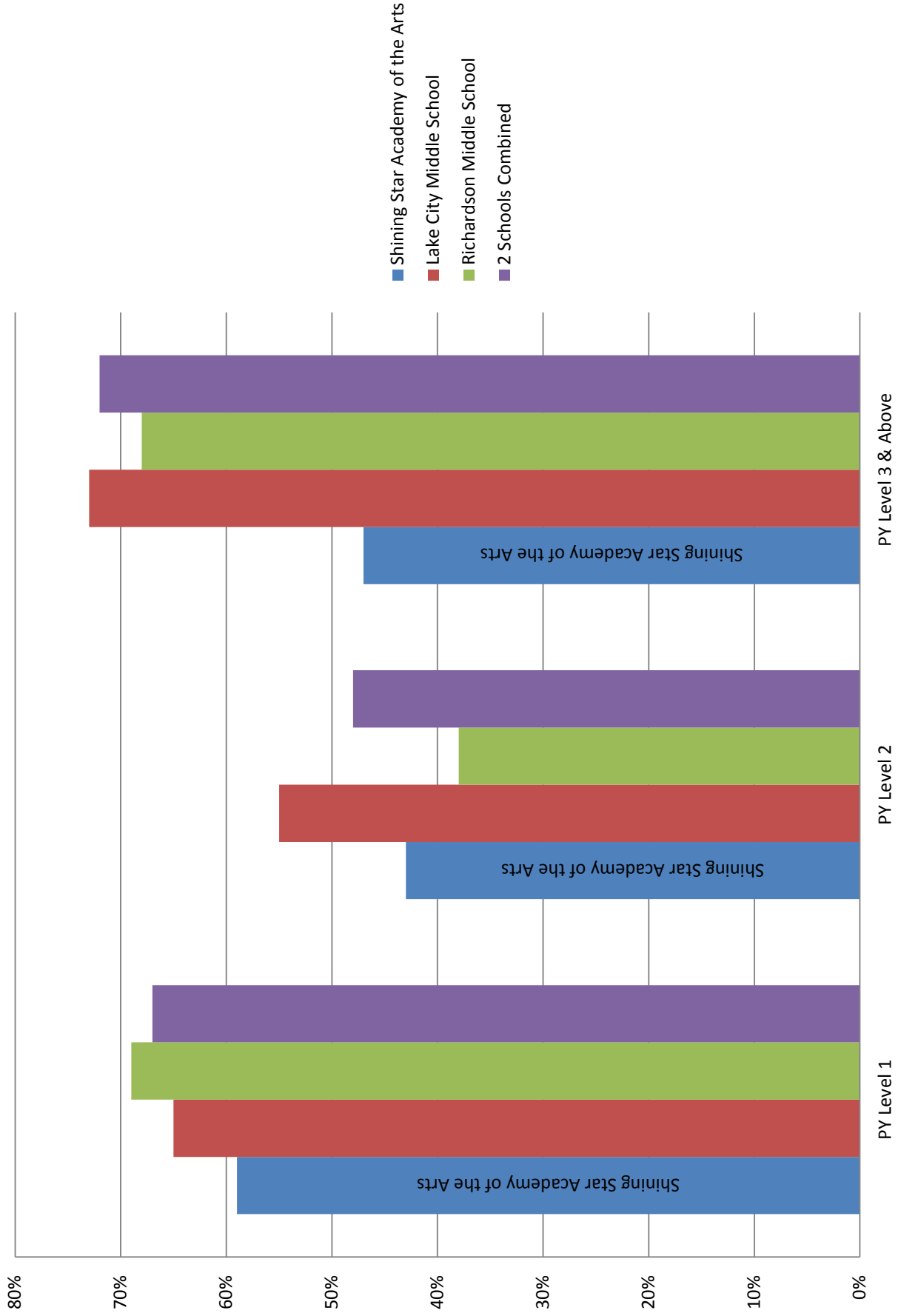
# Learning Gains in Math - Includes Extra Weighting for Gains (K-5)



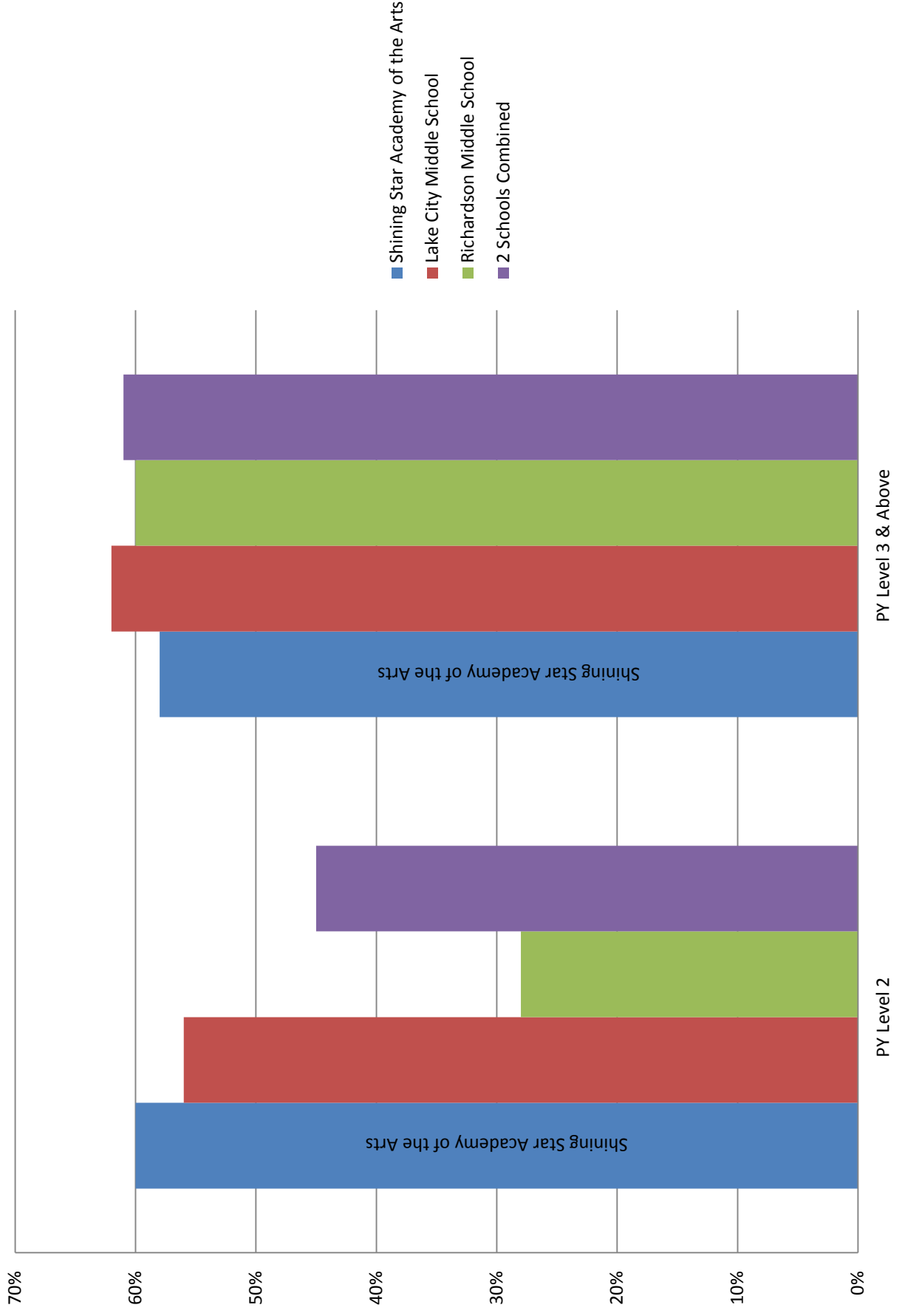
# Learning Gains in Reading - No Extra Weighting in Numerator (6-7)



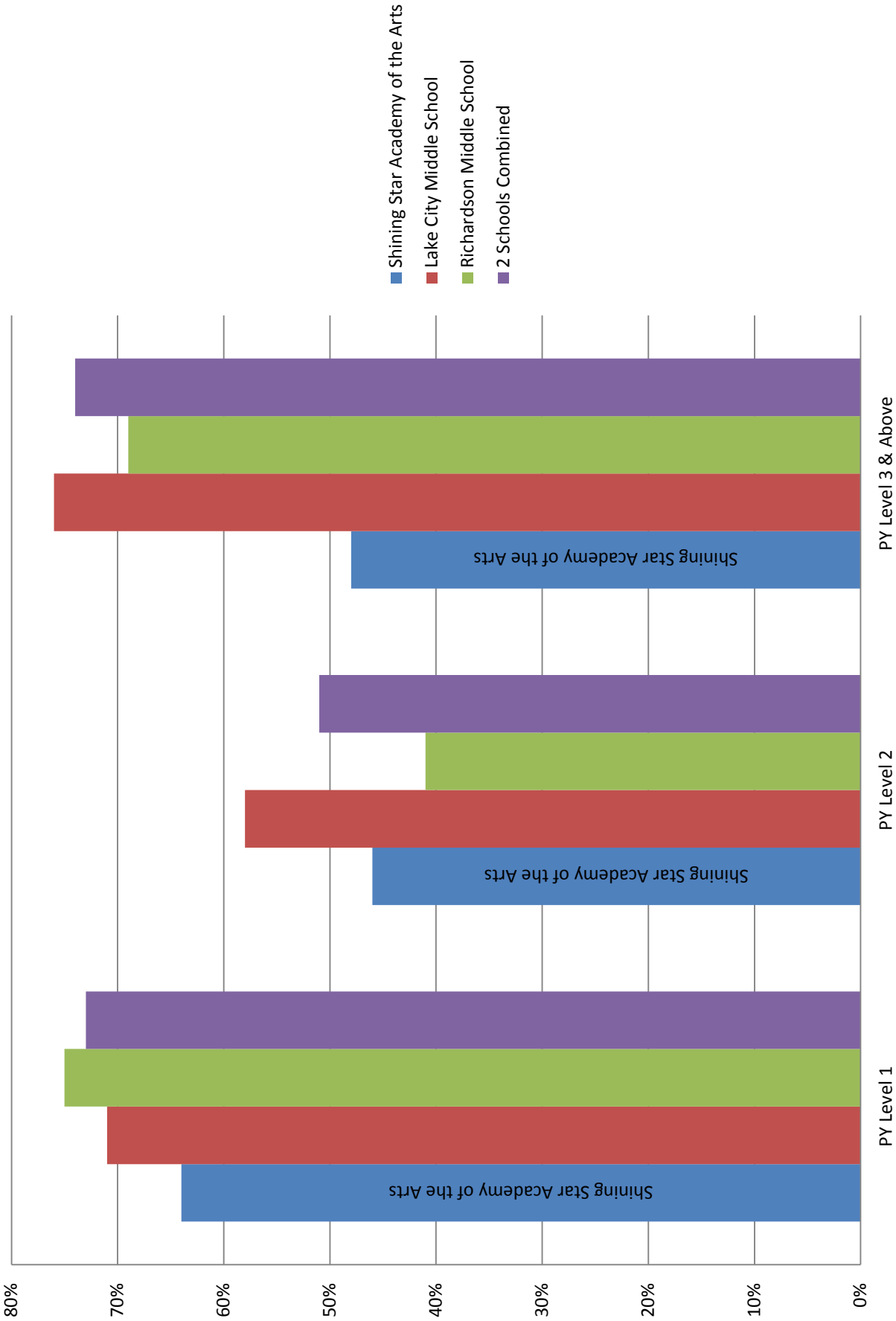
# Learning Gains in Math - No Extra Weighting in Numerator (6-7)



# Learning Gains in Reading - Includes Extra Weighting for Gains (6-7)



# Learning Gains in Math - Includes Extra Weighting for Gains (6-7)



**6A-1.099827 Charter School Corrective Action and School Improvement Plans.**

(1) Required Plans.

(a) A charter school that receives a school grade of “D” or “F” pursuant to Section 1008.34(2), F.S., must develop and submit a school improvement plan to its sponsor.

(b) A charter school that earns three (3) consecutive grades of “D”, two (2) consecutive grades of “D” followed by a grade of “F”, or two (2) nonconsecutive grades of “F” within a three (3) year period must submit to its sponsor a school improvement plan that includes one of the corrective actions listed in subsection (6) of this rule.

(2) Notifications.

(a) Upon release of school grades the Department of Education will publish a list of charter schools that meet the criteria in subsection (1) of this rule. The list will be published at [http://www.floridaschoolchoice.org/Information/Charter\\_Schools/](http://www.floridaschoolchoice.org/Information/Charter_Schools/). Upon publication of the list by the Department of Education, a sponsor shall notify, in writing, each charter school in its district that is required to appear before the sponsor and submit a school improvement plan pursuant to subsection (1) of this rule. The notification shall include the following:

1. The date, time, and location of the publicly noticed meeting that the director and a representative of the Charter School Governing Board shall appear before the sponsor. For the purposes of this rule the term “Director” shall mean charter school director, principal, chief executive officer or other management personnel with similar authority. The appearance shall be no earlier than thirty (30) calendar days and no later than ninety (90) calendar days after notification is received by the school;

2. The date by which the school must submit its proposed school improvement plan to sponsor staff for review which shall be no earlier than thirty (30) calendar days after notification is received by school; and

3. Whether the school is required to select a corrective action pursuant to paragraph (1)(b) of this rule.

(b) Notifications may be delivered electronically with proof of receipt.

(3) Appearances.

(a) Upon receipt of notification pursuant to subsection (2) of this rule, the director and a representative of the governing board shall appear before the sponsor at the publicly noticed meeting.

(b) The director and governing board representative shall present to the sponsor a school improvement plan that includes, at a minimum, the components identified in subsection (4) of this rule.

(4) School Improvement Plans.

(a) A charter school that receives a school grade of “D” or “F”, but is not subject to corrective action pursuant to paragraph (1)(b) of this rule, shall submit to its sponsor a school improvement plan that includes, at a minimum, the following components:

1. Mission statement of school;

2. Academic data for most recent three (3) years, if available;

3. Student achievement objectives included in the charter contract or most recent sponsor approved school improvement plan;

4. Analysis of student performance data including academic performance by each subgroup;

5. Detailed plan for addressing each identified deficiency in student performance, including specific actions, person responsible, resources needed, and timeline;

6. Identification of each component of school’s approved educational program that has not been implemented as described in the school’s approved charter application or charter contract;

7. Detailed plan for addressing each identified deficiency noted in subparagraph (4)(a)6. of this rule, including specific actions, person responsible, resources needed, and timeline;

8. Identification of other barriers to student success, with a detailed plan for addressing each barrier including specific actions, person responsible, resources needed, and timeline; and

9. Specific student achievement outcomes to be achieved.

(b) A charter school that improves at least one (1) letter grade is not required to submit a new school improvement plan but must continue to implement the strategies identified in the approved school improvement plan and continue to report annually to the sponsor pursuant to paragraph (7)(b) of this rule.

(c) A charter school that is subject to corrective action pursuant to paragraph (1)(b) of this rule shall submit to its sponsor a school improvement plan that includes, at a minimum, each of the components listed in paragraph (4)(a) of this rule and the following:

1. Governing board resolution selecting one of the corrective action options pursuant to subsection (6) of this rule;

2. A detailed implementation timeline; and

3. A charter school may submit as part of its school improvement plan a request to waive the requirement to implement a corrective action. The waiver request must include information that demonstrates that the school is likely to improve a letter grade if additional time is provided to implement the strategies included in the school improvement plan.

(5) Approvals.

(a) A sponsor shall approve or deny a school improvement plan submitted pursuant to subsection (4) of this rule. The sponsor shall notify the charter school in writing within ten (10) calendar days of its decision to approve or deny the school improvement plan.

(b) A sponsor may deny a school improvement plan if it does not comply with subsection (4) of this rule. If denied, the sponsor shall provide the charter school, in writing, the specific reasons for denial and the timeline for resubmission.

(c) A charter school or sponsor may request mediation pursuant to Section 1002.33(6), F.S., if the parties cannot agree on a school improvement plan.

(6) Corrective Actions.

(a) Upon meeting one of the conditions in paragraph (1)(b) of this rule and receiving notification pursuant to subsection (2) of this rule, a charter school governing board shall select one of the following corrective actions for implementation the following school year:

1. Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as follows:

a. The charter school may select a state approved provider of Supplemental Education Services, pursuant to paragraph 6A-1.039(2)(f), F.A.C., to provide services to students.

b. The charter school may select an Education Management Organization or Academic Management Organization to provide services to charter school students, teachers, and administrators, including services such as, but not limited to, instructional coaching, curriculum review and alignment, and data literacy.

2. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

3. Reorganize the school under a new director or principal who is authorized to hire new staff;

4. Voluntarily close.

(b) The selection of the corrective action shall be made by the governing board and is not subject to sponsor approval.

(c) A charter school is no longer required to implement a corrective action if it improves by at least one (1) letter grade, but must continue to implement the strategies identified in the school improvement plan.

(d) A charter school implementing a corrective action that does not improve by at least one (1) letter grade after two (2) full school years of implementation must select a different corrective action to be implemented in the next school year unless the sponsor determines that the charter school is likely to improve a letter grade if additional time is provided.

(7) Monitoring.

(a) Sponsors shall monitor the implementation of school improvement plans.

(b) Annually, the sponsor shall notify, in writing, each charter school implementing a school improvement plan of the requirement to appear before the sponsor to present information regarding the progress of the approved school improvement plan. The notification shall include the date, time, and location of the publicly noticed meeting at which the director and a representative of the charter school shall appear.

(8) Waivers of Termination.

(a) The State Board of Education may waive termination for a charter school that has received two (2) consecutive grades of "F" 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. The waiver is valid for one (1) year and may only be granted once.

(b) No later than thirty (30) days after completion of school grade appeals, the governing board of a charter school that has received two (2) consecutive grades of "F" may submit a request to the State Board of Education for a waiver of termination. Charter schools that have been in operation for more than five (5) years are not eligible for a waiver.

(c) The charter school shall submit ten (10) hard copies of the waiver request to the Agency Clerk for the Department of Education, 325 West Gaines Street, Room 1520, Tallahassee, Florida 32399-0400.



(d) The charter school shall certify that it has provided the district school board a copy of the waiver request as provided herein by filing a certificate of service with the Agency Clerk stating the person and address to which the copy was provided and the date of mailing or other transmittal.

(e) The waiver request shall not exceed five (5) pages. Information provided beyond the five (5) page maximum will not be discussed nor considered by the State Board of Education. The waiver request shall be on 8 1/2 x 11 inch paper, double spaced, except quoted material and footnotes. Typewritten text, including footnotes must be no smaller than ten (10) pitch spacing, and there must be no more than twenty-six (26) lines of text per paper. Margins shall be no less than one (1) inch at the top, bottom, left and right.

(f) The waiver request must include the name of the school, the Master School Identification Number, and the physical address of the school. The waiver request must be signed by the chair of the charter school governing board and include a certification that the governing board voted at a duly noticed public meeting to support the submission of the waiver request.

(g) In determining whether to grant a waiver the State Board of Education shall review student achievement data provided by the Department of Education and shall provide such data to the charter school and the sponsor no later than seven (7) calendar days prior to the State Board meeting at which the waiver request is to be considered. Analysis of student learning gains data must be based on comparisons between students enrolled in the charter school and similarly situated students enrolled in nearby district public schools and may include such factors as prior performance on state assessments, disability status, and English language learner status. Nearby district public schools shall include the three (3) geographically closest district public schools with similarly situated students. If three such schools do not exist within the school district the comparison may include less than three.

(h) The State Board of Education shall approve or deny the request.

(i) The filing of a timely waiver request under this rule that complies with the requirements in paragraphs (8)(b), (d), and (f) of this rule shall automatically stay any pending termination of the charter school requesting the waiver until such time as the State Board of Education has ruled on the waiver request.

*Rulemaking Authority 1002.33 FS. Law Implemented 1002.33(9) FS. History—New 8-21-12.*



## **Section 1002.33(9), Florida Statutes**

(n)1. The director and a representative of the governing board of a charter school that has earned a grade of “D” or “F” pursuant to s. 1008.34(2) shall appear before the sponsor to present information concerning each contract component having noted deficiencies. The director and a representative of the governing board shall submit to the sponsor for approval a school improvement plan to raise student achievement. Upon approval by the sponsor, the charter school shall begin implementation of the school improvement plan. The department shall offer technical assistance and training to the charter school and its governing board and establish guidelines for developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades of “D,” two consecutive grades of “D” followed by a grade of “F,” or two nonconsecutive grades of “F” within a 3-year period, the charter school governing board shall choose one of the following corrective actions:

(I) Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;

(II) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade of “D,” a grade of “F” following two consecutive grades of “D,” or a second nonconsecutive grade of “F” within a 3-year period.

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of “F” is subject to subparagraph 4.

d. A charter school is no longer required to implement a corrective action if it improves by at least one letter grade. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school’s continued improvement pursuant to subparagraph 5.

e. A charter school implementing a corrective action that does not improve by at least one letter grade after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve a letter grade if additional time is provided to implement the existing corrective action. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of “F” while implementing a corrective action is subject to subparagraph 4.

3. A charter school with a grade of “D” or “F” that improves by at least one letter grade must continue to implement the strategies identified in the school improvement plan. The sponsor must annually review

implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 5.

4. The sponsor shall terminate a charter if the charter school earns two consecutive grades of "F" unless:

a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(b)3. Such charter schools shall be governed by s. 1008.33;

b. The charter school serves a student population the majority of which resides in a school zone served by a district public school that earned a grade of "F" in the year before the charter school opened and the charter school earns at least a grade of "D" in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department's official release of school grades. The 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. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

**STATE BOARD OF EDUCATION**  
**Action Item**  
August 18, 2014

**SUBJECT:** Request for Waiver of Termination – Broward Charter School of Science and Technology – Broward County

---

**PROPOSED BOARD ACTION**

The Board may either grant or deny the request for waiver of termination.

**AUTHORITY FOR STATE BOARD ACTION**

Section 1002.33(9)(n)4.c., Florida Statutes

**EXECUTIVE SUMMARY**

The sponsor shall terminate a charter if the charter school earns two consecutive grades of "F" unless the State Board of Education grants the charter school a waiver of termination. The 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. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver. Broward Charter School of Science and Technology of Pembroke Pines received a school grade of "F" for the 2012-13 and 2013-14 school years.

If the State Board denies the waiver request the School Board of Broward County will initiate termination proceedings against the school. If the State Board grants the waiver the school will be permitted to remain open for the 2014-15 school year.

---

**Supporting Documentation Included:** Summary; Request for Waiver of Termination submitted by charter school; Comparison data provided by Office of Accountability, Research, and Measurement, Rule 6A-1.099827 (pg. 21); and Section 1002.33, Florida Statutes (pg. 25)

**Facilitator/Presenter:** Adam Miller, Executive Director, Office of Independent Education and Parental Choice



Request for Waiver of Termination  
Broward Charter School of Science and Technology  
Broward County

Background:

**Section 1002.33(9), Florida Statutes:**

*The sponsor shall terminate a charter if the charter school earns two consecutive grades of “F” unless the state board grants the charter school a waiver of termination. The 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. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.*

**State Board of Education Rule 6A-1.099827**

*In determining whether to grant a waiver the State Board of Education shall review student achievement data provided by the Department of Education...Analysis of student learning gains data must be based on comparisons between students enrolled in the charter school and similarly situated students enrolled in nearby district public schools and may include such factors as prior performance on state assessments, disability status, and English language learner status. Nearby district public schools shall include the three (3) geographically closest district public schools with similarly situated students. If three such schools do not exist within the school district the comparison may include less than three.*

History: Broward Charter School of Science and Technology submitted a charter school application to Broward County School Board in August 2011. The application was subsequently approved by the Broward County School Board and the charter school began operations in the 2012-13 school year.

Historical Data

	2012-13	2013-14
Enrollment	164	130
FRL %	75%	79%
School Grade	F	F

2013-14 Enrollment by Grade

<b>K</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>	<b>5<sup>th</sup></b>	<b>6<sup>th</sup></b>	<b>7<sup>th</sup></b>
13	20	13	14	12	17	23	18

Broward Charter School of Science and Technology received a school grade of “F” in both the 2012-13 and 2013-14 school year. The charter school did not meet either of the exceptions to termination (Section 1002.33(9)(n)4., Florida Statute) and submitted a waiver of termination request on July 28, 2014.

Process: Upon release of school grades, the Department, in coordination with the District, identified the three geographically closest District public schools serving the same grade levels (SBE Rule 6A-1.099827, F.A.C). The Division of Accountability, Research and Measurement provided comparison student achievement data. The charter school did not have a sufficient population of students with state assessment scores in the Students with Disabilities or English Language Learners category to use for comparison purposes.





BROWARD CHARTER SCHOOL OF SCIENCE AND TECHNOLOGY

1800 North Douglas Road ~ PEMBROKE PINES, FLORIDA 33024

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



Mr. Matt Rosenbaum, President  
Mr. Carlington Ferguson, Parent Liaison  
Dr. Jamie Menburg, Member  
Dr. Ronnie Hunter, Principal

July 28, 2014

VIA HAND DELIVERY

Lynn Abbott, Clerk  
State Board of Education  
325 West Gaines St., Suite 1514

RE: Notice of Filing of Waiver of Termination for Broward Charter School of Science and Technology

Dear Ms. Abbott:

I have the pleasure of serving as the chair of the Governing Board of Broward Charter School of Science and Technology, School Number 5055, located at 1800 North Douglas Road, Pembroke Pines, FL 33024. We respectfully request a Waiver of Termination from the State Board of Education, pursuant to Section 1002.33(9)(n)4, Florida Statutes, and Chapter 6A-1.099827(8), F.A.C., this 28<sup>th</sup> day of July 2014 for all the reasons contained in the attached Waiver of Termination.

I also certify that the Governing Board voted at a duly noticed public meeting, held on July 24, 2014, to authorize the Waiver of Termination. We look forward to our further discussions regarding this important matter.

Sincerely

Matt Rosenbaum  
President/Governing Board Chair

C: Jody Perry, Director, Charter Schools Support, Broward County Public Schools  
Robert P. Vignola, Deputy General Counsel, Broward County Public Schools  
Adam Miller, Executive Director, Office of Independent Education and Parental Choice, FLDOE  
Adam Emerson, Charter Schools Director, Office of Independent Education and Parental Choice, FLDOE

"TURNING TODAY'S LEARNERS INTO TOMORROW'S LEADERS"

**Waiver of Termination Request to the State Board of Education from  
Broward Charter School of Science and Technology**

Broward Charter School of Science and Technology (hereinafter "Broward Charter"), currently a grade K-7 charter school in the Broward County School District ("District"), School No. 5055, respectfully requests that the State Board of Education, pursuant to Section 1002.33(9)(n)(4)(c) Florida Statutes waive termination of Broward Charter for having received a "F" grade on the FCAT for school years 2012-13 and 2013-14. Broward Charter comes before this Board asking for a Waiver of Termination for receiving two consecutive F's. Broward Charter anticipates it will be able to show comparable to or better learning gains as it raised its FCAT score from 308 in 2013 to 384 in 2014, missing a "D" by 11 points. 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." After consultation, the parties have agreed that the filing of the Waiver on this 28<sup>th</sup> day of July, 2014 is timely filed as the 15<sup>th</sup> day after the release of grades fell on a weekend.

In previous years, FDOE has used Free and Reduced Lunch ("FRL") data in combination with the geographic location to determine which schools are used for learning gain comparisons. As a K-7, Broward Charter's students must be evaluated against both elementary and middle schools. The complex and dense data regarding students similarly situated to Broward Charter's students for comparative learning gains was transmitted through the diligent work of FDOE staff to Counsel on the afternoon of July 25, 2014.

However, review of the data over the weekend by Counsel and consultants revealed that two of the schools used for comparison, one elementary and one middle school, do not meet the statutory meaning of “similarly situated schools” under the statute. The FRL percentage of the student population of Broward Charter is 79 percent Free and Reduced Lunch while the population of Pioneer Middle School is 27 percent and Embassy Creek Elementary School is 21 percent. Pioneer Middle and Embassy Creek Elementary are also located in relatively affluent areas of Broward County different from Broward Charter. With their relatively small FRL populations, it is not surprising that Pioneer Middle and Embassy Creek are “A” schools. <sup>1</sup>

The dichotomy is further illustrated in the data provided by staff as Pioneer Middle and Embassy Creek Elementary beat the combined three school average at 38 of the 40 points of comparison in the learning gains data. Clearly, inclusion of these two schools does not result in a comparison of similarly situated students found at Broward Charter. If left unchanged, Broward Charter would not be afforded due process under Florida Statute Section 1002.33(9)(n)(4)(c). Therefore, Broward Charter respectfully requests the opportunity to continue to work with staff to provide a fair framework of comparison of schools for analysis under the statutory rubric. If no substitutes for Pioneer and Embassy Creek can be found, the pertinent Florida Administrative Code section 6A-1.099827(8)(g) allows for less than three comparative schools to be used. Because Broward County is a large school district it is likely that another comparison school could be found.

---

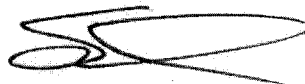
<sup>1</sup> The FRL population of the four other comparison schools are sufficient. Pasadena Lakes Elementary is 70 percent and Pine Lakes Elementary is 72 percent. For the middle schools, Pines Middle is 74 percent and Driftwood is 76 percent. Upon finding four other schools similarly situated, Broward Charter avers two additional comparison schools should be able to be located.

Finally, the initial data provided by staff only provided for 10 points of comparison out of a point 40 points for learning gains. Counsel reached out to staff on the day it received the data raising this as a significant concern. As of the morning of the filing of this Waiver conversations on this point have continued. Counsel and consultants worked over the weekend to review the data but as the deadline for filing has arrived, Broward Charter is not able to formulate its final argument. After consultation, the Parties have agreed that Broward Charter will be allowed to amend this Waiver after the comparative schools and data points for comparison are agreed to and finalized.

Nevertheless, Broward Charter anticipates it will be able to show comparable to or better learning gains based upon its 76 point gain from its first year's FCAT score. For these reasons, Broward Charter is seeking a Waiver of Termination from the State Board.

## CERTIFICATIONS

I, Shawn Arnold, counsel for Broward Charter School of Science and Technology, do certify that a true copy of the foregoing Waiver of Termination Request, has been served via email on counsel for the School Board of Broward County, Robert P. Vignola, Esq., [Robert.Vignola@browardschools.com](mailto:Robert.Vignola@browardschools.com) and the Director of Charter School Management and Support, Jody Perry, [Jody.Perry@browardschools.com](mailto:Jody.Perry@browardschools.com), this 28th day of July, 2014.



---

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 Court  
Jacksonville, FL 32217  
[melissa@arnoldlawfirmllc.com](mailto:melissa@arnoldlawfirmllc.com)  
[sarnold@arnoldlawfirmllc.com](mailto:sarnold@arnoldlawfirmllc.com)  
(904) 731-3800 (Office)  
(904) 731-3807 (Facsimile)

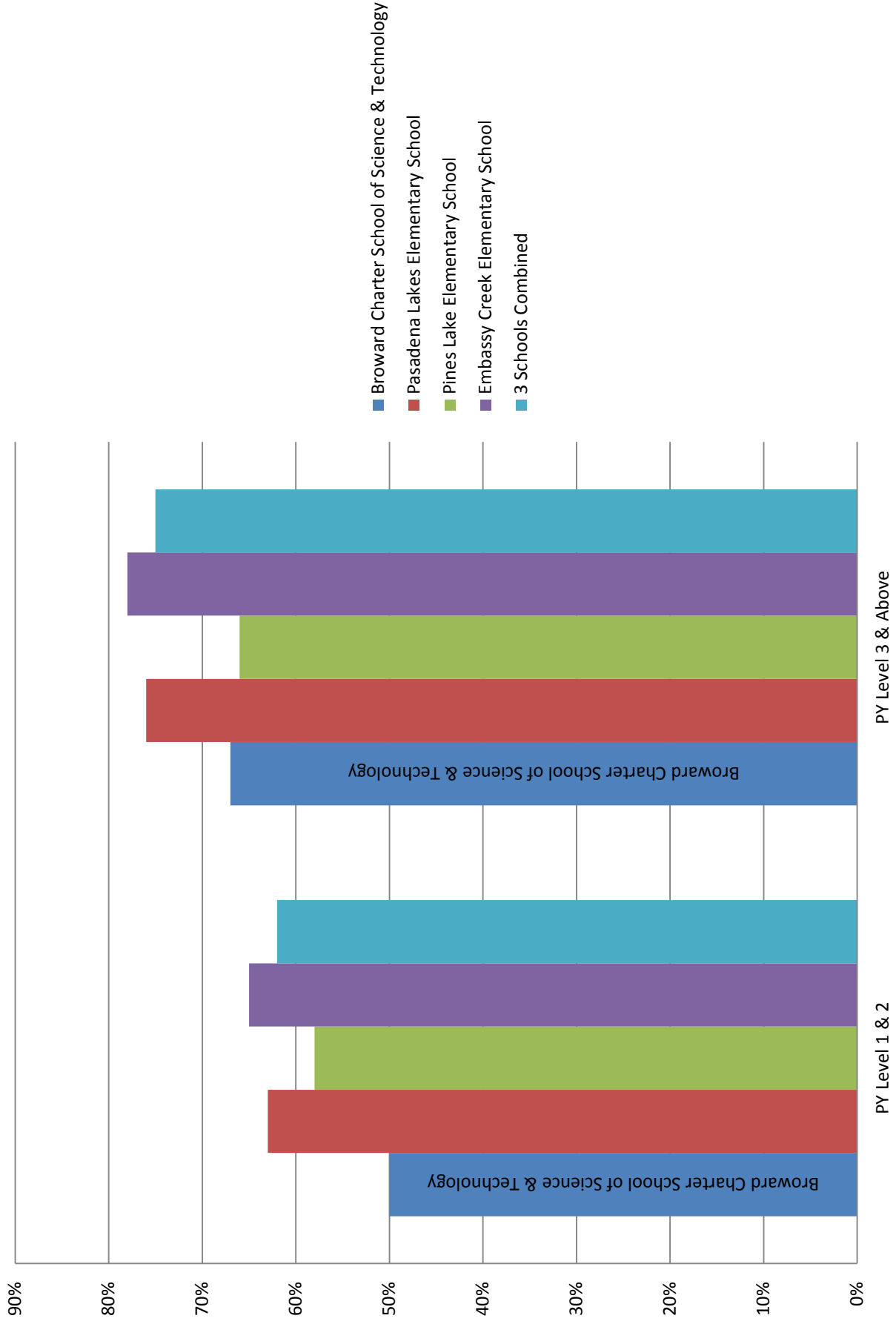


Learning Gains in Reading - No Extra Weighting in Numerator (K-5)				
	PY Level 1 & 2	PY Level 3 & Above	ELLs	SWDs
Broward Charter School of Science & Technology	50%	67%	N/A	N/A
Pasadena Lakes Elementary School	63%	76%	71%	56%
Pines Lake Elementary School	58%	66%	56%	52%
Embassy Creek Elementary School	65%	78%	85%	58%
3 Schools Combined	62%	75%	72%	56%
Learning Gains in Math - No Extra Weighting in Numerator (K-5)				
	PY Level 1 & 2	PY Level 3 & Above	ELLs	SWDs
Broward Charter School of Science & Technology	33%	N/A	N/A	N/A
Pasadena Lakes Elementary School	60%	70%	68%	46%
Pines Lake Elementary School	41%	61%	56%	54%
Embassy Creek Elementary School	62%	78%	75%	56%
3 Schools Combined	53%	73%	67%	51%
Learning Gains in Reading - Includes Extra Weighting for Gains (K-5)				
	PY Level 1 & 2	PY Level 3 & Above	ELLs	SWDs
Broward Charter School of Science & Technology	53%	68%	N/A	N/A
Pasadena Lakes Elementary School	68%	80%	74%	61%
Pines Lake Elementary School	63%	68%	59%	56%
Embassy Creek Elementary School	71%	82%	91%	62%
3 Schools Combined	67%	79%	76%	60%
Learning Gains in Math - Includes Extra Weighting for Gains (K-5)				
	PY Level 1 & 2	PY Level 3 & Above	ELLs	SWDs
Broward Charter School of Science & Technology	35%	N/A	N/A	N/A
Pasadena Lakes Elementary School	64%	73%	72%	49%
Pines Lake Elementary School	43%	62%	59%	57%
Embassy Creek Elementary School	67%	82%	80%	58%
3 Schools Combined	57%	76%	71%	54%

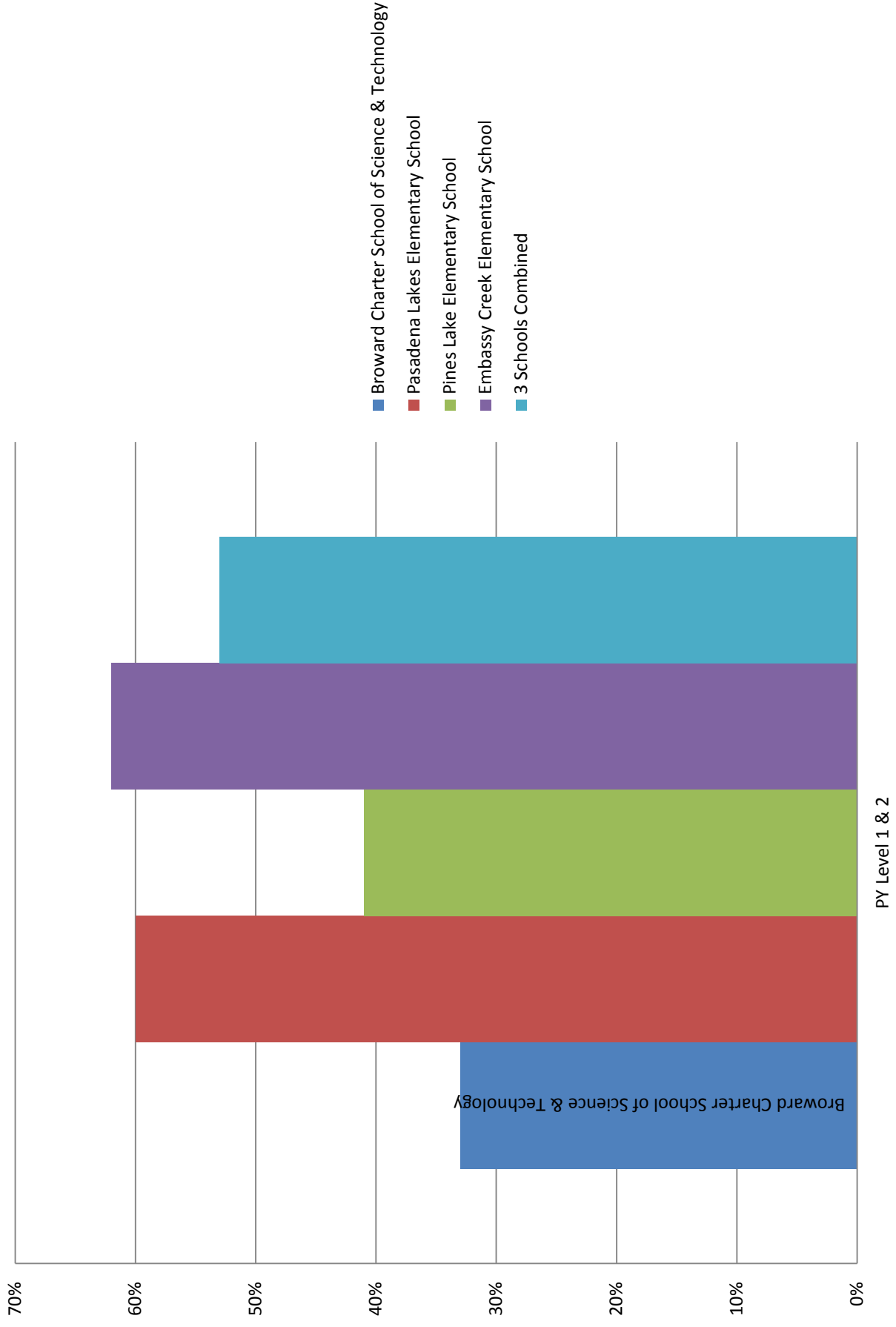
Learning Gains in Reading - No Extra Weighting in Numerator (6-7)					
	PY Level 1 & 2	PY Level 3 & Above	ELLs	SWDs	
Broward Charter School of Science & Technology	60%	53%	N/A	N/A	
Pines Middle School	64%	73%		67%	62%
Pioneer Middle School	65%	71%		77%	66%
Driftwood Middle School	60%	67%		55%	54%
3 Schools Combined	63%	70%		63%	60%
Learning Gains in Math - No Extra Weighting in Numerator (6-7)					
	PY Level 1 & 2	PY Level 3 & Above	ELLs	SWDs	
Broward Charter School of Science & Technology	57%	85%	N/A	N/A	
Pines Middle School	58%	65%		64%	58%
Pioneer Middle School	73%	87%		88%	68%
Driftwood Middle School	55%	73%		52%	50%
3 Schools Combined	60%	76%		62%	58%
Learning Gains in Reading - Includes Extra Weighting for Gains (6-7)					
	PY Level 1 & 2	PY Level 3 & Above	ELLs	SWDs	
Broward Charter School of Science & Technology	65%	56%	N/A	N/A	
Pines Middle School	70%	76%		73%	66%
Pioneer Middle School	71%	74%		84%	71%
Driftwood Middle School	65%	70%		59%	58%
3 Schools Combined	68%	73%		68%	64%
Learning Gains in Math - Includes Extra Weighting for Gains (6-7)					
	PY Level 1 & 2	PY Level 3 & Above	ELLs	SWDs	
Broward Charter School of Science & Technology	62%	86%	N/A	N/A	
Pines Middle School	62%	67%		68%	63%
Pioneer Middle School	79%	91%		95%	73%
Driftwood Middle School	59%	75%		55%	53%
3 Schools Combined	65%	79%		66%	63%



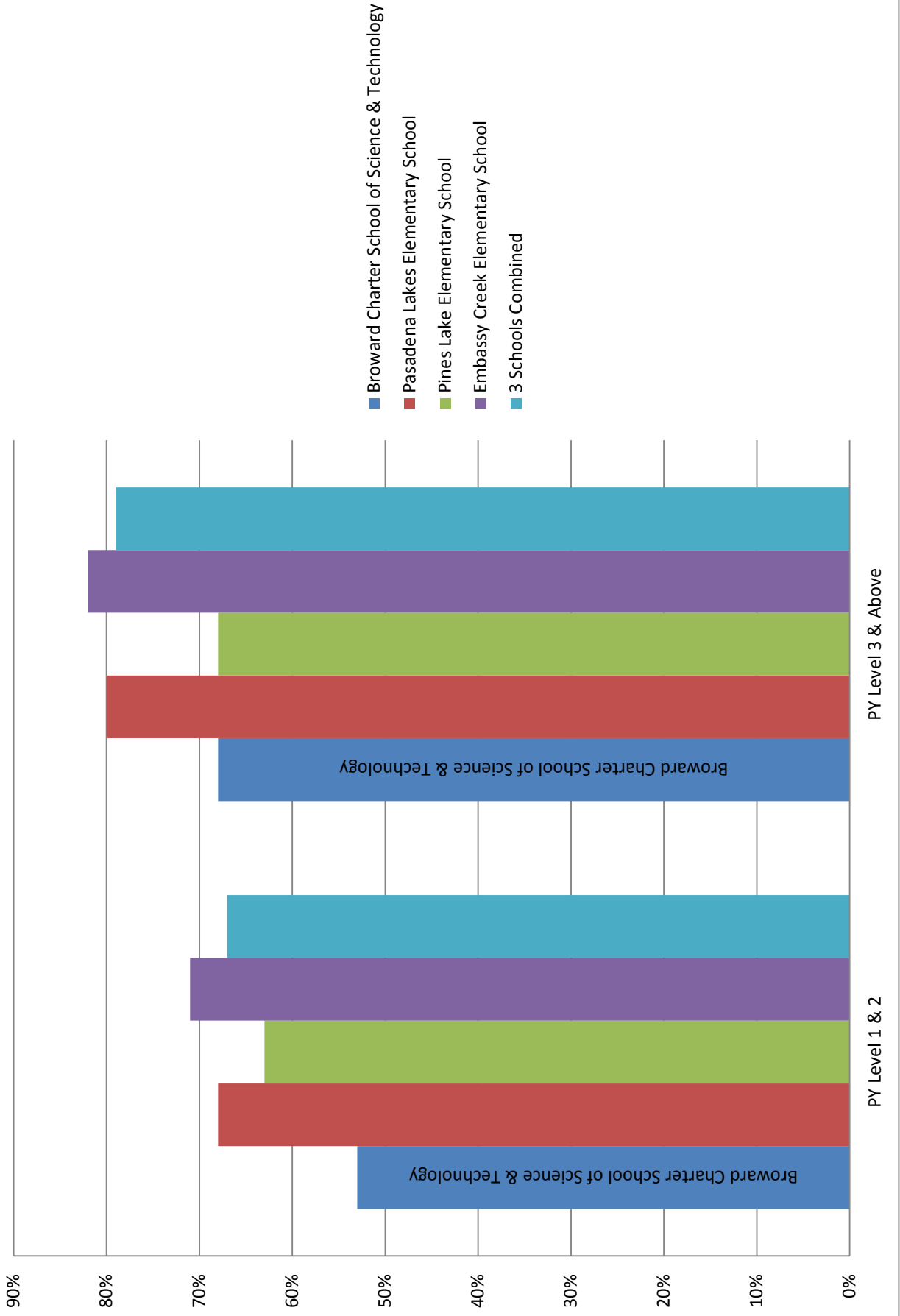
# Learning Gains in Reading - No Extra Weighting in Numerator (K-5)



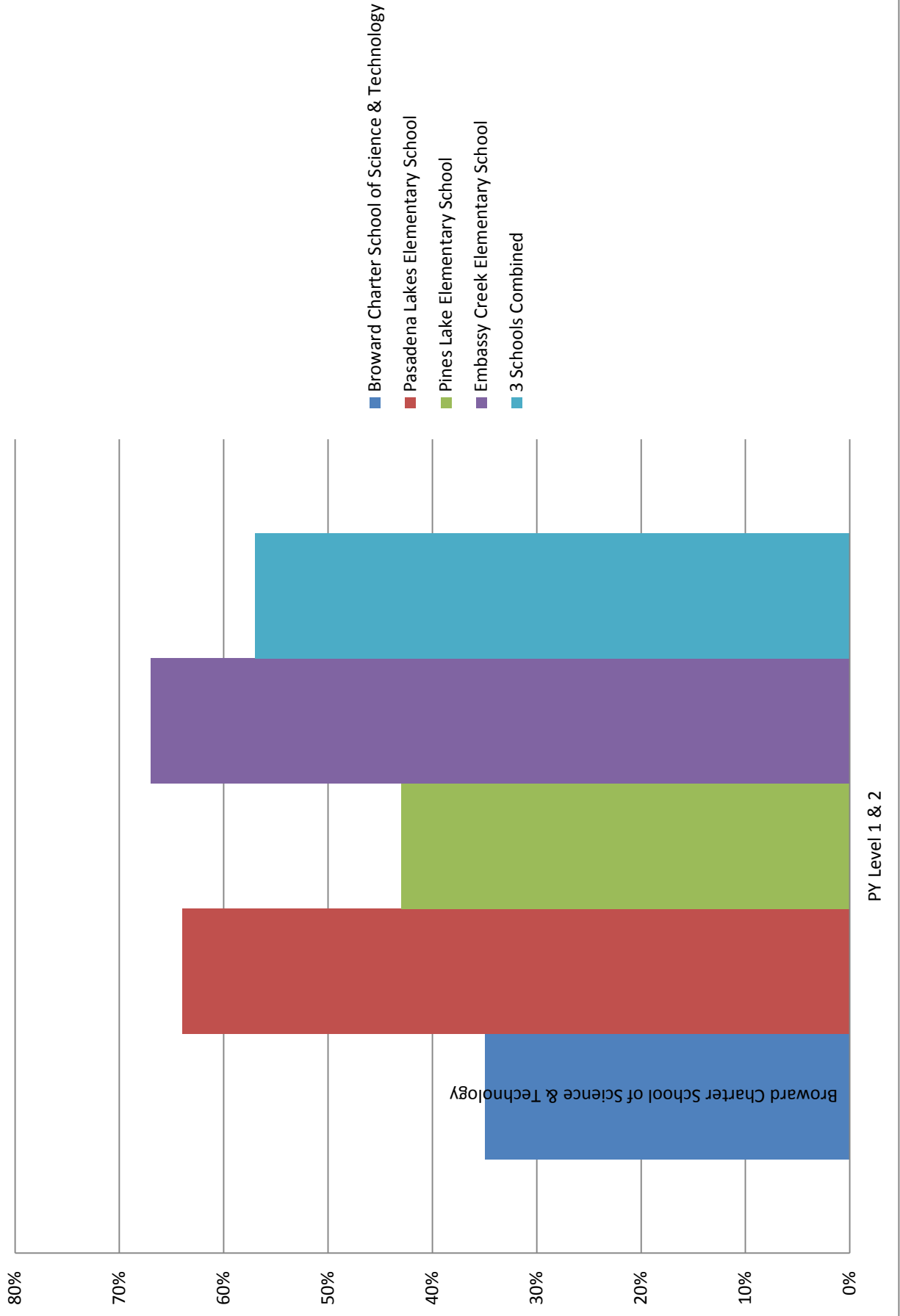
# Learning Gains in Math - No Extra Weighting in Numerator (K-5)



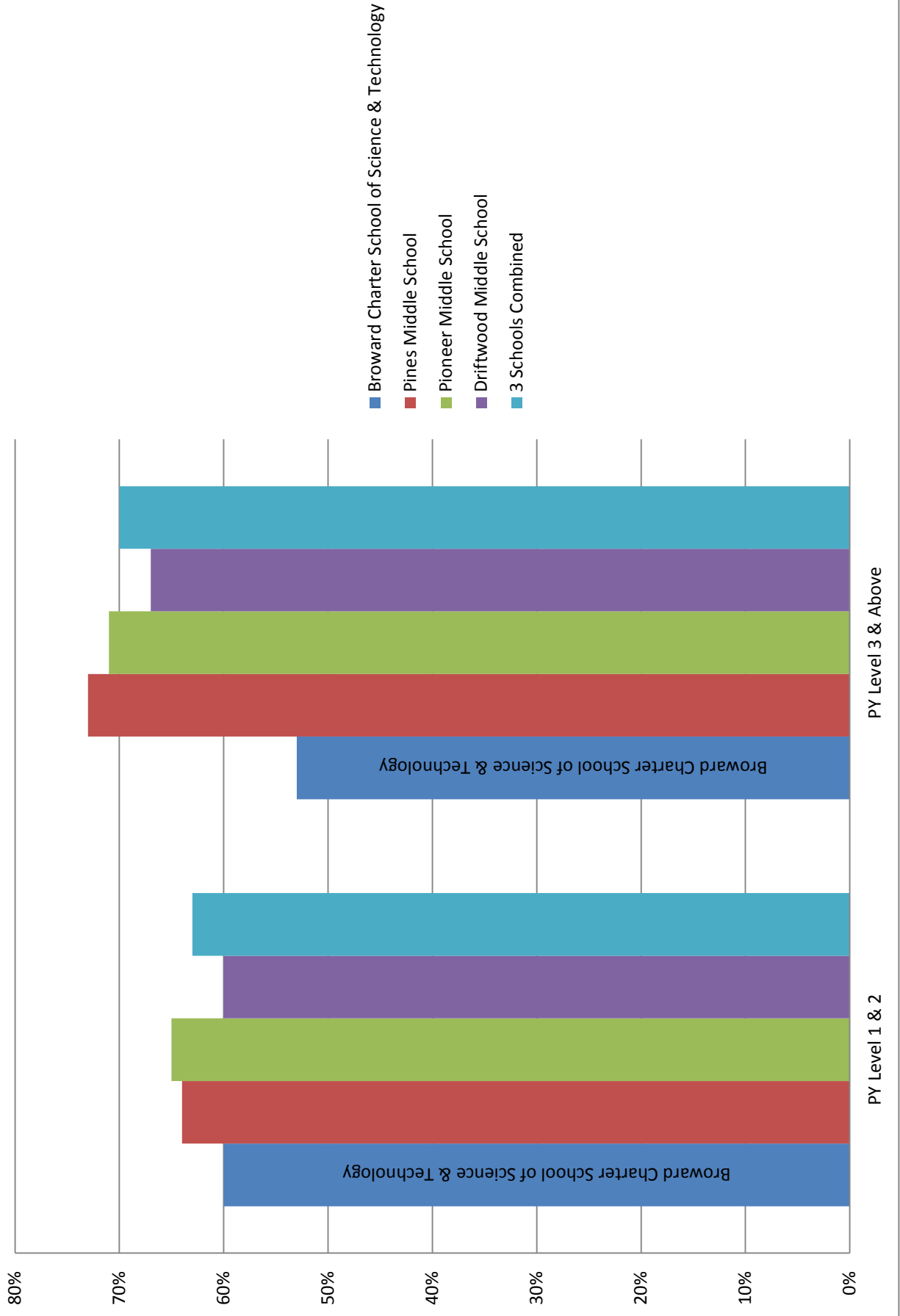
# Learning Gains in Reading - Includes Extra Weighting for Gains (K-5)



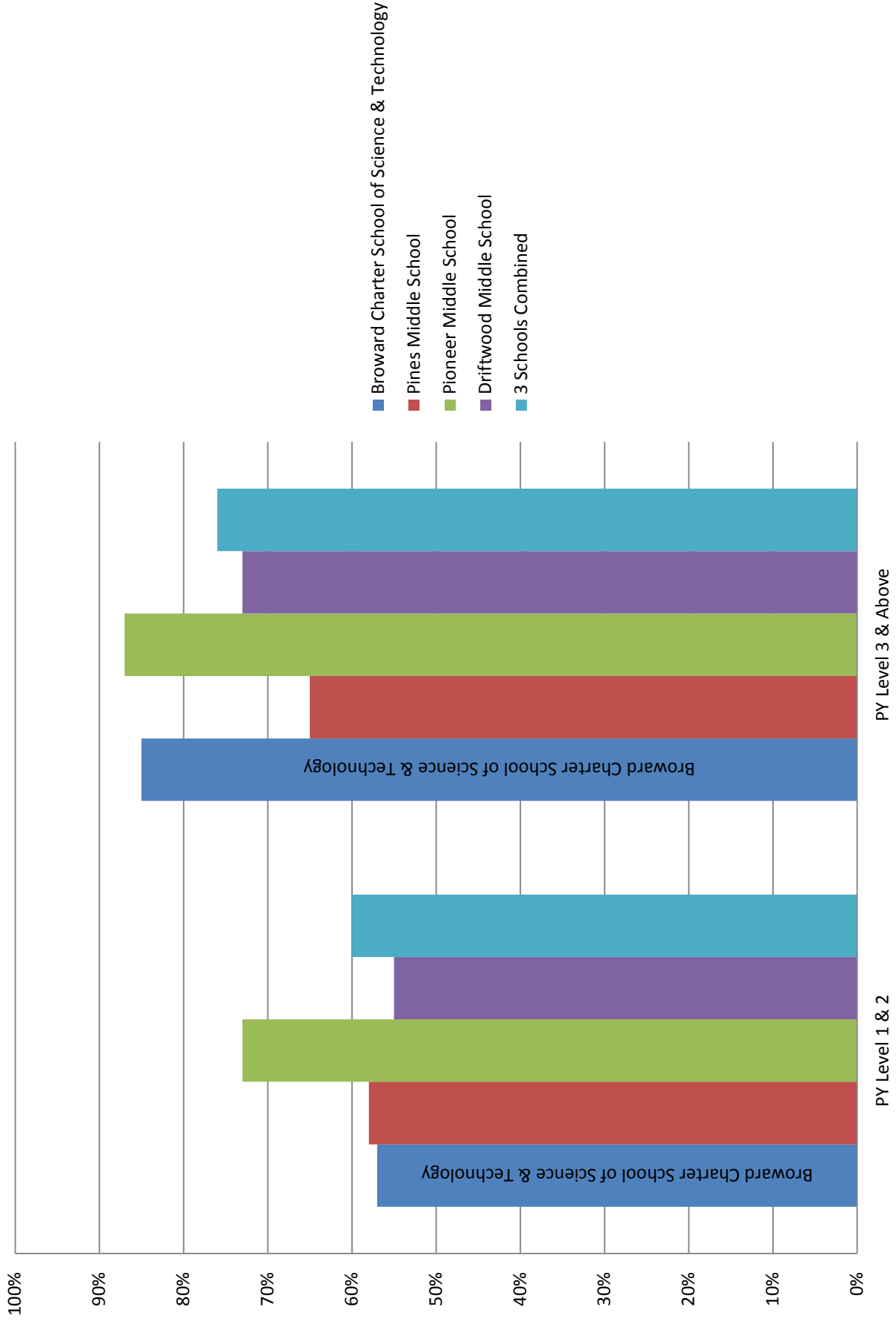
# Learning Gains in Math - Includes Extra Weighting for Gains (K-5)



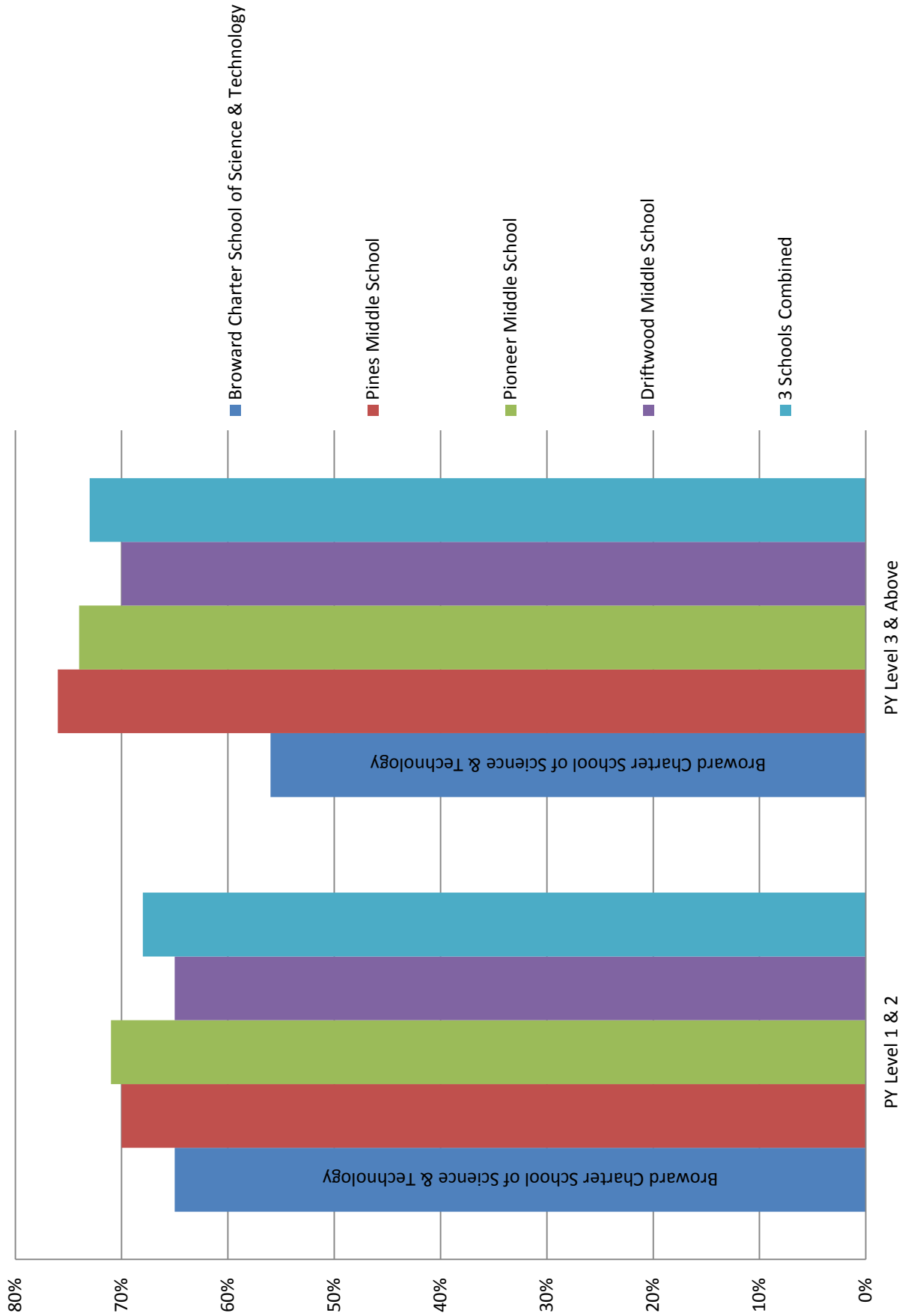
# Learning Gains in Reading - No Extra Weighting in Numerator (6-7)



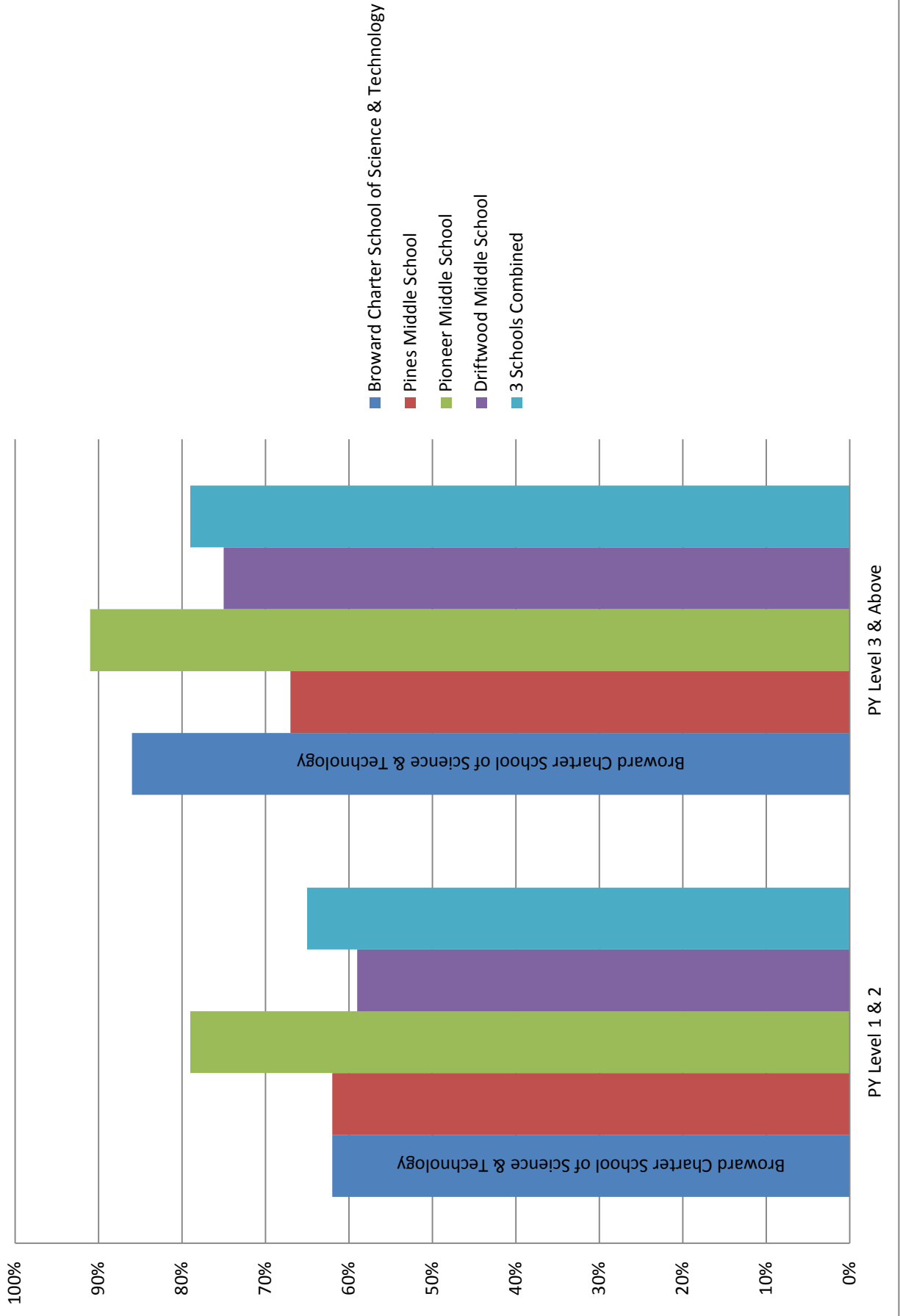
# Learning Gains in Math - No Extra Weighting in Numerator (6-7)



# Learning Gains in Reading - Includes Extra Weighting for Gains (6-7)



# Learning Gains in Math - Includes Extra Weighting for Gains (6-7)





**STATE BOARD OF EDUCATION**  
**Action Item**  
August 18, 2014

**SUBJECT:** Request for Waiver of Termination – Florida International Elementary Academy – Miami-Dade County

---

**PROPOSED BOARD ACTION**

The Board may either grant or deny the request for waiver of termination.

**AUTHORITY FOR STATE BOARD ACTION**

Section 1002.33(9)(n)4.c., Florida Statutes

**EXECUTIVE SUMMARY**

The sponsor shall terminate a charter if the charter school earns two consecutive grades of “F” unless the State Board of Education grants the charter school a waiver of termination. The 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. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver. Florida International Elementary Academy of Opa Locka received a school grade of “F” for the 2012-13 and 2013-14 school years.

If the State Board denies the waiver request the School Board of Miami-Dade County will initiate termination proceedings against the school. If the State Board grants the waiver the school will be permitted to remain open for the 2014-15 school year.

---

**Supporting Documentation Included:** Summary; Request for Waiver of Termination submitted by charter school; Comparison data provided by Office of Accountability, Research, and Measurement, Rule 6A-1.099827 (pg. 21); and Section 1002.33, Florida Statutes (pg. 25)

**Facilitator/Presenter:** Adam Miller, Executive Director, Office of Independent Education and Parental Choice



Request for Waiver of Termination  
 Florida International Elementary Academy  
 Miami-Dade County

Background:

**Section 1002.33(9), Florida Statutes:**

*The sponsor shall terminate a charter if the charter school earns two consecutive grades of “F” unless the state board grants the charter school a waiver of termination. The 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. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.*

**State Board of Education Rule 6A-1.099827**

*In determining whether to grant a waiver the State Board of Education shall review student achievement data provided by the Department of Education...Analysis of student learning gains data must be based on comparisons between students enrolled in the charter school and similarly situated students enrolled in nearby district public schools and may include such factors as prior performance on state assessments, disability status, and English language learner status. Nearby district public schools shall include the three (3) geographically closest district public schools with similarly situated students. If three such schools do not exist within the school district the comparison may include less than three.*

History: Florida International Elementary Academy submitted a charter school application to Miami-Dade County School Board in August 2009. The application was subsequently approved by the Miami-Dade County School Board and the charter school began operations in the 2010-11 school year.

Historical Data

	2010-11	2011-12	2012-13	2013-14
Enrollment	299	433	449	464
FRL %	97%	96%	96%	97%
School Grade	F	D	F	F

2013-14 Enrollment by Grade

<b>K</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>	<b>5<sup>th</sup></b>
80	81	78	100	63	62

Florida International Elementary received a school grade of “F” in both the 2012-13 and 2013-14 school year. The charter school did not meet either of the exceptions to termination (Section 1002.33(9)(n)4., Florida Statute) and submitted a waiver of termination request on July 28, 2014.

Process: Upon release of school grades, the Department, in coordination with the District, identified the three geographically closest District public schools serving the same grade levels (SBE Rule 6A-1.099827, F.A.C). The Division of Accountability, Research and Measurement provided comparison student achievement data.



**Waiver Request to the State Board of Education from Florida International Academy  
Elementary School**

Florida International Academy Elementary School , a K-5 charter school in Miami Dade School District, school number 3024, respectfully requests that the State Board of education, pursuant to section 1002 .33(9)(N)(4)(c) Florida Statues, waive termination for this charter school, having received two consecutive Fs for the last two years of operation. In support thereof, Florida International Academy Elementary school makes the following assertions:

**Background**

Florida International Academy Elementary (FIAE,) is a public charter school, serving 464 students within a K-5 grade configuration. The school is physically located in a high poverty community, where it serves predominantly low income black students; with 97 % of its students receiving free or reduced lunch. The school sits on a 6 acre campus, which it shares with Florida International Academy, a middle school serving grades 6-8. Although Florida International Elementary has been over-shadowed with challenges such as low parental involvement, a 97 % free reduced lunch school populace and a high staff turnover in the first two years of operation. Florida International Academy Elementary continues to strive to empower our students to be life long learners.

In its first year of operation Florida International Academy Elementary received 335 points. In its second year the school received 396 points which is approximately a 61 point increase, raising the grade from an F to a D. In its third year of operation it received a grade of 377 points. In addition, in the first year of operation the lower quartile received 28 points in reading learning gains , in the second year 74 points, and in the third year 83 points. This reflects three consecutive years of an increase in reading learning gains. This was a journey in the right direction, but the Board acknowledges that there is still a lot of hard work needing to be done , in order for the elementary school to raise its performance level to match that of its sister school , Florida International Academy .

### Comparative Data

The Department of Education, pursuant to rule-68-1.099827, identified three geographically close schools, for comparative purposes with Florida International Academy Elementary. The three schools were Dr. Robert Ingram Elementary (Dade), # 4121, Nathan B. Young (Dade), # 5971 and Rainbow Park Elementary, # 4541 Dade Magnet Program). Of note, is that two of of these three comparative schools received, D grades in the 2013 school year, due to them benefiting from the grade safety net. In that same academic year Florida International Elementary received 377 points which was more than Robert Ingram's 365 points and Nathan B Young's 375 points. Our third grade students whom we have groomed since kindergarten performed comparatively, surpassing the performance of their counter parts in the three closest geographical schools. Our third grade data reflects that 36 % were proficient in reading, and 54 % of our third grade students being proficient in Math. Additionally, 80 % of our third grade retaninees gained a level or more in math and reading. Robert Ingram's third grade data reflects that 10 % of their students were proficient in reading and 41% were proficient in Math. Nathan B Young's third grade data reflects that 24 % of their students were proficient in reading and 49 % were proficient in Math. Rainbow Park Elementary showed 32 % were proficient in reading and 42 % in Math. Our third graders have no prior scores, therefore we could not compare learning gains.

**These tables show the comparative data for reading and math. The green cells reflect FIE's demonstration of exceeded performance**

<b>Reading Avg DSS Gain</b>	FIE compared to Nathan B. Young	FIE compared to Rainbow Park	FIE compared to Dr. Robert Ingram
Total	-5.0	-1.4	

Grade 3 retained		
Grade 4	-6.73	-4.63
Grade 5	-7.34	

<b>Reading School Level Mean Score</b>	FIE compared to Nathan B. Young	FIE compared to Rainbow Park	FIE compared to Dr. Robert Ingram
Grade 3			
Grade 4		-8	
Grade 5	-3	-8	-2

<b>Math Avg DSS Gain</b>	FIE compared to Nathan B. Young	FIE compared to Rainbow Park	FIE compared to Dr. Robert Ingram
Total	-10.7	-8.0	-6.9
Grade 3 retained			-1.54
Grade 4	-16.73	-14.47	9.92
Grade 5	-4.48	-4.22	-5.06

<b>Math School Level Mean Score</b>	FIE compared to Nathan B. Young	FIE compared to Rainbow Park	FIE compared to Dr. Robert Ingram
Grade 3			
Grade 4			
Grade 5	-2	-13	-10

### **Request for Relief**

FIE understands that a waiver of a charter school termination requirement for a school receiving 2 consecutive F's is not to be granted lightly, but would respectfully suggest that this is an appropriate case for the state board to exercise that flexibility. Even though Florida International Elementary remained an F this past year, in prior years its reading gains show a record of significant improvement. To this end, in the 2013 school year the school received a commendation from the Governor for its reading achievement gains. At that time FIE ranked 144 out of all 3057 schools, 75 out of all 1759 elementary schools and 101 out of all 1628 title one Schools. Clearly this school is located in a geographically challenging and needy area of the state, since the comparative district schools have all earned grades of D's cumulatively within the past three years, two of which would have been F's had they not had the advantage of the grade safety net. This comparative data 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." 1002.33(9) (N) (4)(c) Florida Statutes . In addition, many of the students in attendance at Florida International Academy Elementary reside in the Carol City area in Miami. Therefore Carol City Elementary would become their home school if Florida International Academy Elementary were to close. This particular school was not one of the schools chosen for comparative purposes due to its geographical location in relation to FIE. However, since this is the home school of a large

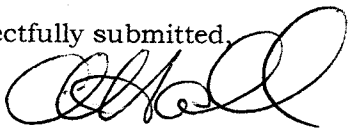


percent of our students, it is significant to note that Carol City Elementary's performance in the 2013-2014 school year was similar to that of FIE. This school is also a double F school, and has a declining reading proficiency and over-all achievement rates, despite the district's turnaround efforts. Therefore the affected students would be leaving one low performing school, only to be sent to another low if not lower performing school for the 2014-2015 school year. In addition, the board as well as the principal operating FIE, has a successful track record serving this same student population in our middle school (FIA); a school that has been a recognized high performing school since its operation. Florida International Academy consistently raised its grade from an F in 1998 to an 'A' in 2008-2009. In 2009-2010, 2010-2011, 2011-2012 & 2012-2013. With this track record as evidence of success working with a similar demographic of students, the Board and Principal of Florida International Academy Elementary therefore respectfully requests that this Board allows the charter school to continue to operate for this upcoming school year; believing that the charter can make continued improvement with a difficult student population and that it will no longer receive an F grade. The governing board operating Florida International Elementary school will voluntarily relinquish the school for the 2015-2016 school year if it does not perform at an acceptable level per the statute.

### **Certifications**

I, Anthony J. Hall chair of the Board of Florida International Elementary School, school number 3024, located at 13400 northwest 28<sup>th</sup> avenue, Opa-Locka, Florida, 33054 respectfully requests a waiver from the State Board of Florida referenced to the termination of the charter receiving 2 F grades, this the 23rd day of July, 2014 and certify that the governing board voted at a duly noticed public meeting to support the submission of the waiver request.

Respectfully submitted,



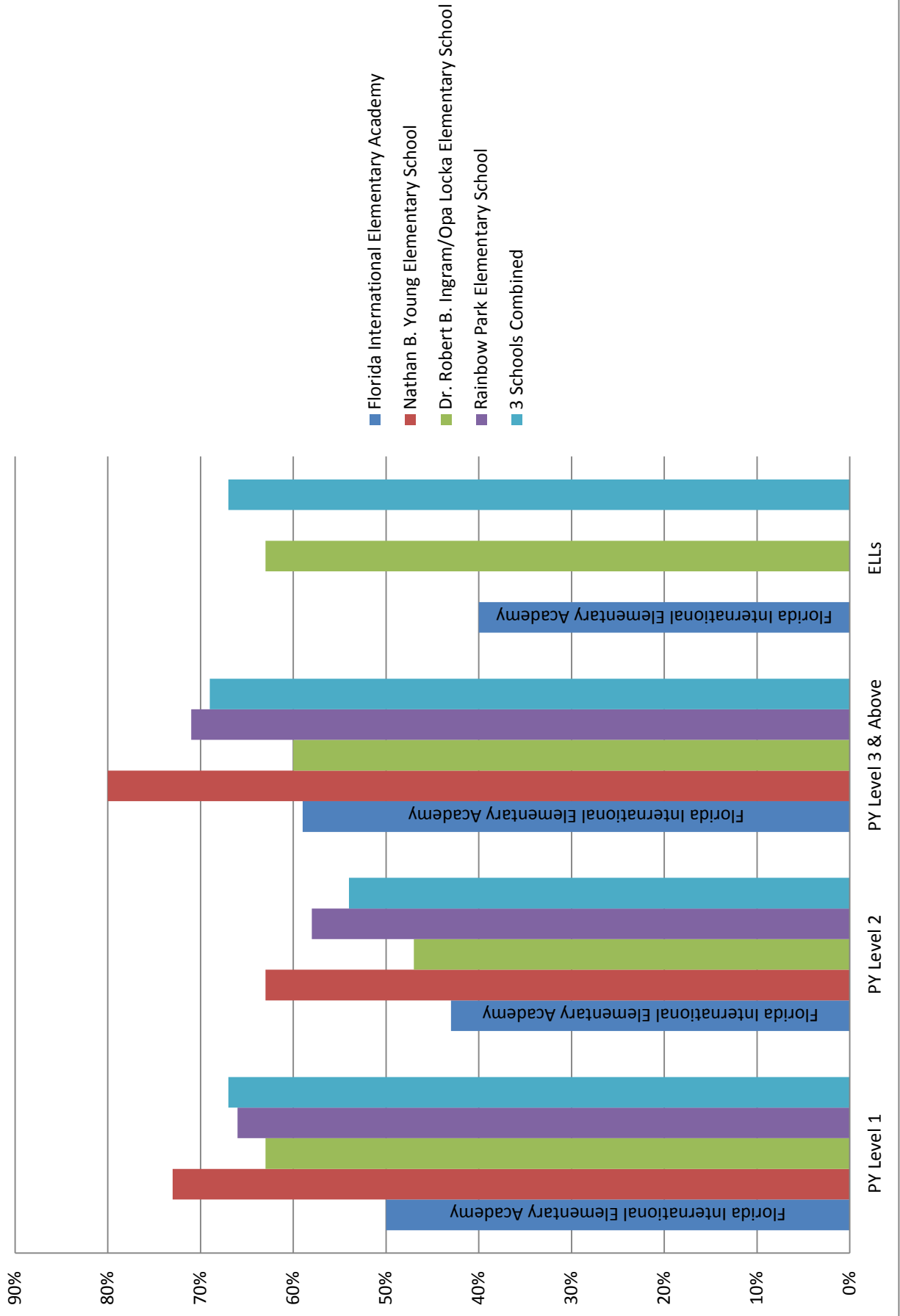
---

Florida International Academy Elementary Board Chair, Dr. Anthony Hall.

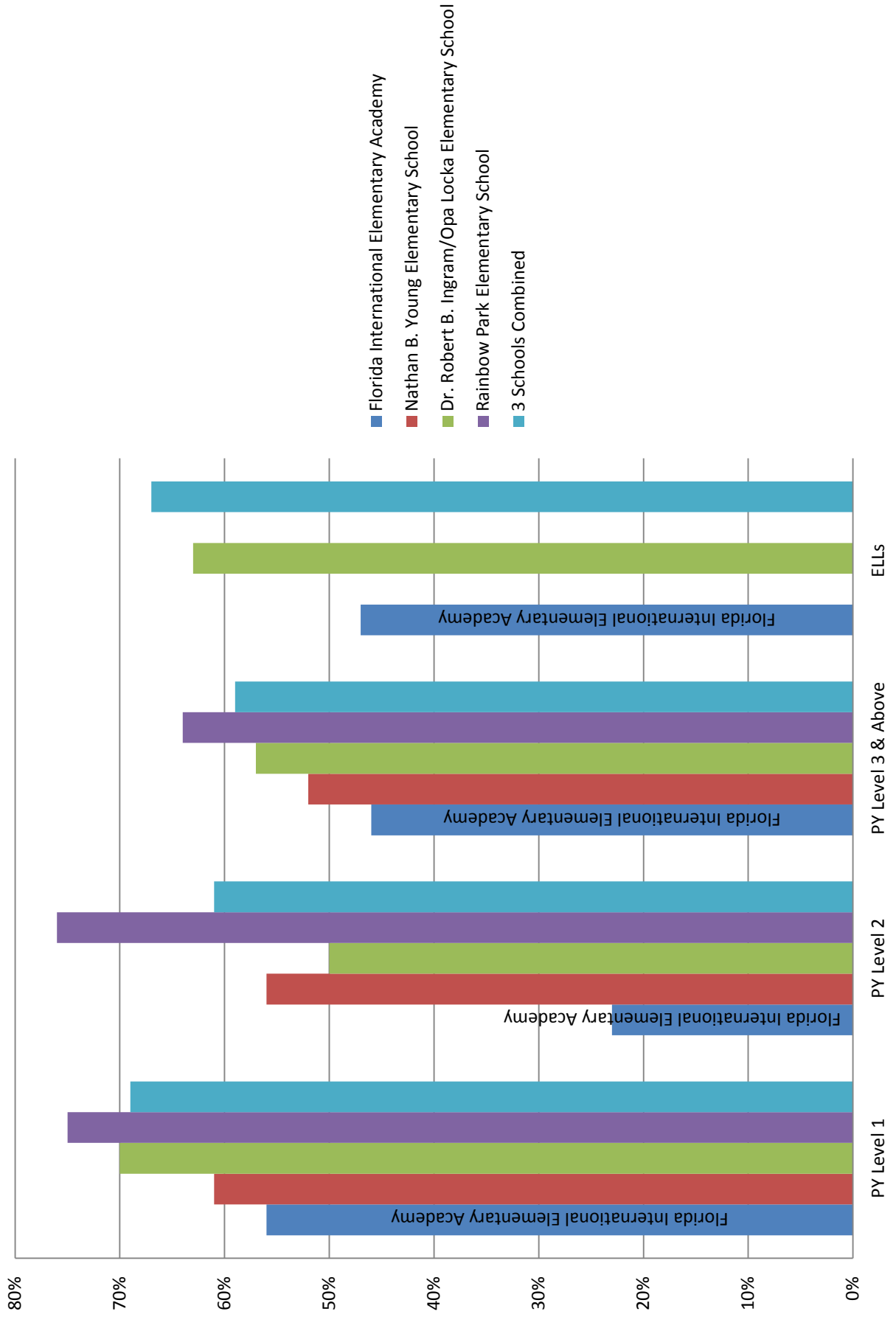


Learning Gains in Reading - No Extra Weighting in Numerator						
	PY Level 1	PY Level 2	PY Level 3 & Above	ELLs	SWDs	
Florida International Elementary Academy	50%	43%	59%		40%	N/A
Nathan B. Young Elementary School	73%	63%	80%	N/A		83%
Dr. Robert B. Ingram/Opa Locka Elementary School	63%	47%	60%		63%	20%
Rainbow Park Elementary School	66%	58%	71%			60%
3 Schools Combined	67%	54%	69%		67%	56%
Learning Gains in Math - No Extra Weighting in Numerator						
	PY Level 1	PY Level 2	PY Level 3 & Above	ELLs	SWDs	
Florida International Elementary Academy	56%	23%	46%		47%	N/A
Nathan B. Young Elementary School	61%	56%	52%	N/A		42%
Dr. Robert B. Ingram/Opa Locka Elementary School	70%	50%	57%		63%	
Rainbow Park Elementary School	75%	76%	64%	N/A		80%
3 Schools Combined	69%	61%	59%		67%	52%
Learning Gains in Reading - Includes Extra Weighting for Gains						
	PY Level 1	PY Level 2	PY Level 3 & Above	ELLs	SWDs	
Florida International Elementary Academy	54%	46%	63%		44%	N/A
Nathan B. Young Elementary School	79%	68%	80%	N/A		91%
Dr. Robert B. Ingram/Opa Locka Elementary School	67%	51%	61%		66%	22%
Rainbow Park Elementary School	71%	62%	73%	N/A		63%
3 Schools Combined	72%	58%	71%		70%	61%
Learning Gains in Math - Includes Extra Weighting for Gains						
	PY Level 1	PY Level 2	PY Level 3 & Above	ELLs	SWDs	
Florida International Elementary Academy	61%	24%	47%		49%	N/A
Nathan B. Young Elementary School	66%	59%	53%	N/A		46%
Dr. Robert B. Ingram/Opa Locka Elementary School	76%	54%	58%		68%	
Rainbow Park Elementary School	80%	82%	68%	N/A		84%
3 Schools Combined	74%	65%	62%		72%	55%

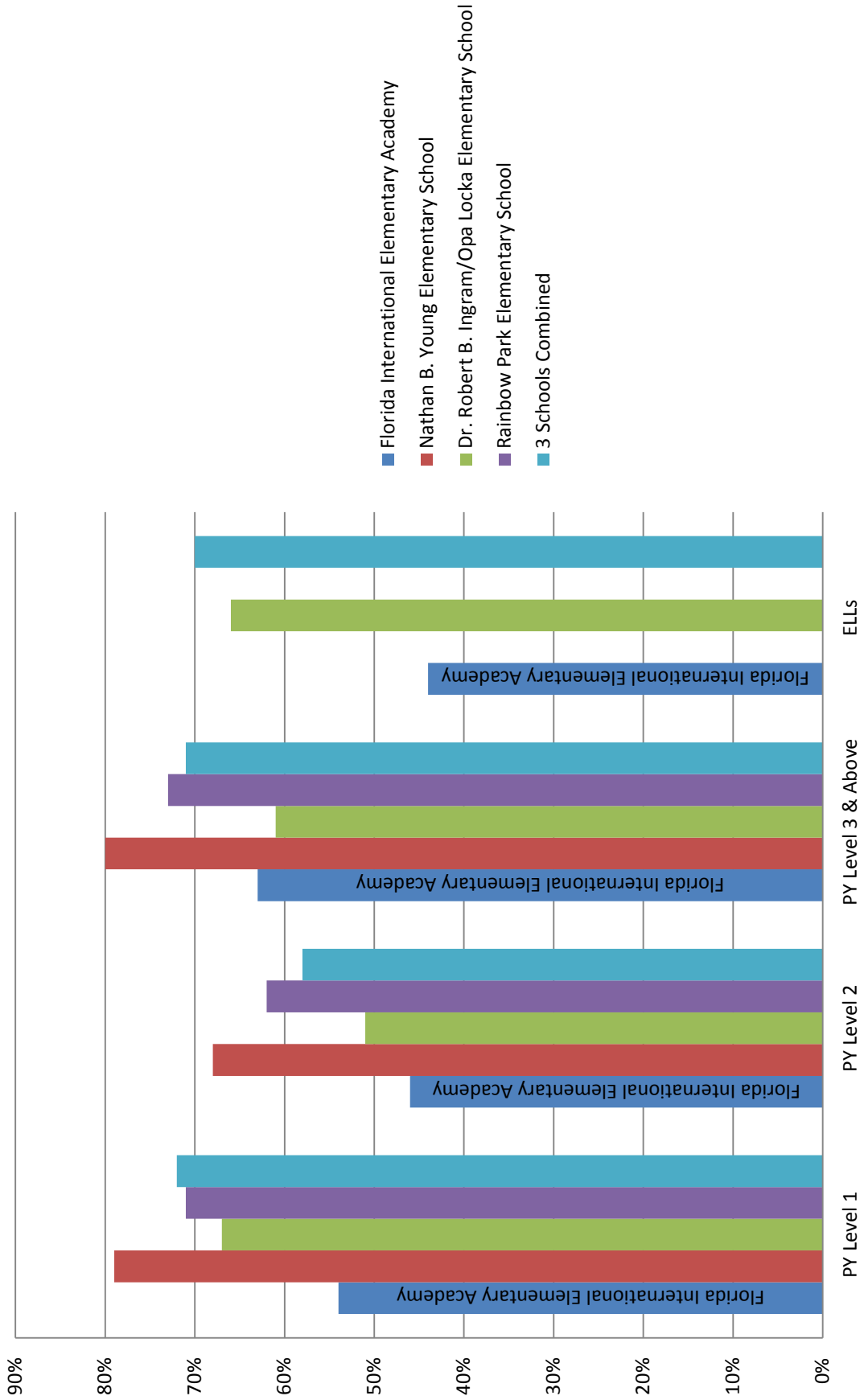
# Learning Gains in Reading - No Extra Weighting in Numerator



# Learning Gains in Math - No Extra Weighting in Numerator



# Learning Gains in Reading - Includes Extra Weighting for Gains



# Learning Gains in Math - Includes Extra Weighting for Gains

