

May 9, 2008

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**RECEIVED**  
MAY 12 2008



Dr. Clayton Wilcox  
Superintendent  
301 Fourth Street, SW  
Largo, FL 33779-2942

OFFICE OF  
**SCHOOL BOARD MEMBERS**

RECEIVED BY ALL BOARD MEMBERS

Subject: Notice of Intent to Recommend Termination of First Amended and Restated Agreement dated July 11, 2006, for Lack of Sufficient Funds

*E. Dr. Wilcox  
Dr. Jansson  
Copy to  
Dr. Brown*

Dear Superintendent Wilcox,

Thank you for your May 5<sup>th</sup> letter. CEP does recognize the District is experiencing dire financial circumstances. We would like to do our part and at the same time remain a partner with the District. To follow is what we are proposing.

Reduce the disciplinary placements in the program from 432 – 264 in the fall 2008 and close the program in December 2008. This will allow the current middle school students at CEP to complete their placements and get back on track academically so they may return to their home schools better prepared to learn and follow school rules. This would be a \$1.3 million cost to the District while the program is being phased out.

CEP is also proposing to implement a charter school dropout prevention program to help the District improve its graduation rate and keep grade repeating students from becoming dropout statistics. The charter school would operate at no cost to the District and only serve students who are likely to dropout or have already dropped out. The District's graduation rate has declined from 70.8 percent to 64.5 percent while the number of 10<sup>th</sup> and 11<sup>th</sup> grade students repeating their grade has increased from 1,931 to 2,352 during the same time period. The District's graduation rate will continue to decline considering the increase in the number of 10<sup>th</sup> and 11<sup>th</sup> grade students repeating their grades.

Results provided in CEP's proposal (enclosed) demonstrate our ability to get these grade-repeating students who are likely to drop out back on track and are catching many of them up for an on-time graduation. CEP can implement this program at no cost to the District and can have a significant impact on the District's graduation rate. Charters schools generally affect the District's head count; however, let me emphasize that the students we propose to serve are on a path to drop out or have already dropped out.

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In these times of tight budgets and program cuts, the District can demonstrate innovative leadership by announcing they are saving \$2.3 million in next year's alternative budget and at the same time implement a program that will decrease the number of students dropping out and help the District improve its graduation rate at no cost.

The Board can demonstrate that even in hard times it is not turning its back on students with the greatest needs. It can save money *and* save kids.

Florida law allows charters to be approved out of cycle, which has been confirmed with the Florida DOE. (See enclosed statute.)

Your letter recommended consolidating programs in existing facilities. Oak Park School can house over 700 students. As you know the school operates with seven self-contained learning communities which manage the movement of students. The building operates on two floors and has separate entrances allowing separate student populations to gain entrance and exit to the facility without intermingling.

We propose to serve the 264 students at the Oak Park School during the fall while locating a facility to begin operating the charter school in 2009 which would then free up all 700 seats for district operated programs. This method will allow CEP to keep its staff in place so they may be transitioned to the dropout prevention program.

We believe this proposal is a win-win for the District and CEP. We appreciate your consideration. Please feel free to contact me at (615) 850-3606.

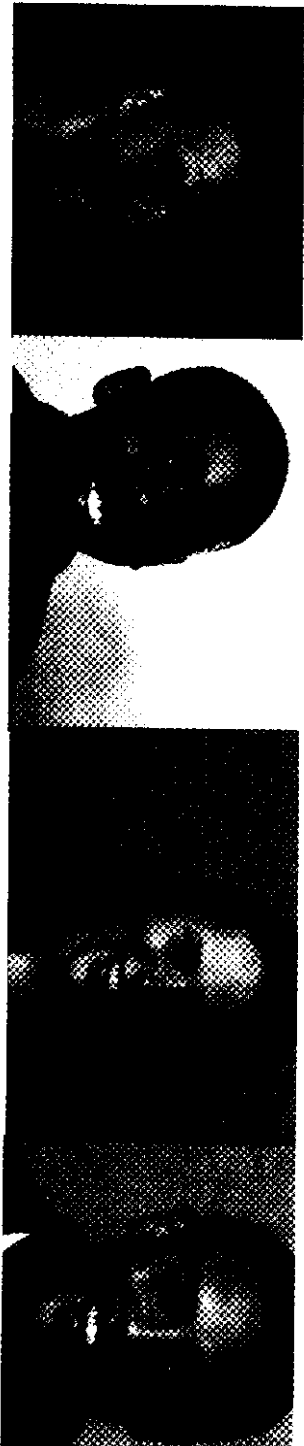
Sincerely,



Randle Richardson  
CEO

RR:mjs  
enclosures

Cc: Board Members  
Harry Brown, Ed.D., Deputy Superintendent  
Julie Janssen, Ed.D., Deputy Superintendent  
James A. Robinson, School Board Attorney  
Ed Armstrong, Esq.



## **CEP Proposal To:**

**Close disciplinary program in December 2008 and implement charter school dropout prevention program in January 2009**

- Save \$2.3 million in 2008-09**
- No cost to PCS in 2009-10**
- Reduce PCS' dropout rate**
- Increase PCS' graduation rate 2%**

## **Close Disciplinary Program in December 2008 and Implement a Charter School Dropout Prevention Program**

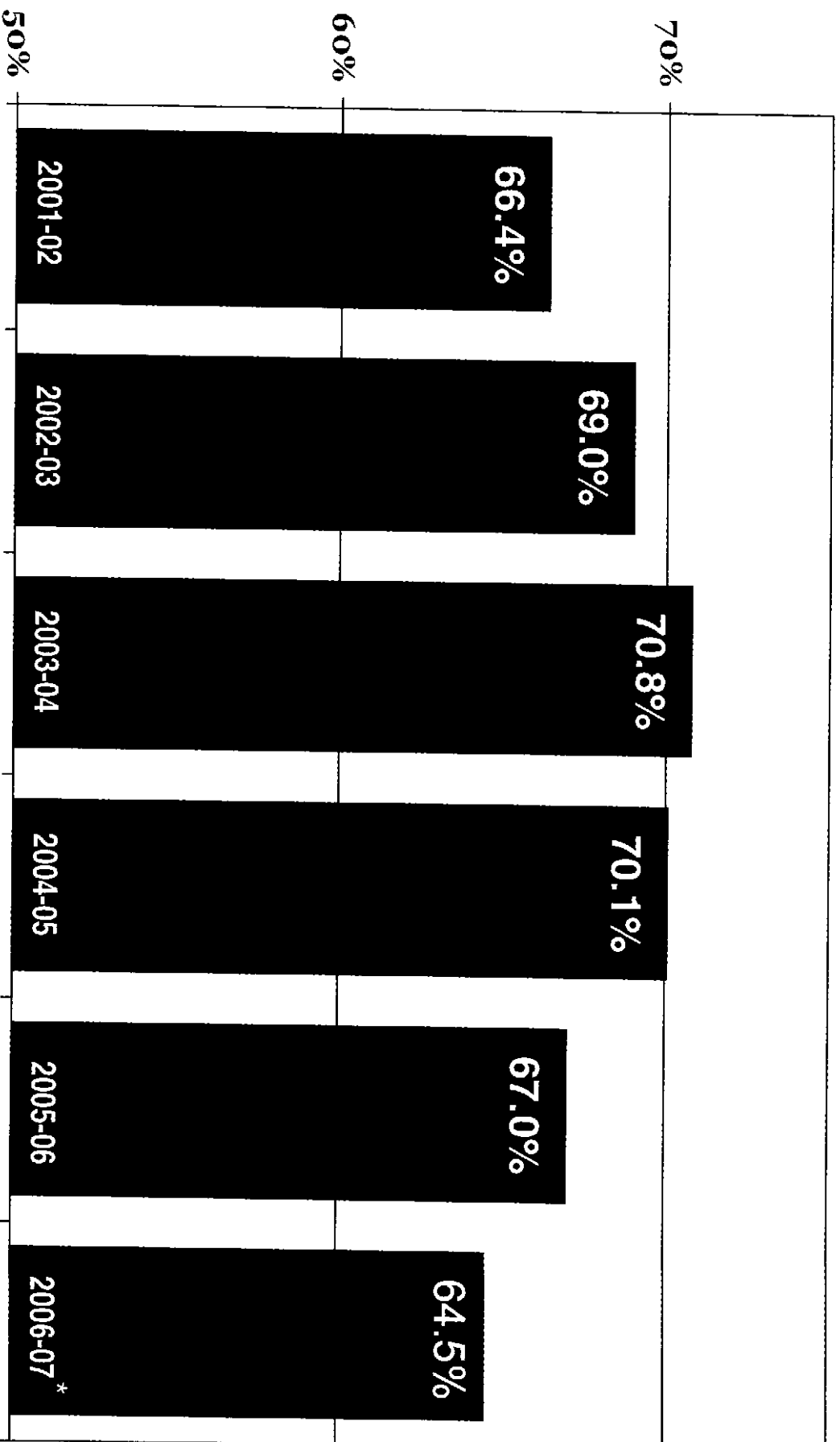
- Decrease number of disciplinary students from 432 in 2008-09 to 264 in Fall 2008, allowing the current middle school placements to complete their enrollment in the program. Total cost: \$1.3 million vs. current contract of \$3.6 million
- Close disciplinary program in December 2008.
- Implement dropout prevention and recovery charter school to serve 400 high school students beginning in January 2009 with the stated objective of improving the District's graduation rate by **2%**

## **Declining Graduation Rate**

**Pinellas County's graduation rate decreased from 70.8% in 2003-04 to 64.5% in 2006-07.**

**Graduation rates will continue to decline  
*if*  
the District does not implement  
a program to assist grade-repeating  
10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> grade students.**

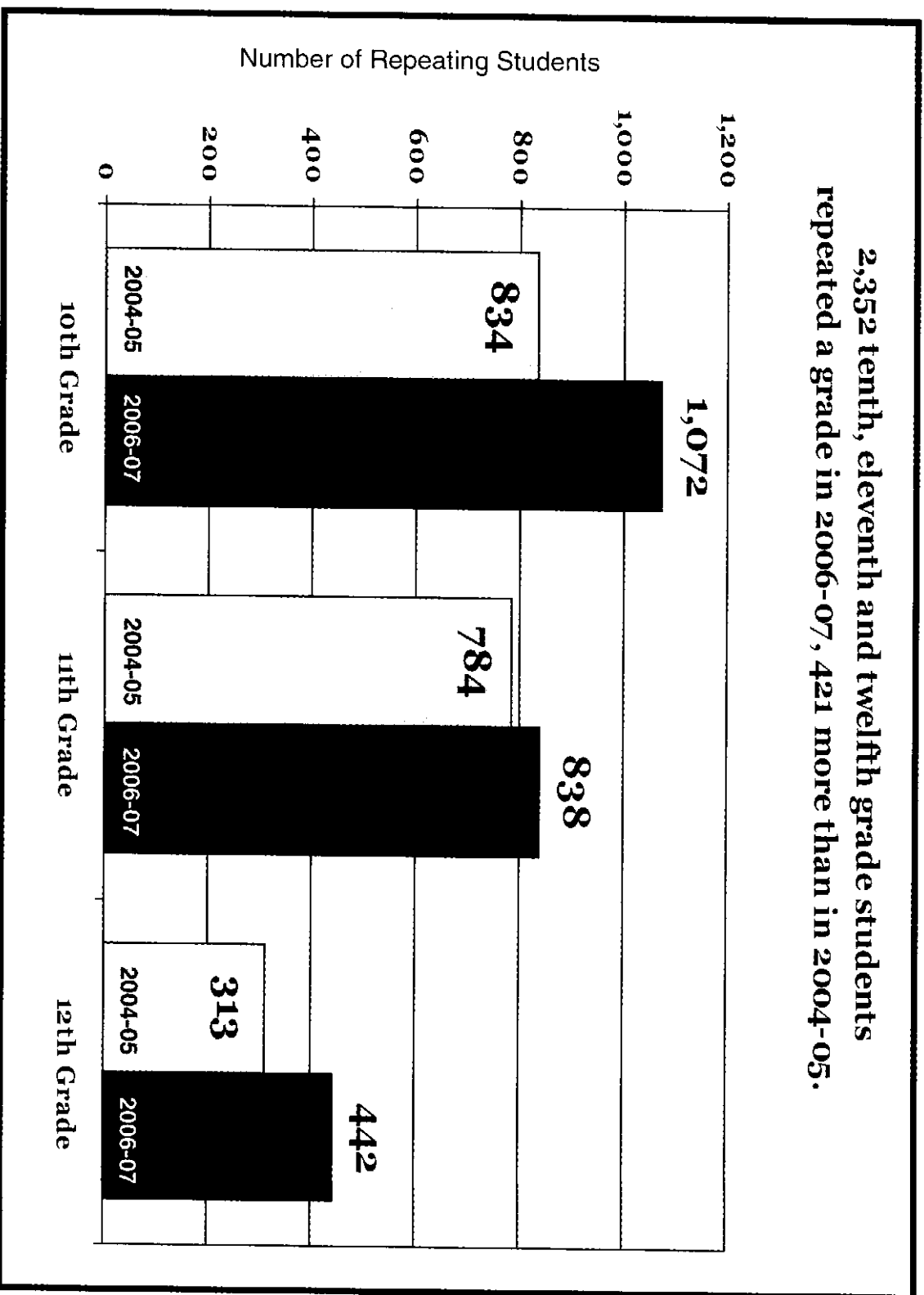
# PCS Graduation Rate 2001-02 to 2006-07



\* FLDOE reported PCS 2006-07 graduation rate as 64.5% on December 1, 2007. Rate is under review.

# The District Must Reduce the Number of Students Repeating the 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> Grades

2,352 tenth, eleventh and twelfth grade students repeated a grade in 2006-07, 421 more than in 2004-05.



# **Adding a CEP Dropout Prevention Program will improve the District's graduation rate by 2 percentage points**

- The District's graduation rate improves by one percentage point if 85 additional students graduate with their cohort
- CEP will accelerate the learning of 170 students repeating the 10<sup>th</sup> and 11<sup>th</sup> grades for an on-time graduation with their cohort
- The remaining 230 students who continue to be enrolled will accelerate earning of credits, achieve grade promotion and avoid becoming a dropout statistic

**5,717 graduates in 2006 = 67% graduation rate**

**1 percentage point is comprised of 85 students (5,717 divided by 67 [percentage points] equals 85)**

## Program Results

- High school students earned an average of **8.7 credits** after an average attendance of 172 days. They also received an average of **1.8 grade promotions** allowing many to catch up with their 9<sup>th</sup> grade cohort for an on-time graduation.
- Middle school students passed an average of **7.8 courses** after an average attendance of 177 days. They also received an average of **1.5 grade promotions** allowing them to get back on track.
- Highest** percent of FCAT reading gains with the lowest performing students in PCS
- Second highest** percent FCAT math gains with the lowest performing students in PCS



## (3) APPLICATION FOR CHARTER STATUS.--

(a) An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.

(b) An application for a conversion charter school shall be made by the district school board, the principal, teachers, parents, and/or the school advisory council at an existing public school that has been in operation for at least 2 years prior to the application to convert. A public school-within-a-school that is designated as a school by the district school board may also submit an application to convert to charter status. An application submitted proposing to convert an existing public school to a charter school shall demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process, according to rules adopted by the State Board of Education. A district school board denying an application for a conversion charter school shall provide notice of denial to the applicants in writing within 10 days after the meeting at which the district school board denied the application. The notice must articulate in writing the specific reasons for denial and must provide documentation supporting those reasons. A private school, parochial school, or home education program shall not be eligible for charter school status.

## (4) UNLAWFUL REPRISAL.--

(a) No district school board, or district school board employee who has control over personnel actions, shall take unlawful reprisal against another district school board employee because that employee is either directly or indirectly involved with an application to establish a charter school. As used in this subsection, the term "unlawful reprisal" means an action taken by a district school board or a school system employee against an employee who is directly or indirectly involved in a lawful application to establish a charter school, which occurs as a direct result of that involvement, and which results in one or more of the following: disciplinary or corrective action; adverse transfer or reassignment, whether temporary or permanent; suspension, demotion, or dismissal; an unfavorable performance evaluation; a reduction in pay, benefits, or rewards; elimination of the employee's position absent of a reduction in workforce as a result of lack of moneys or work; or other adverse significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification. The following procedures shall apply to an alleged unlawful reprisal that occurs as a consequence of an employee's direct or indirect involvement with an application to establish a charter school:

1. Within 60 days after the date upon which a reprisal prohibited by this subsection is alleged to have occurred, an employee may file a complaint with the Department of Education.
2. Within 3 working days after receiving a complaint under this section, the Department of Education shall acknowledge receipt of the complaint and provide copies of the complaint and any other relevant preliminary information available to each of the other parties named in the complaint, which parties shall each acknowledge receipt of such copies to the complainant.
3. If the Department of Education determines that the complaint demonstrates reasonable cause to suspect that an unlawful reprisal has occurred, the Department of Education shall conduct an investigation to produce a fact-finding report.
4. Within 90 days after receiving the complaint, the Department of Education shall provide the district school superintendent of the complainant's district and the complainant with a fact-finding report that may include recommendations to the parties or a proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.
5. If the Department of Education determines that reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the Department of Education shall terminate the investigation. Upon termination of any investigation, the Department of Education shall notify the complainant and the district school superintendent of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding.
6. The Department of Education shall either contract with the Division of Administrative Hearings under s. 120.65, or otherwise provide for a complaint for which the Department of Education

determines reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate, to be heard by a panel of impartial persons. Upon hearing the complaint, the panel shall make findings of fact and conclusions of law for a final decision by the Department of Education.

It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's exercise of rights protected by this section.

(b) In any action brought under this section for which it is determined reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, the relief shall include the following:

1. Reinstatement of the employee to the same position held before the unlawful reprisal was commenced, or to an equivalent position, or payment of reasonable front pay as alternative relief.
2. Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate.
3. Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the unlawful reprisal.
4. Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.
5. Issuance of an injunction, if appropriate, by a court of competent jurisdiction.
6. Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome of the complaint, if it is determined that the action was not made in bad faith or for a wrongful purpose, and did not occur after a district school board's initiation of a personnel action against the employee that includes documentation of the employee's violation of a disciplinary standard or performance deficiency.

(5) SPONSOR; DUTIES.--

(a) *Sponsoring entities.*--

1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.
2. A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school's sponsor. Such school shall be considered a charter lab school.

(b) *Sponsor duties.*--

- 1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.
- b. The sponsor shall monitor the revenues and expenditures of the charter school.
- c. The sponsor may approve a charter for a charter school before the applicant has secured space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.
- d. The sponsor's policies shall not apply to a charter school unless mutually agreed to by both the sponsor and the charter school.
- e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).
- f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.
- g. The sponsor shall not be liable for civil damages under state law for personal injury, property

damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor shall not be liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school shall not constitute the basis for a private cause of action.

j. The sponsor shall not impose additional reporting requirements on a charter school without providing reasonable and specific justification in writing to the charter school.

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

3. Nothing contained in this paragraph shall be considered a waiver of sovereign immunity by a district school board.

4. A community college may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. District school boards shall cooperate with and assist the community college on the charter application. Community college applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Community colleges shall not report FTE for any students who receive FTE funding through the Florida Education Finance Program.

(6) APPLICATION PROCESS AND REVIEW.--Charter school applications are subject to the following requirements:

(a) A person or entity wishing to open a charter school shall prepare an application that:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.

2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.

3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.

4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny a charter if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.

5. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

(b) A sponsor shall receive and review all applications for a charter school. Beginning with the 2007-2008 school year, a sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may receive applications later than this date if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of an application upon the promise of future payment of any kind.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school

applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3. A sponsor shall by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days, articulate in writing the specific reasons, based upon good cause, supporting its denial of the charter application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education supporting those reasons.

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of a charter application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

5. Upon approval of a charter application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted unless the sponsor allows a waiver of this provision for good cause.

(c) An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education no later than 30 calendar days after receipt of the sponsor's decision or failure to act and shall notify the sponsor of its appeal. Any response of the sponsor shall be submitted to the State Board of Education within 30 calendar days after notification of the appeal. Upon receipt of notification from the State Board of Education that a charter school applicant is filing an appeal, the Commissioner of Education shall convene a meeting of the Charter School Appeal Commission to study and make recommendations to the State Board of Education regarding its pending decision about the appeal. The commission shall forward its recommendation to the state board no later than 7 calendar days prior to the date on which the appeal is to be heard. The State Board of Education shall by majority vote accept or reject the decision of the sponsor no later than 90 calendar days after an appeal is filed in accordance with State Board of Education rule. The Charter School Appeal Commission may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant may have up to 15 calendar days from notice of rejection to resubmit an appeal that meets requirements of State Board of Education rule. An application for appeal submitted subsequent to such rejection shall be considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the sponsor's denial of the charter application. The State Board of Education shall remand the application to the sponsor with its written decision that the sponsor approve or deny the application. The sponsor shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

(d) For charter school applications in school districts that have not been granted exclusive authority to sponsor charter schools pursuant to s. 1002.335(5), the right to appeal an application denial under paragraph (c) shall be contingent on the applicant having submitted the same or a substantially similar application to the Florida Schools of Excellence Commission or one of its cosponsors. Any such applicant whose application is denied by the commission or one of its cosponsors subsequent to its denial by the district school board may exercise its right to appeal the district school board's denial under paragraph (c) within 30 days after receipt of the commission's or cosponsor's denial or failure to act on the application. However, the applicant forfeits its right to appeal under paragraph (c) if it fails to submit its application to the commission or one of its cosponsors by August 1 of the school year immediately following the district school board's denial of the application.

(e) The sponsor shall act upon the decision of the State Board of Education within 30 calendar days after it is received. The State Board of Education's decision is a final action subject to judicial

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