

FLORIDA DEPARTMENT OF EDUCATION  
STATE BOARD OF EDUCATION  
CHARTER SCHOOL APPEALS COMMISSION

DISCOVERY HIGH SCHOOL, INC.

Applicant/Appellant,

v.

SCHOOL BOARD OF POLK COUNTY, FLORIDA

School Board/Appellee

---

BRIEF OF APPELLEE, THE SCHOOL BOARD OF POLK COUNTY, FLORIDA, IN  
RESPONSE TO DISCOVERY HIGH SCHOOL, INC.'S NOTICE OF APPEAL OF DENIAL OF  
CHARTER SCHOOL APPLICATION

Comes now the Appellee, the SCHOOL BOARD OF POLK COUNTY, FLORIDA (hereinafter "School Board" or "Board), by and through its undersigned counsel, and files this brief in response to the *Notice of Appeal of Denial of Charter School Application for Discovery High School and Appellant Brief* ("Notice of Appeal") filed by Appellant/Applicant DISCOVERY HIGH SCHOOL, INC., (hereinafter "Discovery"). Nothing herein should be construed as a waiver of any substantive or procedural right or issue that may be raised pursuant to this appeal by the School Board. Respectfully, the State Board of Education should **approve** the School Board's decision to deny Discovery charter school application for the following reasons, each of which constitutes statutory good cause.

## **I. STATEMENT OF THE CASE**

### **A. Nature of the Case**

This proceeding is Discovery High School's F.S. 1002.33(6)(c)1. Administrative appeal to the Charter School Appeals Commission ("CSAC") and State Board of Education ("SBE") of the denial of its Polk County charter school application. References to the "record on appeal" will be styled in the form "E1, Pg.12" (for Page 12 of Exhibit 1). A list of attached exhibits constituting the record may be found immediately after the substantive portion of this brief.

### **B. Course of Proceedings**

On August 1, 2014, Discovery High School ("Discovery") filed an application with the School Board to open a new publicly-funded charter school. Discovery proposed a school to serve 400 students in grades nine (9) through twelve (12).

Consistent with the School Board Policy, Discovery's application was assigned after receipt to the School Board's Charter Review Committee for review, Discovery representatives were invited to speak at a School Board work session, and Discovery's founding board was scheduled for an in-person interview with select School Board staff. See (E. 1). Additionally, two independent evaluators were hired to conduct a *neutral* evaluation, using the School Boards' DOE-approved evaluation instrument. (E. 2). Key events to the Board's evidence-gathering and application analysis stage include:

- Work Session presentation, August 12, 2014. (E. 3).
- Applicant interview on August 21, 2014, to "determine (the founding board's) working knowledge of the charter process and the requirements of successfully running an independent school." (E. 1). During the interview, the Applicant was given the opportunity to clarify information contained within its application, but not to add to, delete from, or otherwise change the application.

- Charter Review Committee meeting on September 16, 2014, at which the Committee members voted 11-1 to recommend denial of Discovery's application.
- October 14, 2014, after review of the application, Charter Review Committee advisory notes and vote, and Discovery's response to the questions propounded in September, the Superintendent presented a recommendation of **denial** to the School Board at its regularly scheduled work session. At its regularly scheduled meeting the same day, the School Board unanimously denied Discovery's application. An F.S. 1002.33(6)(c)3.a. letter of denial, stating the specific reasons for the School Board's action, was mailed to Discovery at its application address on October 24, 2014. An electronic copy was also sent on that date.

### **C. Disposition Below & Appellate Information**

Based on the recommendations of the Charter Review Committee and Superintendent, the School Board unanimously voted to **deny** Discovery's application at its October 14, 2014 meeting. (E ). Discovery appealed the School Board's denial to this agency on November 21, 2014. The School Board received notice of Discovery's appeal on December 1, 2014.

## **II. LEGAL STANDARDS**

The School Board's determination must be based on good cause-that legally sufficient reasons exist to support the denial. The standard by which the CSAC and SBE review the School Board's decision is whether the School Board abused its discretion in making that determination. The question, therefore, is not whether the CSAC or SBE would vote to approve the application, but whether the School Board's decision falls within the range of reasonable decisions based on competent substantial evidence. If so, the School Board's decision must be upheld.

Unlike the situation in School Board of Osceola County v. UCP of Central Florida, 905 So. 2d 909, 913 (Fla. 5<sup>th</sup> DCA 2005), cited by the Applicant in the Notice of Appeal, the SCHOOL BOARD in this matter did not base its good cause “upon factors other than those specified by the statutes.” In the UCP case, unlike here, it was undisputed that the application met all the statutory requirements.” Id. at 915.

Further, as distinguished from the Applicant’s argument and citation to School Board of Volusia County v. Academies of Excellence, Inc., 974 So. 2d 1186, 1190-91 (Fla. 5<sup>th</sup> DCA 2008), here many of the grounds for denial are statutory requirements, not a mistake which the Applicant agreed to correct or a non-statutory basis. Additionally, the Academies of Excellence case was decided before the 2011 changes in Fla. Laws 2011-232 (S.B. 1546) to the Charter School Statute §1002.33(6)(b) that added this language:

Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make **technical or non-substantive corrections and clarifications** including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures. (emphasis added)

In interpreting this provision, the principle of “**expressio unius est exclusio alterius**” would apply. “*See Black’s Law Dictionary* 620 (8<sup>th</sup> ed. 2004) (“A canon of construction holding that **to express or include on thing implies the exclusion of the other**, or the alternative.”).” Marton v. Florida Hosp. Ormond Beach/Adventist Health Systems, 98 So.3<sup>rd</sup> 754, 757 (Fla. 1<sup>st</sup> DCA Oct. 12, 2012). See also, 1000 Friends of Florida, Inc. v. Palm Beach County, 69 So3d. 1123, 1127 (Fla. 4<sup>th</sup> DCA, 2011); Moonlit Waters Apartments, Inc. v. Cauley, 666 So.2d 989, 900 (Fla. 1996). Accordingly, this maxim supports the School Board’s argument that this statutory provision is a restrictive and exclusive list of the types of changes that the School Board must allow. This would exclude other types of changes, including those that are substantive, by

virtue of the fact they were not included in the enumerated list with the Statute. Accordingly, substantive changes in Exhibit 5 submitted by the Applicant with their Notice of Appeal cannot be considered by CSAC. Curing noted deficiencies in these applications would not meet the non-substantive or technical standard in Fla. Stat. §1002.33(6) (b), F.S. as argued by the Applicant, **but would require substantive changes.**

Florida Statutes §1002.33(6) further states:

A sponsor shall receive and consider charter school **applications received on or before August 1** of each calendar year for a charter school 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.**  
(emphasis added)

This District has chosen not to accept substantive amendments to applications after August 1. This is its statutory right. Thereby, the Appellant's "Response to Review Committee Evaluation" (Appellant, E. 5) provided by Discovery on September 22, 2014 was not considered as part of the submitted charter application and should not be considered as evidence in this appeal.

The CSAC motion sheet asks if the School Board has **competent substantial evidence** to support the denial of the application. In DeGroot v. Sheffield, 95 So. 2d912, 916 (Fla. 1957), the Florida Supreme Court clarified the meaning of the term "competent substantial evidence.":

We have used the term "competent substantial evidence" advisedly. Substantial evidence has been described as **such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred.** We have stated it to be such relevant evidence as reasonable mind would accept as adequate to support a conclusion.

We are of the view, however, that the evidence relied upon to sustain the ultimate finding **should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached.** To this extent the ‘substantial’ evidence should also be ‘competent.’ (emphasis added)

Note that in 2012, a district court of appeal reversed a final order of the SBE because that school board had competent substantial evidence to terminate a charter school. School Board of Miami-Dade County, Florida v. Rise Academy of South Dade Charter School, 90 So. 3d 1001 (Fla. 3d DCA 2012).

In accordance with **Florida Principles and Standards for Quality Charter School Authorizing**, Polk County sets high standards for approving charter applicants and holds school accountable for fulfilling fundamental public, which includes providing sound governance, management, and stewardship of public funds. (E. 4, Pg. 5). Furthermore, Florida Principles and Standards require applicants to present clear evidence of the applicant’s capacity to execute its plan successfully. (E. 4, Pg. 9).

### **Uncontroverted Bases for Denial**

Specific reasons based on good cause for denial of the charter application include:

1. Pursuant to §1002.33(6)(b)(2), Florida Statutes, the Applicant fails to adequately include an expense projection that includes full accounting of the cost of operation to ensure fiscal responsibility.

The School Board has warranted concerns regarding the sufficiency of the amounts budgeted for several key aspects of the charter’s operations as reflected in this response, the evaluation documentation, and clearly delineated in the presented application. Discovery explains in a cavalier fashion that all identified deficiencies may be handled within the proposed total budget.

It thus fails, or refuses, to provide a realistic budget, based on what is reasonably anticipated to efficiently operate a charter school and to meet the requirements specified in law with clarity. It is obvious that there is a real disconnect between the narrative portion of the application and the budget. (E. 12). It is the burden of the Applicant to ensure that the budget supports the curricular and operational components as outlined in the charter application prior to submitting it to the District. The appeal provides detail that could not have been obtained by a reading of the charter application; thereby, confirming that Discovery failed to meet the applicable standard with clarity. And even with the explanations now proffered, Discovery has failed to supply the needed data relating to instructional staffing. Discovery's treatment of the projected budget makes it impossible for the School Board to determine that Discovery High School can, in fact, operate the charter it proposes regardless of its association with Discovery Academy at Lake Alfred (DALA). As evidenced in this brief and all accompanying exhibits, Discovery's budget does not support the educational program(s) proposed in the charter application. Discovery applied as a new charter school; however, it is obvious from all aspects of the application and filed appeal that the Applicant perceives the proposed school as a roll-up model that is heavily dependent upon financial support from its partner school, DALA.

There is a preponderance of evidence throughout the application reflecting Discovery's commitment to having a sound and extensive professional development plan. (See Exhibit 5 for a detailed list of identified professional development). Specifically, the Applicant states, "DHS will provide professional development for all teachers through the focus on continuous improvement to increase student achievement. All teachers will be provided research-based professional development based on school improvement goals." (Application, 45). The Applicant fails to include any funding for staff development for the first two (2) years of operation despite the obvious need to support and implement an array of educational components

such as: integration of STEM; Marzano and Danielson lesson planning; professional learning communities (PLCs); use of iPad labs, Smartboards, projectors, and document cameras; Daggett System for Effective Instruction; mandatory Kagan training; Formative Assessment; Differentiated Instruction; Content Specific Strategies; *Deliberate Practice Improvement* strategies; and teacher collaboration. In year three (3), only \$8,000 is budgeted for staff development. In addition, the Applicant **fails** to budget funds for instructional travel, instructional dues and fees for the five years proposed to operate a charter school. In its appeal, the Applicant responds to the lack of staff development funding by stating the School expects to receive Title II funding, which would cover the costs of additional external training offered as the student base extends to grades 11 and 12 and professional development needs increase. The proposed budget includes Title II funding as a revenue source for all five years, increasing from \$1,250 in year one (1) to \$10,000 in year five (5).

Discovery plans to share staffing with DALA. The lack of funding for staff development is of particular importance considering the history of new teachers at DALA. New teachers juggle an overwhelming number of unfamiliar issues, such as classroom management, instruction, curriculum, school culture and operations, test preparation and administration, state standards, parent relations, and interactions with other teachers; therefore, professional development is of critical importance. Despite a relatively stable student membership, a review of the school's SPAR reports from 2002-03 to 2013-14 indicate the average of newly hired teachers at DALA is 28.4%. (E. 6).

The Applicant asserts, "The students (ESE) will work closely with their guidance counselor and the school's ESE Facilitator to ensure they have properly mapped out the student's 4-year academic plan." (Application, 59). Moreover, on page 14 of the charter application Discovery avows the School will have a strong guidance program to help students and parents



review post-secondary options and what qualifications are needed to achieve students' goals. Exhibit 7 reflects a comprehensive list of application references to the importance of the School having a guidance counselor to oversee student led conferences, assist students with career planning tools, and fulfill other important duties. However, the School fails to adequately fund for an ESE Facilitator and Guidance Counselor. The staffing plan indicates Guidance as a supplement for the first two (2) years and .5 allocation for year three (3).

The assumptions provided for the creation of the proposed budget specify \$60.00 per student for textbooks and the Applicant budgets accordingly for the number of students anticipated to enroll annually (Application, Appendix U). Discovery affirms, "The schedule will allow students in all grades to achieve the number of hours and credits required according to statute s. 1003.436 and allow each student to earn up to 7 credits each Year." (Application, 10) Therefore, it is unrealistic to only budget \$60.00 per student for textbooks to support a high school curriculum enriched in STEM and the philosophies of a 21<sup>st</sup> century learning environment. A quick glance at the Florida Schoolbook Depository demonstrates that the \$60 allocation per student will not be sufficient to purchase even one (1) high school textbook. This is yet another example of how Discovery fails to provide a budget, which adequately includes full accounting of the cost of operating a comprehensive high school.

2. Pursuant to §1002.33(6)(a)(5), Florida Statutes, the Applicant fails to provide an adequate annual financial plan for each year requested by the charter for operation of the school for up to 5 years.

Based on clear and convincing evidence, Discovery fails to comply with Section 1002.33(6)(a)(5), F.S., which specifies that the charter application must contain an annual financial plan for each year requested by the charter application of the school, for up to five

years, that contains a spending plan based on projected revenues and expenses. In addition to being thorough, a financial plan must be predicated on justifiable calculations of known and reasonably predicted revenue.

In addition to the evidence cited above, the Applicant fails to include normal occurring expenditures for the operation of the school for all or some of the five years proposed to operate the school. Examples include, but are not limited to: Instructional-Repair and Maintenance; Supplies-Clinic and Guidance; Equipment-Pupil Personnel; Travel-Charter Board; Postage-Charter Board; Supplies-Charter Board; Travel-Administration; Other Purchased Services-Administration; Software-Administration; Misc. Expenses-Administration; Equipment-Operations; Motor Vehicles-Operation of Plant; and Misc. Expenses-Operation of Plan. The Applicant verifies that it will begin its marketing campaign in November 2014. However, funds have not been allocated for marketing strategies as described to support Discovery's commitment to ensuring recruitment of a diverse population.

The Applicant includes Capital Outlay revenue in its projected budget and argues that the School will be eligible because it will be seeking accreditation in its first year of operation. Although it is highly improbable that the School will acquire accreditation in its first year of operation, it still will not be eligible for such funding. To be eligible, Discovery must also demonstrate that it has financial stability for future operation as a charter school and have satisfactory student achievement based on state accountability standards applicable to the charter school. The School will not be able to qualify for either of the later two requirements in its first year of operation. Additionally, the Applicant argues in the appeal that if Discovery is not eligible for capital outlay, both of its budgets would still show a fund balance. The district firmly disagrees that Discovery will have a solvent fund balance with the elimination of capital outlay as a funding source.

It is improbable that the Applicant considered every expense in making its budgetary forecast. Therefore, the Applicant would naturally incur additional expenses as it prepares to open a new charter school, in addition to unforeseen services and materials needed to service all enrolled students. The Applicant failed to implement prudent business practices to ensure financial solvency for the proposed charter school; thereby giving the District competent substantial evidence to support its finding that the application failed to meet the requirements of §1002.33(6)(B)(2).

3. Pursuant to §1002.33(16)(a)(3), Florida Statutes, the applicant shall comply with those statutes pertaining to the provision of services to students with disabilities.

The Applicant fails to demonstrate likelihood that the School will be effective in serving exceptional education students. The Applicant fails to budget for staffing or contracted services for Exceptional Student Education until year three (3) of operation. The budget for year three (3) and subsequent years is not sufficient to support such services.

The record clearly indicates that Discovery has not appropriately budgeted services for exceptional education students despite its attempts to persuade otherwise. On page sixty-one (61) of the charter application, Discovery states, “Based on the DHS ESE model and the anticipated number of students with disabilities we will serve, we will hire/contract an ESE facilitator to handle all student IEPs, as well as ensure student accommodations within the IEP are met.” The staffing plan and budget do not reflect the hiring of an ESE Facilitator any of the five (5) years of the proposed charter. Furthermore, the Applicant states on page fifty-nine (59), “DHS will provide or contract any services needed to fulfill an accepted student’s IEP under the school’s guidelines...”. A review of the budget and staffing plan (Application, Appendices Q & U) leads to the unavoidable conclusion that Discovery cannot and does not plan to provide such services. There are no ESE allocations budgeted for the first two (2) years of the proposed

charter, .25 ESE allocation in year three (3), .375 ESE allocation in year four (4), and .5 ESE allocation in year five (5). Moreover, Discovery does not budget for contracted services for instructional ESE for the first two (2) years. In years three (3), four (4), and five (5), the School budgets \$87.00, \$133.00, and \$180.00 respectively.

An agreement with DALA includes a provision for the custodial staff to empty trash daily and perform other custodial duties as deemed necessary to keep all facilities (leased portables on DALA campus) safe and attractive for use (Application, Appendix P). However, the Applicant states on page seventy-seven (77) of the charter application, "DHS will move off the Discovery Academy campus by the 2017-2018 school year to a new location TBA." A review of the proposed budget clearly demonstrates that Discovery fails to budget custodial salaries for years three (3) through five (5) when the facility will be located at a new location, separate from DALA.

Discovery also argues that the staffing plans and budget are drafts that would be updated based on actual ESE student enrollment. The Applicant clearly indicates the number of anticipated ESE students while completing the Revenue Estimate Worksheet for all five years of the proposed charter application. More importantly, the revenue generated for the estimated number of ESE students is included as part of the reported revenue for all five years. (emphasis added). The Applicant **does not** stipulate the utilization of IDEA funds to support its program for serving exceptional education students in the charter application. Therefore, it is not a matter of record and should not be considered as evidence.

4. The standard for approval is set forth in the charter application evaluation instrument and Florida Statutes §1002.33. The Applicant does not meet the standard for:

- Section 8: School Climate and Discipline

The Applicant provides conditions under which a student may be immediately dismissed from the school, in violation of §1000.05(b), F.S. The processes for suspending and expelling a student are defined in §1006.09(b), F.S. and §1006.09(c), F.S., respectively and represent two very different consequences for inappropriate student behavior. Expulsion is defined as the removal of the right and obligation of a student to attend a public school; only a district school board may expel a student. The application clearly articulates on page 64, "...DHS will use the PCSB Code of Conduct as a guide, with the exception of the dismissal and expulsion procedures. All DHS parents and students will be required to read and review the PCSB Code of Conduct and sign the DHS family contract and student expectations form acknowledging that they have read and agree to abide by the PCSB Code of Conduct. Both will also outline procedures for possible dismissal and additional regulations of the school." The Family Contract, which can be found in Appendix F of the charter application, clearly articulates that a student may be **immediately dismissed** from the School for: (1) excessive tardiness, checkouts and/or unexcused absences; (2) failure to follow school expectations (adhering to strict uniform dress code and discipline policy); (3) failure to maintain academic requirements; and (4) lack of parent involvement. Subsequently, Discovery has established policy that gives the School unauthorized authority to remove the right or obligation of a student to attend a public school, treating the dismissal and expulsion of students equally. Without doubt, Discovery violates students' civil rights by imposing actions for students that are not authorized by §1006.09(b), F.S. The parent contract does not differentiate consequences for exceptional education students. The civil rights obligations that apply to charter schools are the same obligations that apply to all public schools in accordance to the U.S. Department of Education, Office for Civil Rights *Applying Federal Civil Rights Laws to Public Charter Schools Questions and Answers* (E. 8); therefore, a charter

school may not arbitrarily dismiss a student unless he/she commits an expellable offence. If a student commits an expellable offence, the School must recommend a student for expulsion to the School Board of Polk County, the only legal body that can remove the right or obligation of a student to attend a public school. §1006.09(c), F.S. Consequently, the School Board of Polk County had “good cause” based on competent substantial evidence to deny the Discovery charter application.

- Section 9: Governance

The Applicant fails to provide a cohesive description of the legal structure of the governing board in accordance to §1002.33(7)(a)(15), F.S. The Applicant states on pages sixty-seven (67) and sixty-eight (68) of the charter application, “Upon approval of the charter, the Governing Board of Discovery Academy will also serve as the Governing Board of DHS. A planning team will be established to maintain oversight of the development process.” If the Applicant plans to utilize the existing DALA governing board, it is unclear as to why a planning team must be established. Furthermore, the Applicant stipulates that the governing board will appoint a Director who will oversee the planning process. It is obvious from all aspects of the application process that Discovery does not provide adequate funding for such measure. Discovery provides conflicting information when describing Board Policies and Procedures. The Applicant states, “The Board will focus on **formulating** sound financial policies and monitoring all major financial decisions...” (Application, 83) Moreover, “The Board **will establish, when Board membership grows**, a Finance & Audit Committee to assist in selecting an auditor to conduct the annual financial audit.” Since the Applicant articulates that it will utilize DALA’s Board, an established board, it is unclear as to why it will need to formulate sound financial policies and monitoring procedures. Conflicting with the previous two statements, Discovery specifies on

page eighty-eight (88) of the charter application, “DHS will utilize established procedures for cash receipts, cash disbursements, and record keeping.”

The organizational chart on page sixty-five (65) of the charter application does not correctly reflect that DALA will serve as the governing board. Instead, the configuration depicts “The Governing Board of DHS” and the DHS Director, which will not be fully allocated until year five (5) of operation. Furthermore, Discovery admits, “DHS and DALA will maintain separate administrative positions.” (Application, 70)

The Applicant fails to stipulate that it will appoint a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes in accordance to §1002.33(7)(d)(1), F.S. An experienced charter school operator should be familiar with the requirement to appoint a parent representative to serve the needs of Discovery High School.

- Section 10: Management

The Applicant fails to describe a viable and adequate staffing plan, which is paramount to the budgeting process. The staffing plan and budget do not reflect the hiring of sufficient staff to support the described educational program design and curriculum plan as described in sections three (3) and four (4) of the charter application. The staffing plan and budget unmistakably reflect that the School plans to hire two (2) teachers for 50 students. A simple exercise in math demonstrates how the Applicant determined that it needed two (2) teachers - it simply took 50 students and divided it by 25, the maximum number of students allowed by the Constitutional Class Size Amendment for secondary schools. The Applicant clearly stipulates, “...students will have access to college and career courses that allowed [sic] students to gain industry certifications and/or coursework that would allow students to gain access to the best in-state colleges and universities.” (Application, 46) Additionally, Discovery will also ensure students

receive course offerings in the area of STEM. (Application, 46). On pages thirty-seven (37) through thirty-nine (39), the Applicant lists elective courses such as: Personal Fitness; Team Sports I; Introduction to Information Technology or Computing for College and Careers; Spanish I, II, II Honors; AP Spanish; AP Spanish Literature; Intensive Reading and Math; Biotechnology 1,2,3; and Digital Design 1,2,3. Yet, the budget and staffing plan undeniably reflect the hiring of “.125 X 4” Elective Teachers for years one (1) and two (2) and only two (2) elective teachers in the third year of operation. Discovery argues again that there were some typographical errors in the staffing plan and correct staffing numbers were shown in the budget. This is problematic since the Appellant has forecasted a budget that does not contain a contingency fund to support such errors. In response to the District’s concern regarding an inadequate staffing plan, Discovery contends that the staff sharing agreement with DALA would help fill any gaps in personnel. On the surface, this argument might appear feasible; however, there are strict parameters regarding the utilization of out-of-field teachers that do not support the concept as a multi-year solution. Effective July 1, 2006, all teachers teaching core academic subjects must be certified in that subject area to be considered highly qualified. A review of SPAR reports for DALA for the past decade (E. 6) reflects significant concerns regarding the high percentages of out-of-field teachers and classes not taught by highly qualified teachers. Last year, 17.6% of DALA’s teachers were teaching out of field and 14.5% of classes were not taught by highly qualified teachers.

Additionally, Discovery shared the following response at the August 21, 2014 interview regarding how the School will share staff with its partner, DALA, with respect to staff certifications: Discovery explained, “Our 8<sup>th</sup> grade teachers are certified in 8<sup>th</sup> and most have 6-12 certification. Some are 5-9.” (E. 9). An analysis of the current staff at DALA (E. 10) reflects that 47% of all of DALA’s core subject teachers have a 6-12 certification. Of the eighth grade



core subject teachers, only 67% are certified in K-12. Merriam-Webster definition of “most” is (1) *greatest in quantity, extent, or degree* and (2) *the majority*. Therefore, the sharing of staff is a major point of contention considering DALA’s documented history of being out-of-compliance in areas of certification and highly qualified teachers.

The School’s ability to create a master schedule with the allocation of two (2) core academic teacher allocations, which includes STEM, the proposed college and career preparatory program, high school graduation requirements, as well as classes to serve students below grade level, is highly improbable, if not impossible. The budget and staffing plan fail to include allocations for the numerous elective courses identified in Section 4: Curriculum Plan of the charter application. Furthermore, the Applicant fails to provide detail regarding how and when professional development will occur to support the many instructional methodologies and strategies identified in Section 3 (Educational Program Design) of the charter application. Consequently, the obvious need to hire additional staff results in an insufficient financial plan. Therefore, the Applicant **fails to adequately include an expense projection that includes full accounting of the costs of operation to ensure fiscal responsibility** pursuant to §1002.33(6)(c), F.S.

- Section 16: Food Service

The Applicant fails to budget for food services. Moreover, attention was not given to the nutritional requirements for high school age students. The Applicant argues that since DALA will be providing all food service, all revenues and expenditures will flow through DALA and will not be part of Discovery’s budget. The District concurs that Discovery can come under DALA’s umbrella for the National School Lunch Program; however, Discovery must apply for its own school number with the National Lunch Program and complete the required reporting to

receive funds. Discovery may contract with DALA to provide the lunches but it must pay a fee to DALA. As evidenced in the 2013-2014 Discovery Academy at Lake Alfred Annual Financial Report (E. 11), food services is not a budget neutral endeavor. Consequently, this is another example of how Discovery's presented budget is not financially solvent and the Applicant is, yet again, relying on the financial backing of its partner school.

5. Pursuant to Master School Identification (MSID) Rule 6A-1.0016, F.A.C., the Applicant fails to designate a principal that is not shared with another school nor does it comply with establishing a separate location and facility not shared with another public school and therefore does not meet the criteria for the assignment of a MSID number.


The Florida Administrative Code clearly delineates the Department standard for assignment of an MSID number. Discovery High School does not meet the following criteria, which are reviewed by the Department to determine whether the standard for assignment of a MSID number has been met: (a) A school has a principal that is not shared with another school; (b) at least fifty (50) percent of a school's administrative and teaching staff are not shared with another public school. School administrative staff means principals, assistant principals, curriculum coordinators and deans; and (d) A school has a separate location and facility not shared with another public school.

The Applicant stipulates, "In the 2015-16 school year, DHS will serve students in grade 9. DHS intends to share staff with its partner." (Application, 8). Moreover, Discovery states on page 70 of the application, "DHS and DALA will also share facilities, faculty, and services until DHS is able to relocate to a different location." Although the Applicant promises that the governing board will appoint a director for Discovery High School (Application, 71); the presented budget, as well as, the staffing plan clearly depict the hiring of .125 Director for the first two (2) years of operation (Application, Appendices Q and U).

### III. CONCLUSION

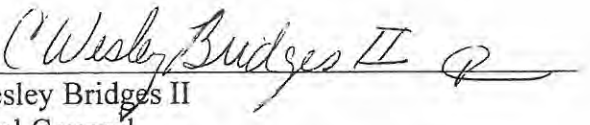
The School Board's decision in this matter was based on the professional analysis of its staff, and the School Board's findings how non-compliance with statutory application criteria and material deficiencies in model application requirements; the School Board's findings are supported by competent, substantial evidence, and form good cause to deny. See State of Fla., Dep't of Ed., Charter Sch. Appeal Comm'n Hrgs. Transcript, Vol. 2, 201-04, 275-78 (Feb. 7, 2012).

Respectfully submitted this 29<sup>th</sup> day of December, 2014.

  
C. Wesley Bridges II  
General Counsel  
The School Board of Polk County, Florida  
1915 South Floral Avenue  
P.O. Box 291  
Bartow, Florida 33831  
863.534.0773 (office)  
863.519-7972 (fax)  
[wes.bridges@polk-fl.net](mailto:wes.bridges@polk-fl.net)  
Florida Bar Number 0802735  
Attorney for School Board/Appellee

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this 29<sup>th</sup> day of December, 2014, by overnight delivery to Melissa Gross-Arnold, Esquire, The Arnold Law Firm, 6279 Dupont Station Court, Jacksonville, Florida 32217.

  
C. Wesley Bridges II  
General Counsel  
The School Board of Polk County, Florida

### ***Tab Index of Exhibits***

<b>Number</b>	<b>Exhibit</b>
1	Interview Questions for Charter Applicant
2	Florida Department of Education "Model" Evaluation Document
3	Polk County 8-12-14 Work Session 8:30 Agenda
4	Florida Principles & Standards for Quality Charter School Authorizing
5	Identified Professional Development Needs In Submitted 2014-2015 Discovery High School Charter Application
6	DALA Instructional Staff Data (Source: SPAR Reports)
7	Identified Need for Guidance – Submitted in 2014-15 Charter Application
8	<i>Applying Federal Civil Rights Laws to Public Charter Schools Q &amp; A</i>
9	DALA Teacher Certification (Source: FLDOE and SAP)
10	2014-2015 DALA Staff
11	DALA Financial Audit for June 30, 2013
12	Budget Items Identified in Charter Application

1



## Polk County Public Schools

---

### Interview Questions for Charter Applicants:

The purpose of this interview is to determine your working knowledge of the charter process and the requirements of successfully running an independent public school. The questions are open ended, so it is not a quiz of right or wrong answers; rather, it is an opportunity for you to demonstrate your knowledge of the academics, accountability, finance, and governance responsibilities as they relate to charter schools.

We have a number of questions to go through, so I would ask that your responses be brief and to the point. If an answer is longer than the time allotted, I may ask you to move on to the next question so that we can answer each of the questions. If time allows, you may use the remaining minutes in your interview to summarize or further clarify your responses.

We have a member of our team who will be taking notes on your responses. These responses will be shared with members of the charter review committee, the superintendent and the school board. Members of the review process will be given copies of the summary of your responses.

Do you have any questions about the process? If not, let's go ahead and get started.

**Applicant: Discovery High School  
August 21, 2014**

#### Attendees:

- Wes Bridges, School Board Attorney
- Brian Warren, PCSB Director of Charter Schools
- Carla Guerrero, PCSB Office of Charter Schools
- John Small, PCSB Assistant Superintendent of CTE, Adult & Multiple Pathways Education
- Carol Fulks – Director of Discovery Academy
- George Miarecki – CPA
- Mark Hastings – Lead Designer

1) Page 8 addresses grades served and says that DHS intends to share staff with its partner, Discovery Academy. Please explain how this will work with respect to staff certifications. Some high school courses require specific certifications that middle school staff potentially may not possess.

Answer: Our 8<sup>th</sup> grade teachers are certified 9<sup>th</sup> and most have 6-12 certification. Some are 5-9.

2) Page 9 explains that there will be a build out of freshman classes over the years; 50-75-100-125-150. The current 8<sup>th</sup> grade at Discovery Academy is approximately 300 students. Appendix Y outlines a

**Interview Questions**

8/22/13

Page 3 *Continued*

10) Please show me in the budget where the tutoring that is spoken to on page 39 is addressed?

Answer: This is part of the standard salary. Teacher will provide tutoring within their contract time.



2

## Florida Charter School Application Evaluation Instrument

Each section presents criteria for a response that meets the standard, and these criteria should guide the overall rating for the section. The Strengths and Weaknesses boxes provide space to identify data and other evidence that supports the rating. The rationale for each rating is important, especially if some of the data or evidence does not fit neatly into the criteria provided.

The following definitions should guide the ratings:

- Meets the Standard:** The response reflects a thorough understanding of key issues and demonstrates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of how the school expects to operate.
- Partially Meets the Standard:** The response addresses most of the criteria, but the responses lack meaningful detail and require important additional information.
- Does Not Meet the Standard:** The response lacks meaningful detail, demonstrates lack of preparation, or otherwise raises substantial concerns about the applicant's understanding of the issue in concept and/or ability to meet the requirement in practice

---

**OVERALL ASSESSMENT – COMPLETE THIS SECTION LAST**

Would you recommend approval of this application for a public charter school? Explain your recommendation in the Summary Comments section, below.

<b>DENY</b>	<b>APPROVE</b>
<input type="checkbox"/>	<input type="checkbox"/>

Name of Person Completing Assessment: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

### I. Educational Plan

The education plan should define what students will achieve, how they will achieve it, and how the school will evaluate performance. It should provide a clear picture of what a student who attends the school will experience in terms of educational climate, structure, assessment and outcomes.

**1. Mission, Guiding Principles and Purpose**

The Mission, Guiding Principles and Purpose section should indicate what the school intends to do, for whom and to what degree.

**Statutory References:**

s. 1002.33(2)(a); s. 1002.33(2)(b); s. 1002.33(2)(c); s. 1002.33(6)(a)(1); s. 1002.33(7)(a)(1)

**Evaluation Criteria:**

A response that meets the standard will present:

- A compelling mission statement that defines the purpose and values of the school.
- A set of priorities that are meaningful, manageable and measurable, and focused on improving student outcomes.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>
<b>Concerns and Additional Questions</b>	<b>Reference</b>

**2. Target Population and Student Body**

The Target Population and Student Body section should describe the anticipated target population of the school and explain how the school will be organized by grade structure, class size and total student enrollment over the term of the school's charter.

**Statutory Reference(s):**

s. 1002.33(10)(e); s. 1002.33(6)(b)(2); s. 1002.33(7)(a)(1); s. 1003.03

**Evaluation Criteria:**

A response that meets the standard will present:

- An understanding of the students the charter school intends to serve.
- If the applicant proposes to target certain populations, the projected student body should align with the overall mission of the school.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

### **3. Educational Program Design**

The Educational Program Design section should describe the educational foundation of the school and the teaching and learning strategies that will be employed.

#### **Statutory Reference(s):**

s. 1002.33(7)(a)(2)

#### **Evaluation Criteria:**

A response that meets the standard will present an educational program design that:

- Is clear and coherent;
- Is based on effective, research-based educational practices, teaching methods and high standards for student learning;
- Aligns with the school's mission and responds to the needs of the school's target population; and
- Presents evidence that the proposed approach will lead to improved student performance for the school's target population.

<b>Meets the Standard</b>	<b>Partially Meets the Standard</b>	<b>Does Not Meet the Standard</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>

<b>Concerns and Additional Questions</b>	<b>Reference</b>

#### 4. Curriculum Plan

The Curriculum Plan section should explain not only *what* the school will teach but also *how* and *why*.

#### Statutory Reference(s):

s. 1002.33(6)(a)(2); s. 1002.33(6)(a)(4); s. 1002.33(7)(a)(2); s.1002.33(7)(a)(4)

A response that meets the standard will present a curriculum plan that:

- Provides a clear and coherent framework for teaching and learning;
- Is research-based;
- Is consistent with the school's mission, educational philosophy and instructional approach;
- Will enable students to attain Sunshine State-Common Core Standards and receive a year's worth of learning for each year enrolled; and
- Will be appropriate for all students at all levels.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

**5. Student Performance, Assessment and Evaluation**

The Student Performance, Assessment and Evaluation section should define what students attending the school should know and be able to do and reflect how the academic progress of individual students, cohorts over time, and the school as a whole will be measured.

**Statutory Reference(s):**

s. 1002.33(6)(a)(3); s.1002.33(7)(a)(3); s.1002.33(7)(a)(4); s.1002.33(7)(a)(5)

**Evaluation Criteria:**

A response that meets the standard will present:

- Measurable educational goals and objectives that set high standards for student performance.
- Promotion standards that are based on high expectations and provide clear criteria for promotion from one level to the next, and for graduation (if applicable).
- Evidence that a range of valid and reliable assessments will be used to measure student performance.
- Assessment activities that are sufficiently frequent and a detailed plan to determine whether students are making adequate progress.
- Evidence that data will inform decisions about adjustments to the educational program.
- Plans for sharing student performance information that will keep students and parents well informed of academic progress.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

**6. Exceptional Students**

The Exceptional Students section should demonstrate an understanding of the requirements of the school to serve all students and provide a concrete plan for meeting the broad spectrum of educational needs and providing all students with a quality education.

**Statutory Reference(s):**

s. 1002.33(16)(a)(3)

**Evaluation Criteria:**

A response that meets the standard will present:

- Clear description of the levels of service the school will provide to students with disabilities.
- A clear description of how the school will ensure that students with disabilities (SWD) will have an equal opportunity of being selected for enrollment.
- An understanding and commitment to collaborating with the sponsor to ensure that placement decisions for students with disabilities will be made based on each student's unique needs.
- An appropriate plan for evaluating the school's effectiveness in serving exceptional students, including gifted.
- A realistic enrollment projection (SWD) and a staffing plan that aligns with the projection.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference



**7. English Language Learners**

The English Language Learners section should demonstrate an understanding of the requirements of the school to serve English Language Learner students and provide a concrete plan for meeting the broad spectrum of educational needs and providing all students with a quality education.

**Statutory Reference(s):**

s. 1002.33(10)

**Evaluation Criteria:**

A response that meets the standard will present:

- Demonstrated understanding of state and federal requirements regarding the education of English language learner students.
- Sound plans for educating English language learner students that reflect the full range of programs and services required to provide all students with a high quality education.
- Demonstrated capacity to meet the school’s obligations under state and federal law regarding the education of English language learner students.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

**8. School Climate and Discipline**

The School Climate and Discipline section should describe the learning environment of the school and provide evidence that the school will ensure a safe environment conducive to learning.

**Statutory Reference(s):**

s. 1002.33(7)(a)(7); s. 1002.33(7)(a)(11); s. 1002.33(9)

**Evaluation Criteria:**

A response that meets the standard will present:

- A sound approach to classroom management and student discipline.
- Legally sound policies for student discipline, suspension, and dismissal.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

## II. Organizational Plan

The Organizational Plan should provide an understanding of how the school will be governed and managed. It should present a clear picture of the school's governance and management priorities, what responsibilities various groups and people will have, and how those groups will relate to one another.

### 9. Governance

The Governance section should describe how the policy-making and oversight function of the school will be structured and operate.

#### Statutory Reference(s):

s. 1002.33(7)(a)(15); s. 1002.33(9)

#### Evaluation Criteria:

A response that meets the standard will present:

- Documentation of proper legal structure of the governing board, or a plan to organize in conformity with the laws of Florida.
- A clear understanding and description of the governing board's responsibilities.
- Evidence that the proposed governing board will contribute to the wide range of knowledge and skill needed to oversee a charter school.
- A clear, sensible delineation of roles and responsibilities in relation to governance and school management.
- A sensible method for resolving disputes between parents and the school.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

**10. Management**

The Management section should describe how the day-to-day administration of the school's operations will be structured and fulfilled.

**Statutory Reference(s):**

s. 1002.33(7)(a)(9); s. 1002.33(7)(a)(14)

**Evaluation Criteria:**

A response that meets the standard will present:

- A management structure that includes clear delineation of the roles and responsibilities for administering the day-to-day activities of the school.
- A sound plan for the recruitment and selection of the school leader.
- A viable and adequate staffing plan aligned with the projected student enrollment.
- A sound plan for recruiting and retaining qualified and capable staff.

Meet the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

**11. Education Service Providers**

The term “education service provider” (ESP) refers to any number of organizations that contract with the governing board of a school to provide comprehensive services. The three major types of ESPs that serve charter schools are education management organizations, comprehensive school design providers, and virtual school management organizations. The Education Service Provider section should describe, if applicable, the contractual arrangement between the school’s governing board and such a provider.

**Statutory Reference(s):**

s. 1002.33(7)(a)(9)

**Evaluation Criteria:**

A response that meets the standard will present:

- A persuasive explanation of the reasons for contracting with an education service provider.
- A persuasive explanation of how the proposed relationship with the ESP will further the school’s mission.
- A clear description of the services to be provided by the ESP.
- A clear delineation of the roles and responsibilities between the school’s governing board and the ESP.
- A clearly defined performance-based relationship between the school’s governing board and the ESP.

<b>Not Applicable</b>	<b>Meets the Standard</b>	<b>Partially Meets the Standard</b>	<b>Does Not Meet the Standard</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Strengths</b>	<b>Reference</b>

<b>Concerns and Additional Questions</b>	<b>Reference</b>

**12. Employment**

The Employment section should define the policies and procedures that frame the school's relationship with its staff.

**Statutory Reference(s):**

s. 1002.33(7)(a)(14); s. 1002.33(12)

**Evaluation Criteria:**

A response that meets the standard will present:

- A compensation plan that will attract and retain quality staff.
- Policies and procedures that hold staff to high professional standards or a sound plan for development of policies and procedures.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

**13. Student Recruitment and Enrollment**

The Student Recruitment and Enrollment section should describe how the school will attract and enroll its student body.

**Statutory Reference(s):**

s. 1002.33(7)(a)(7); s. 1002.33.(7)(a)(8); s. 1002.33(10)

**Evaluation Criteria:**

A response that meets the standard will present:

- A student recruitment plan that will enable the school to attract its targeted population.
- An enrollment and admissions process that is open, fair, and in accordance with applicable law.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

### III. Business Plan

The Business Plan should provide an understanding of how the charter operators intend to manage the school's finances. It should present a clear picture of the school's financial viability including the soundness of revenue projections; expenditure requirements; and how well the school's budget aligns with and supports effective implementation of the educational program.

#### 14. Facilities

The Facilities section should provide an understanding of the school's anticipated facilities needs and how the school plans to meet those needs.

#### Statutory Reference(s):

s. 1002.33(7)(a)(13); s. 1002.33(18)

#### Evaluation Criteria:

A response that meets the standard will present:

- A realistic plan for acquiring a facility that is appropriate and adequate for the school's program and targeted population.
- Evidence that the school has access to the necessary resources to fund the facilities plan.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference



**15. Transportation**

The Transportation section should describe how the school will address these services for its student body.

**Statutory Reference(s):**

s. 1002.33(20)

**Evaluation Criteria:**

A response that meets the standard will present:

- A transportation plan that will serve all eligible students.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

**16. Food Service**

The Food Service section should describe how the school will address these services for its student body.

**Statutory Reference(s):**

s. 1002.33(20)(a)(1)

**Evaluation Criteria:**

A response that meets the standard will present:

- A food service plan that will serve all students.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

**17. Budget**

The Budget section should provide financial projections for the school over the term of its charter.

**Statutory Reference(s):**

s. 1002.33(6)(a)(5); s. 1002.33(6)(b)(2)

**Evaluation Criteria:**

A response that meets the standard will present:

- Budgetary projections which are consistent with all parts of the application, including the school’s mission, educational program, staffing plan and facility.
- A realistic assessment of the projected sources of revenue and expenses that ensure the financial viability of the school.
- A sound plan to monitor the budget and make adjustments as necessary.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

**18. Financial Management and Oversight**

The Financial Management and Oversight section should describe how the school's finances will be managed and who will be responsible for the protection of student and financial records.

**Statutory Reference(s):**

s. 1002.33(6)(a)(5); s. 1002.33(7)(a)(9); s. 1002.33(7)(a)(11)

**Evaluation Criteria:**

A response that meets the standard will present:

- A clear description of how the school's finances will be managed. The description must include assurances that the governing board retains ultimate control over the school's finances.
- A clear description of strong internal controls. The system of internal controls must be sufficient to safeguard finances.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

**19. Action Plan**

The Action Plan should provide a clear roadmap of the steps and strategies that will be employed to prepare the school to be ready to serve its students well on the first day of operation.

**Statutory Reference(s):**

s. 1002.33(7)(a)(16)

**Evaluation Criteria:**

A response that meets the standard will present an action plan that:

- Provides a thoughtful and realistic implementation plan that covers major operational items and provides flexibility for addressing unanticipated events.

Meets the Standard	Partially Meets the Standard	Does Not Meet the Standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Strengths	Reference

Concerns and Additional Questions	Reference

3

# eAgenda

POLK COUNTY PUBLIC SCHOOLS

---

08 12 2014 Work Session 8 30 AM

For ADA assistance, contact the Office of Equity and Compliance, 534-0781, at least 3 business days before the meeting.

**A. New Business**

1. 8:30 - 8:45 AM Board Comments

**B. Board Agenda Review**

2. 8:45 - 9:15 AM Review August 12, 2014 School Board Agenda

Attachment: 08 12 14 Revised SB 4Agenda.pdf

3. 9:15 - 9:30 AM BREAK

**C. Information**

**Administration - Superintendent's Office**

4. District/Systems Accreditation Update

**Business Services - Staffing Plan**

5. District Staffing Plan

Attachment: District Staffing Plan 1415 WS 8.12.14.pdf

**Teaching and Learning - WorkForce - Charter Schools**

6. Charter School Readiness to Open for the 2014-2015 School Year

Attachment: 1 Readiness to Open Final Spreadsheet.pdf

**D. Discussion**

**Item 7**

7. 9:30 - 10:00 AM Salary Conversion Process for School Based Administrators

Attachment: Principal and Assistant Principal Salary Conversion Process 8-12-14 WS.pdf

**Item 8**

8. 10:00 - 10:15 AM Annual Contracts for School-Based and District Office Administrators

Attachment: Annual Contracts for School Based and District Office Administrators 8-12-14 WS.pdf

**Item 9**

9. 10:15 - 10:30 AM New Position and New Job Description for TRST, World Languages

Attachment: New Position and New Job Description for TRST, World Languages 8-12-14 WS.pdf

**Item 10**

10. 10:30 - 10:45 AM Revised Job Descriptions for Human Resource Services; New Position and New Job Description for Business Services

Attachment: New Position and New- Revised Job Descriptions for Human Resource Services and Business Services 8-12-14 WS.pdf

**Item 11**

11. 10:45 AM - 12:00 PM 2014 Charter School Applicant Presentations

Attachment: Our Childrens Charter Middle Winter Haven Executive Summary and Needs Assessment.pdf

Attachment: Discovery High School Executive Summary and Needs Assessment.pdf

Attachment: Poinciana Community Schools, Inc. Executive Summary.pdf

Attachment: Ridgeview Middle Academy Executive Summary and Needs Assessment.pdf

Attachment: Our Childrens Charter School Winter Haven Executive Summary and Needs Assessment.pdf

Attachment: Our Childrens Charter School Lakeland Executive Summary and Needs Assessment.pdf

Attachment: Winter Haven Montessori Academy Executive Summary and Needs Assessment.pdf

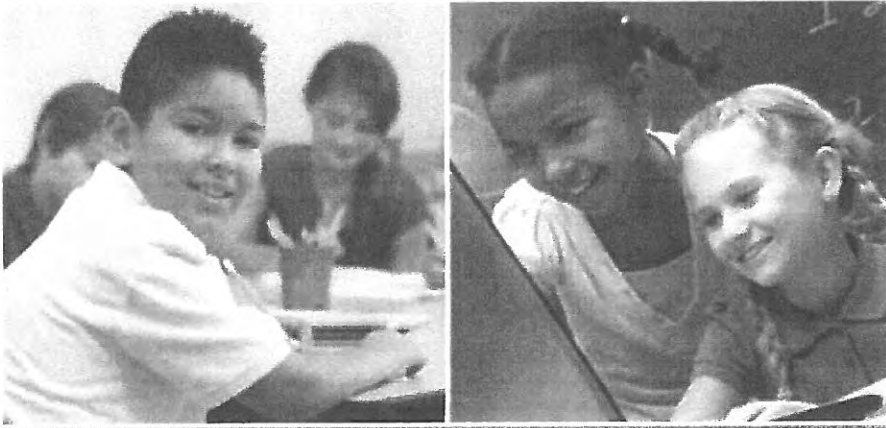
Attachment: 1 WS-Summary Presentations 8.12.14.pdf

Attachment: 2014 Charter Applicant Spreadsheet.pdf

**E. Adjournment**

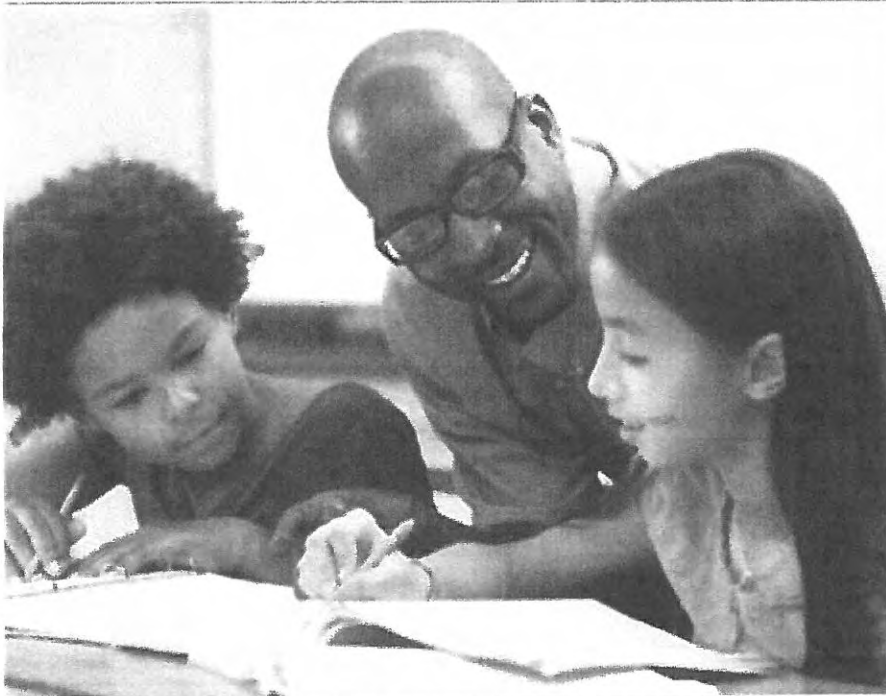


4



# Florida Principles & Standards

*for Quality Charter School Authorizing*



Dear colleagues,

Florida has taken a significant step toward the establishment of a high-achieving and highly accountable sector of charter schools. Over the course of one year, charter school sponsors and operators in the Sunshine State came to the same table to draft the document you are now reading, the *Florida Principles and Standards for Quality Charter School Authorizing*. I encourage anyone with a stake in the future of Florida's charter schools to heed the best practices herein.

Florida now educates more than 230,000 students at more than 600 charter schools. While a great many of these schools are providing excellent educational opportunities, others are not living up to their promise and are failing the children and the communities they are meant to serve. It is the responsibility of every school district in Florida to make sure that the charter schools they authorize are fully capable of delivering on the charter promise. Such a burden requires support.

For the past fourteen years, the National Association of Charter School Authorizers has worked to provide this help. NACSA prepared the original *Principles & Standards for Quality Charter School Authorizing* as a resource to help decision-makers ensure that every charter school is a great school and to help fulfill the "grand bargain" of chartering: give these schools the freedom and autonomy to do things differently, but hold them accountable for results. NACSA's guidelines reflect the best practices developed through years of experience working with entities of all types who are engaged in the daily work of charter school authorizing. They are guidelines animated by the belief that quality authorizing is *the foundation for quality charter schooling*.

It's rare for any state to tailor these Principles and Standards to its charter school environment, much less bring school districts and charter schools together to jointly hammer out such optimal guidelines. Florida has helped to blaze a trail with this effort, and it has done so while keeping student achievement in the forefront. I am confident the *Florida Principles and Standards for Quality Charter School Authorizing* will lead to the quality charter school environment that all Florida residents deserve.

Sincerely,



Greg Richmond,  
President and Chief Executive Officer,  
National Association of Charter School Authorizers

---

# Table of Contents

Introduction	1
Purposes of the Florida Principles and Standards	2
How the Florida Principles and Standards were developed	2
Who should use this resource	3
Glossary	3
Three Core Principles of Charter Authorizing	4
Principle I - Maintain High Standards	4
Principle II - Uphold School Autonomy	4
Principle III - Protect Student and Public Interests	5
Standards for Quality Charter School Authorizing	6
Standard 1 - Sponsor Commitment and Capacity	6
Standard 2 - Application Process and Decision Making	8
Standard 3 - Performance Contracting	11
Standard 4 - Ongoing Oversight and Evaluation	14
Standard 5 - Termination and Renewal Decision Making	17
Key Elements for Special Topics	19
Acknowledgments	21

---

# Introduction

Florida has been a national leader in the charter school movement since the state passed its own charter law in 1996. Few major cities and school systems have outpaced the growth of student enrollment at charter schools seen in Florida's largest urban areas. Moreover, the National Alliance for Public Charter Schools has consistently ranked Florida's law among the best in terms of what it does to create high-quality charters schools and to hold them accountable.

To build on this success, Florida's district, charter, and state leaders are continually examining their policies and practices to help ensure that students have access to the best charters schools. One of the single most important ways to accomplish this goal is to improve charter school authorizing. A charter sponsor has the power to approve a charter school and, if necessary, shut it down; it's no surprise that states and regions with some of the best charter authorizing practices have some of the best charter schools.

## Purposes of the Florida Principles and Standards

The National Association of Charter School Authorizers (NACSA) has given us a blueprint for effective authorizing, one that helps charter school sponsors balance diverse and competing interests, regardless of the policies and laws of a given state. NACSA's defining publication, the *Principles & Standards for Quality Charter School Authorizing*, includes founding principles as well as basic and advanced standards for implementation and provides a critical roadmap to the best practices in the industry.

To be sure, however, Florida does have unique challenges and opportunities—the state's 67 school districts are currently charged with the responsibility for charter school authorizing. Sponsors and charter operators alike in Florida have recognized a need for their own strategy, using NACSA's as a model.

## How the Florida Principles and Standards were developed

Starting in the summer of 2013, representatives from school districts, charter schools, charter support organizations, and the Florida Department of Education met many times over the course of the year to develop the document you're reading now: the *Florida Principles and Standards for Quality Charter School Authorizing*. Consistent with NACSA's own efforts (NACSA, in fact, helped to facilitate this endeavor) this publication is the outcome of an unprecedented collaboration between charter schools and school districts to find common ground and to strive for high standards in the charter sector. It sets as a goal the same best practices reflected in NACSA's original document while meeting Florida's requirements and particular needs.

## Who should use this resource

The Florida Principles and Standards are not designed to be a step-by-step list of tasks for charter sponsors to follow. Nor is it intended to be a tool for legislative action or sponsor evaluation. The Principles and Standards are intended to be a roadmap that can guide sponsors at all stages and levels of experience. It is designed to provide practical guidance to help local school boards and their staffs carry out their work as a standards-based profession. And it highlights the complexity and challenges of quality authorizing—and the need for local and state policy to contemplate and invest adequately in authorizing to achieve a quality charter school sector.

GLOSSARY	Definitions of key terms
High Stakes Review:	An in-depth sponsor review of important charter school performance data utilizing the agreed upon goals and objectives referenced in the charter contract. Differs from routine annual reports in terms of the depth and comprehensiveness of the data reviewed.
Human Resources:	The component of the school's operation that deals with personnel including recruitment, selection and/or termination of staff, staff training and development, and implementation of policies and procedures governing those activities.
Management Company:	An organization, either for-profit or nonprofit, that contracts with a charter school or a network of charter schools to provide comprehensive educational and business services.
Performance Management:	The process whereby sponsors and schools agree to the establishment, execution, and appraisal of certain goals, standards, and expectations.
Portfolio:	The full set of schools a sponsor has authorized described in terms of total numbers of schools and students as well as relevant breakdowns such as program types, special populations, and cumulative subgroup numbers.
Request for Proposal (RFP):	As used in this document a Request for Proposal (RFP) represents an invitation to qualified charter school applicants to submit an application to a sponsor for consideration. Frequently, RFP's include specific criteria such as the student population or geographic area to be served by the charter application.
Strategic Planning:	A process that helps sponsors and schools determine and clearly communicate the long-range vision of their respective organizations and desired outcomes and how their goals will be evaluated and achieved.

# Three Core Principles of Charter Authorizing

The Three Core Principles of Charter Authorizing comprise the foundation of a high quality authorizing process and should be reflected in all components of the sponsor's work. Essential to the adoption and implementation of the core principles is a commitment to ensure high standards for application approval and school operation, holding charter schools accountable for performance while, at the same time, respecting each charter school's autonomy (consistent with statutory requirements) and protect students and the public interest in all authorizing and sponsorship functions. The Three Core Principles (adapted from NACSA Principles) include:

## PRINCIPLE I

Maintain High Standards

### A Quality Sponsor Will:

- Set high standards for approving charter applicants,
- Maintain high standards for the schools it monitors,
- Effectively cultivate and consider quality charter schools that meet identified educational needs in the community,
- Monitor charter schools that meet the performance standards and targets, on a range of measures and metrics set forth in their charter contracts, and
- Close schools that fail to meet standards and targets set forth in law and by contract.

## PRINCIPLE II

Uphold School Autonomy

### A Quality Sponsor Will:

- Understand and preserve core autonomies crucial to school success including:
  - Governing board independence,
  - Personnel,
  - School vision and culture,
  - Instructional programming, design, and use of time, and
  - Budgeting,
- Assume responsibility, not for the success or failure of individual schools, but for holding schools accountable for their performance consistent with the terms of their charter contracts,
- Minimize administrative and compliance burdens on schools, and
- Focus on holding schools accountable for measurable outcomes rather than processes.

---

**PRINCIPLE III****Protect Student and Public Interests****A Quality Sponsor Will:**

- Make the well-being and interests of students the fundamental value informing all of the sponsor's actions and decisions,
- Hold schools accountable for fulfilling fundamental public education obligations to all students which includes providing:
  - Nonselective, non-discriminatory access to all eligible students,
  - Fair treatment in admissions and disciplinary actions for all students, and
  - Appropriate services for all students including those with disabilities and English language learners, in accordance with applicable law,
- Hold schools accountable for fulfilling fundamental obligations to the public, which includes providing:
  - Sound governance, management, and stewardship of public funds, and
  - Public information and operational transparency in accordance with law,
- Ensure in its own work:
  - Ethical conduct,
  - Focus on the mission of authorizing high quality schools,
  - Clarity, consistency, and public transparency in authorizing policies, practices and decisions,
  - Effective and efficient public stewardship,
  - Compliance with applicable laws and regulations, and
  - Support for parents, students and the community in being well-informed about the quality of education provided by charter schools.

These Principles for Quality Charter School Authorizing serve as the foundation of each sponsor's Standards for Quality Charter School authorizing and the day-to-day work necessary to make high quality authorizing a reality for students and families in their respective communities. These standards provide a set of benchmarks in five critical areas of charter school authorizing to assist each sponsor in their dual responsibilities to ensure accountability for high achievement while maintaining each school's autonomy in day-to-day operations.



---

# Standards for Quality Charter School Authorizing

## Standard 1 - Sponsor Commitment and Capacity

A quality sponsor engages in chartering as a means to foster excellent schools that meet identified needs, clearly prioritizes a commitment to excellence in education and in authorizing practices, and creates organizational structures and commits human and financial resources necessary to conduct its authorizing duties effectively and efficiently.

### STANDARD 1(A)

Planning and Commitment to Excellence

### A Quality Sponsor Will:

- Support and advance the purposes of charter school law,
- Ensure that the sponsor's governing board, leadership, and staff employ the three Core Principles of authorizing,
- Comply with statutory provisions to protect the authorizing functions from conflicts of interest,
- Implement policies, processes, and practices that streamline its work toward stated goals, and executes its duties efficiently,
- Strive to create a culture of communication, collaboration, and transparency with its charter schools,
- Evaluate its work regularly against state standards for quality authorizing and recognized effective practices, and develop and implement timely plans for improvement as necessary, and
- State a clear mission for quality authorizing.

### Advanced Standards

- Articulate and implement a clear strategic vision and plan for authorizing, including clear priorities, goals, and time frames for achievement,
- Evaluate its work regularly against its authorizing mission and strategic plan goals, and implement plans for improvement when necessary, and
- Provide an annual public report on the sponsor's progress and performance in meeting its strategic plan goals.

**STANDARD 1(B)**

Human Resources

**A Quality Sponsor Will:**

- Enlist expertise and competent leadership pursuant to Florida statutes, for all areas essential to charter school oversight including, but not limited to, curriculum, instruction, assessment, school operations, performance management and accountability, law, and school finance,
- Employ competent personnel at a staffing level appropriate and sufficient to carry out all authorizing responsibilities in accordance with state standards, and commensurate with the number of schools sponsored by the school district,
- Seek to employ leadership and staff who prioritize communication, collaboration, and cooperation between charter schools and the district sponsor, and
- Provide resources for regular professional development for the sponsor's leadership and staff to achieve and maintain high standards of professional authorizing practice and to enable continual sponsor improvement.

**STANDARD 1(C)**

Financial Resources

**A Quality Sponsor Will:**

- Define the financial needs of the authorizing office and devote appropriate financial resources to fulfill its authorizing responsibilities in accordance with state standards and commensurate with the number of schools monitored by the sponsor, and
- Deploy funds effectively and efficiently with the public's interests in mind.



## Standard 2 - Application Process and Decision Making

A quality sponsor implements a comprehensive application process that includes clear application questions and guidance; follows fair, transparent procedures and rigorous criteria; and grants charters only to applicants who demonstrate strong capacity to establish and operate a quality charter school.

### STANDARD 2(A)

Proposal Information,  
Questions, and Guidance

### A Quality Sponsor Will:

- Issue a charter application information packet and/or a Request for Proposal (RFP) that:
  - States any authorizing priorities the sponsor may have established,
  - Articulates comprehensive application questions to elicit the information needed for rigorous evaluation of applicants' plans and capacities, and
  - Provides clear guidance and requirements regarding application content and format, while explaining evaluation criteria,
- Accept proposals from first-time charter applicants as well as existing school operators/replicators, while taking into consideration past performance, experience and capacity,
- Support expansion and replication of charter schools that demonstrate success over time, capacity for growth, and a commitment to the community and stakeholders, and
- Consider diverse educational philosophies and approaches, and ensure non-discrimination in enrollment and admission of students with diverse needs.

### Additional Standards:

- Incorporate the sponsor's strategic vision and authorizing priorities into the application packet in order to make that information available to prospective charter applicants, while still considering applications that propose to fulfill other goals.

STANDARD 2(B)

Fair, Transparent and Quality Focused Procedures

- Implement a charter application process that is open, well publicized and transparent, and is organized around clear, realistic timelines,
- Allow sufficient time for each stage of the application and school pre-opening process to be carried out with quality and integrity,
- Explain how each stage of the application process is conducted and evaluated,
- Communicate authorizing processes, approval criteria, and decisions clearly to the public, and
- Inform applicants of their rights and responsibilities and promptly notify applicants of approval or denial, and explain the factors that determined the decision.

STANDARD 2(C)

Rigorous Approval Criteria

- Require all applicants to present a clear and compelling mission, a quality educational program, a solid business plan, effective governance and management structures and systems, founding team members who demonstrate diverse and necessary capabilities, and clear evidence of the applicant's capacity to execute its plan successfully,
- Exercise due diligence in reviewing applications of existing school operators or replicators and their performance capabilities in operating successful charter schools. A successful charter school is defined by the performance expectations set forth in the charter contract,
- Exercise due diligence in examining applicants who propose to contract with educational service or management providers and their performance capabilities in operating successful charter school(s), and
- Employ state requirements and criteria for applicants that propose to operate virtual or online charter schools.

## STANDARD 2(D)

### Rigorous Decision Making

- Grant charters only to applicants that have demonstrated competence and capacity to succeed in all aspects of the school, consistent with the stated approval criteria,
- Rigorously evaluate each application through a thorough review of the written proposal, a substantive interview with the applicant group, and other due diligence to examine the applicant's experience and capacity, conducted by knowledgeable and competent evaluators,
- When possible, engage for both written application reviews and applicant interviews, highly competent teams of internal and external evaluators with relevant educational, organizational (governance and management), financial, and legal expertise, as well as a thorough understanding of the essential principles of charter school autonomy and accountability,
- Provide orientation or training to application evaluators (including interviewers) to ensure consistent evaluation standards and practices, observance of essential protocols, and fair treatment of applicants, and
- Conduct application-review and decision-making processes that are free of conflicts of interest, and require full disclosure of any potential or perceived conflicts.



### Standard 3 - Performance Contracting

A quality sponsor executes contracts with charter schools that articulate the rights and responsibilities of each party regarding school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences, and other material terms. The contract is an essential document, separate from the charter application, that establishes the legally binding agreement and terms under which the school will operate and be held accountable.

#### STANDARD 3(A)

Contract Term, Negotiation, and Execution

#### A Quality Sponsor Will:

- Execute a contract with a legally incorporated governing board independent of the sponsor,
- Grant initial charter contracts for a term of five years or longer only with periodic high-stakes reviews every five years or more frequently as mutually agreed by the parties,
- Define the material terms of the contract,
- Ensure good faith negotiation of the charter contract and encourage review and understanding of the terms of the contract by the school's governing board prior to authorization or charter granting by the sponsor, and
- Require contract amendments for material changes to a school's charter, but does not require contract amendments for non-material modifications, as mutually agreed by the parties.

#### STANDARD 3(B)

Rights and Responsibilities

#### A Quality Sponsor Will:

- Execute charter contracts that clearly:
  - State the rights and responsibilities of the school and the sponsor,
  - State and respect the autonomies to which schools are entitled based on statute including those relating to the school's authority over educational programming, staffing, budgeting, and scheduling,
  - Define performance standards, criteria, and conditions for renewal, intervention, termination, and non-renewal, while establishing the consequences for meeting or not meeting standards or conditions,
  - State the statutory, regulatory, and procedural terms and conditions for the school's operation,

- State reasonable pre-opening requirements or conditions for new schools to ensure that they meet all health, safety, and other legal requirements prior to opening and are prepared to open in a timely manner consistent with contract requirements,
- State the responsibility and commitment of the school to adhere to essential public education obligations, including admitting and serving all eligible students so long as space is available, and not dismissing students except pursuant to the school's discipline policy as approved by the sponsor and incorporated in the charter contract, and
- State the responsibilities of the school and the sponsor in the event of school closure, and
- *Ensure that any fee-based services that the sponsor provides are set forth in a services agreement that respects charter school autonomy and treats the charter school equitably compared to district schools, if applicable, and ensures that purchasing such services is explicitly not a condition of charter approval, continuation or renewal.*

#### STANDARD 3(C)

##### Performance Standards

- Establish the performance standards under which schools will be evaluated, using objective and verifiable measures of student achievement as the primary measure of school quality,
- Specify expectations for appropriate access and education support services for students with disabilities,
- Define the sources of academic data that will form the evidence base for ongoing and renewal evaluation, including state-mandated and other standardized assessments, qualitative reviews, and comparisons with other comparable public schools in the district and state,
- Define the sources of financial data that will form the evidence base for ongoing and renewal evaluation, grounded in professional standards for sound financial operations and sustainability,
- Define the sources of organizational data that will form the evidence base for ongoing and renewal evaluation, focusing on fulfillment of legal obligations, fiduciary duties, school climate, sound public stewardship and ethical practices, and



- Include clear and measurable performance standards to judge, within statutory requirements, the effectiveness of alternative schools, if applicable — requiring and appropriately weighting rigorous mission-specific performance measures and metrics that credibly demonstrate each school’s success in fulfilling its mission and serving its target population.

Additional elements critical to establish and monitoring appropriate performance standards are included in Box 1.

### STANDARD 3(D)

Provisions for Education Service or Management Contract (if applicable)

- Provide additional contract provisions for any charter school that contracts with an external (third-party) provider for education design and operation or management to ensure rigorous, independent contract oversight by the charter governing board and the school’s independence from the external provider as specified in Box 3, and
- Review the proposed third-party contract as a condition of charter approval to ensure that it is consistent with applicable law and the public interest and contains the provisions identified in Box 2.





	<ul style="list-style-type: none"> <li>• Provide an annual written report to each school, summarizing its performance and compliance to date and identifying areas of strength and areas needing improvement, and</li> <li>• Articulate and enforce stated consequences for failing to meet performance expectations or compliance requirements.</li> </ul>
<b>STANDARD 4(B)</b>	<b>A Quality Sponsor Will:</b>
Respecting School Autonomy	<ul style="list-style-type: none"> <li>• Respect the school's authority over its day-to-day operations,</li> <li>• Collect required information from the school in a manner that minimizes administrative burdens on the school, while ensuring that performance and compliance information is collected with sufficient detail and timeliness to protect student and public interests to the extent possible,</li> <li>• Periodically review compliance requirements and school autonomy based on flexibility in the law, demonstrated school performance, streamlining needs, or other considerations, and</li> <li>• Refrain from directing or participating in educational decisions or choices that are appropriately within a school's purview under the charter law or contract.</li> </ul>
<b>STANDARD 4(C)</b>	<b>A Quality Sponsor Will:</b>
Protecting Student Rights	<ul style="list-style-type: none"> <li>• Require that schools admit students through a random selection process that is open to all students, is publicly verifiable, and does not establish undue barriers to application that exclude students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement,</li> <li>• Ensure, via oversight of contractual provisions, that the rights of parents and students to an open enrollment and admissions process are protected,</li> <li>• Ensure that schools provide access and services to students with disabilities as required by applicable federal and state law, including compliance with student individualized education programs, Section 504 plans, facilities access, and educational opportunities,</li> <li>• Ensure clarity in the roles and responsibilities of all parties involved in serving students with disabilities,</li> </ul>

STANDARD 4(D)	<ul style="list-style-type: none"> <li>• Ensure that schools provide access to and appropriately serve other special populations of students, including English language learners, homeless students, and gifted students, as required by federal and state law, and</li> <li>• Ensure that schools' student discipline policies and actions are legal and fair, foster stable student enrollment and ensure that no student is dismissed outside of that process.</li> </ul>
Intervention	<ul style="list-style-type: none"> <li>• Establish and clearly communicate at the outset an intervention process that states the general conditions that may trigger intervention and the types of actions and consequences that may ensue,</li> <li>• Give schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies,</li> <li>• Allow schools reasonable time and opportunity for remediation in non-emergency situations, and</li> <li>• Where intervention is needed, engage in intervention strategies that clearly preserve school autonomy and responsibility (identifying what the school must remedy without prescribing solutions).</li> </ul>
STANDARD 4(E) Public Reporting	<ul style="list-style-type: none"> <li>• Produce an annual public report that provides clear, accurate performance data for the charter schools it oversees, reporting on individual school performance according to the framework set forth in the charter contract.</li> </ul>



## Standard 5 - Termination and Renewal Decision Making

A quality sponsor designs and implements a transparent and rigorous process that uses comprehensive academic, financial, and operational performance data to make merit-based renewal/non-renewal decisions, and terminates or non-renews charters when necessary to protect student and public interests.

STANDARD 5(A)	<b>A Quality Sponsor Will:</b>
Termination	<ul style="list-style-type: none"> <li>• Terminate a charter during the charter term for good cause and/or clear evidence of significant underperformance or violation of law or the public trust that imperils students or public funds.</li> </ul>
STANDARD 5(B)	<b>A Quality Sponsor Will:</b>
Renewal/Non-Renewal Decisions Based on Merit and Inclusive Evidence	<ul style="list-style-type: none"> <li>• Base the renewal process and renewal decisions on thorough analyses of a comprehensive body of objective evidence defined in the charter contract,</li> <li>• Grant renewal only to schools that have achieved the standards and targets stated in the charter contract, are organizationally and fiscally viable, and have been faithful to the terms of the contract and applicable law, and</li> <li>• Not make renewal decisions, including granting probationary or short-term renewals, on the basis of political or community pressure or solely on promises of future improvement.</li> </ul>
STANDARD 5(C)	<b>A Quality Sponsor Will:</b>
Cumulative Report and Renewal Application	<ul style="list-style-type: none"> <li>• Provide to each school, in advance of the renewal decision:               <ul style="list-style-type: none"> <li>▪ A summary of the school's performance record over the term of the charter, and</li> <li>▪ A statement of the sponsor's summative findings concerning the school's performance and its prospect for renewal, and</li> </ul> </li> <li>• Require any school seeking renewal to apply for it through a renewal application, which provides the school a meaningful opportunity and reasonable time to respond to the finding; to correct the record, if needed, and to present additional evidence regarding its performance.</li> </ul>
STANDARD 5(D)	<b>A Quality Sponsor Will:</b>
Fair, Transparent Process	<ul style="list-style-type: none"> <li>• Clearly communicate to schools the criteria for charter termination, renewal, and non-renewal decisions that are consistent with the charter contract,</li> </ul>

- Promptly notify each school of its renewal (or, if applicable, non-renewal or termination) decision, including written explanation of the reasons for the decision,
- Promptly communicate renewal, non-renewal or termination decisions to the school community and public within a time frame that allows parents and students to exercise choices for the coming school year,
- In a timely manner, explain in writing any available rights of legal or administrative appeal through which a school may challenge the sponsor's decision, and
- Regularly update and publish the process for renewal/ non-renewal decision making, providing guidance regarding required content and format for renewal applications and including any provisions that apply specifically to high performing charter schools.

**STANDARD 5(E)**

Closures

**A Quality Sponsor Will:**

- In the event of a school closure, oversee and work with the school governing board and leadership in carrying out a detailed closure protocol that ensures timely notification to parents; orderly transition of students and student records to new schools; and disposition of school funds, property, and assets in accordance with law.



---

# Key Elements for Special Topics:

## **BOX 1** | *Performance Standards*

The charter contract should define clear, measurable and attainable academic, financial and organizational performance standards and targets that the school must meet (or make significant progress toward meeting) as a condition of renewal, including but not limited to state and federal measures. Ideally, these would include:

- Goals for student academic achievement status or proficiency,
- Goals for student academic growth including adequacy of growth toward state standards,
- Goals relating to state and federal accountability systems,
- As applicable, goals for postsecondary readiness (including graduation rates for high school students),
- Mission specific performance goals unique to the school as mutually agreed by the parties,
- Financial reporting data sufficient to allow the sponsor to evaluate the school's short-term financial stability and viability as well as the school's long term financial sustainability,
- A description of the required financial reporting and fiscal management process required by the sponsor,
- Required documentation related to the school's governance including board meeting notices and minutes, board compliance with by-laws, public records and public notice statutes, adoption of the school's budget and required school policies, and
- Expectations related to the school's environment, health and safety, transportation and facilities.

## **BOX 2** | *Education Service or Management Contracts*

A quality sponsor will ensure that any third party agreement for operation and and/or management services will:

- Clearly establish the primacy of the charter contract over the third-party contract,
- Clearly identify the school governing board as the party ultimately responsible for the success or failure of the school, and clearly define the external provider as a vendor of services,
- Prohibit the third party from selecting, approving, employing, compensating or serving as school governing board members,
- Require the school governing board to directly select, retain, and compensate the school attorney, accountant, and audit firm,

- Provide for payments from the sponsor to the school to be made to an account controlled by the school governing board, not the third party,
- Require all instructional materials, furnishings, and equipment purchased or developed with public funds to be the property of the school, not the third party,
- Define roles and responsibilities of the school governing board and the service provider, including all services to be provided under the contract,
- Clearly identify the performance measures, consequences, and mechanisms by which the school governing board will hold the provider accountable for performance, aligned with the performance measures in the charter contract,
- Identify all compensation to be paid to the provider, including all fees, bonuses, and what such compensation includes or requires,
- Define the terms of any facility agreement that may be part of the relationship,
- Clearly identify financial reporting requirements and provisions for the school governing board's financial oversight,
- Identify all other financial terms of the contract, including disclosure and documentation of all loans or investments by the provider to the school, and provision for the disposition of assets in accordance with law,
- Clearly specify that the school governing board, at all times maintains independent fiduciary oversight and authority over the school budget and ultimate responsibility for the school's performance,
- Identifies criteria for contract termination without excessive penalties that would threaten the school's ability to operate, and
- Identifies the respective responsibilities of the governing board and service provider in the event of school closure.

**BOX 3** | *Requirement for Applicants Proposing to Contract with Education Service or Management Providers*

For any applicant proposing to contract with a Education or Management Provider a quality sponsor will require the applicant to provide additional contract provisions including:

- Evidence of the service provider's educational and management success,
- A draft (or existing) service/management contract that sets forth proposed key terms, including roles and responsibilities of the school governing board, the school staff, and the service provider; the services and resources to be provided; performance-evaluation measures and mechanisms; detailed explanation of compensation to be paid to the provider; financial controls and oversight investment disclosure; methods of contract oversight and enforcement; and conditions for contract renewal or termination, and
- Disclosure and explanation of any existing or potential conflicts of interest between the school governing board and proposed service provider or any affiliated business entities.



FLORIDA DEPARTMENT OF  
EDUCATION  
fldoe.org



FLORIDA'S  
CHARTER  
*Schools*

Office of K-12 School Choice  
325 West Gaines Street, Suite 1044  
Tallahassee, FL 32399-0400

[www.floridaschoolchoice.org/information/charter\\_schools/](http://www.floridaschoolchoice.org/information/charter_schools/)  
850-245-0502

5



**Identified Professional Development Needs In Submitted 2014-2015 Discovery High School Charter Application**

“Employing a staff that is dedicated to continual improvement through research based practices and professional development.” (Application, 4)

“Requiring all teachers to teach both the Florida Literacy Standards and Florida Math Practices in all classes.” (Application, 4)

“Ensuring teachers will be required to use Kagan strategies in their daily lessons.” (Application, 4)

“Ensuring teachers will be required to use technology in their lessons as appropriate enhance and promote a 21<sup>st</sup> century learning environment. This will include the use of iPads in weekly lessons.” (Application, 4)

“Ensuring teachers will attend frequent professional development as part of DHS’s philosophy that teachers are life long learners. The goal of these professional developments will be for teachers to learn new, innovative, research-driven teaching practices to help enhance lessons for students.” (Application, 4-5)

“Providing faculty with effective coaching and professional development modules to ensure teachers implement the required elements effectively.” (Application, 5)

“Engaging in continual learning of new, innovative research based strategies through the school’s professional development program.” (Application, 5)

“Ensure the school has a sound lesson planning process and learning environment. (Application, 10)

“DHS has identified 10 research based career skills and 4 research based 21<sup>st</sup> Century Skill Set that will be imbedded in our educational plan, curriculum, and our school as a whole.” (Application, 11)

“DHS will also use data from its assessments to plan Professional Development and use results to drive discussions during Professional Learning Community (PLC) Meetings.” (Application, 13)

“DHS has researched the work of Dr. Willard R. Daggett to create a system of support that will create an exceptional learning environment for students driven by a well-organized leadership, a knowledgeable faculty and a sound lesson planning process. In doing this, DHS has used the Daggett System for Effective Instruction as a guide to form our learning environment and our lesson planning process. “ (Application, 14)

“At DHS we are committed to ensuring Florida math and literacy standards are spread across all of our content areas....” (Application, 17)

## Exhibit 5

“DHS will also use early release days to promote cross curricular PLC meetings [sic] can be held to ensure collaboration for math and literacy across the content areas achieved, as well as support vertical alignment within content areas.” (Application, 18)

“All teachers will be required to use the appropriate math and literacy Florida Standards in their content areas.” (Application, 18)

DHS is also committed to having a sound and extensive professional development plan. “ (Application, 18)

“In Section 10 D, DHS has outlined an extensive professional development plan that will allow our faculty and staff to continue to be lifelong learners and update their teaching strategies as new research-based strategies become available.” (Application, 19)

“As part of the professional development plan, teachers will receive extensive training on the use of high effect [sic] strategies, formative assessment, cooperative learning.” (Application, 19)

“DHS will also be able to provide extensive use of technology for its teachers with availability of computer labs, iPad labs, Smartboards, projectors, and document cameras. Teachers will all receive training on how to use these technologies effectively and will be required to show ongoing proof of technology usage in the classroom by both teachers and students.” (Application, 19)

“To support our evaluation and lesson planning process DHS will use the following professional development strategies:

- Training on effective lesson planning how it applies to the evaluation system components.
- Training in high effect strategies that will be needed for demonstration within the evaluation system.
- A formative coaching model where administrators and teacher coaches observe and provide feedback on the components of the evaluation system and their use in teacher’s classrooms. After providing feedback administrators and coaches will complete follow up coaching visits to ensure proper understanding of the valuation system and use of effective research based teaching strategies.”
- An ongoing evaluation system to provide multiple opportunities of professional competency.” (Application, 20-21)

“DHS will have an extensive professional development plan.” (Application, 20)

“To ensure teachers are using and implementing technology effectively, the administration will ensure proper professional development is provided.” (Application, 22)

## Exhibit 5

Upon entering DHS, students will complete a learning style profile to identify their dominant learning style. Teachers will incorporate these learning styles into lessons to accommodate all learners.” (Application, 24)

“DHS will have a cross-curricular reading program that will service students of all ability levels.” (Application, 37)

“To meet the needs of all students, a cross-curricular approach and emphasis o Reading, Writing and Vocabulary instruction will offer a comprehensive approach to increasing student performance in Reading.” (Application, 45)

“DHS will provide professional development for all teachers through the focus on continuous improvement to increase student achievement. All teachers will be provided research-based professional development based on school improvement goals.” (Application, 45)

“Teachers will meet in professional learning communities on a regular basis to analyze student data and discuss effective lesson design.” (Application, 45)

“Teachers will work with individuals as well as small groups using Kagan cooperative learning to tailor instruction to address needs identified by progress monitoring assessments.” (Application, 46)

“...DHS incorporates a cross-curricular approach to reading and writing to offer continuous and thorough support of the Florida Standards.” (Application, 46)

“Teachers will be given time each month to work as a subject area to create common summative and formative assessments to be given to all students in that particular subject area.” (Application, 55)

“As mentioned in this document education isn’t changing: it has changed. Due to this factor, it is imperative that teachers are committed to life-long learning. To aid in this, the school will seek to provide on-going, quality professional development for its teachers. To accomplish this, DHS will employ a variety of strategies to ensure teachers get the support they need. Professional Development mediums **will** include: (Application 72)

- Online modules provided through PD 360 (Now Edviation)
- In school trainings
- Monthly PLC meetings
- Mandatory attendance of Kagan Training for all new hires; contracting a Kagan Coach for continued development
- County or state trainings, as available
- Contracted, on-site professional development as needed”

“DHS will also have a specific focus in the professional development provided. This will include training in the following: (Application, 72)

## Exhibit 5

- Formative Assessment
- Cooperative Learning
- Differentiated Instruction
- Content Specific Strategies
- STEM
- Technology including the use of iPads as a daily teaching tool
- Trainings relevant to the School Improvement Plan
- Staff Requested Trainings
- ESE/ESOL Strategies
- Deliberate Practice Improvement Strategies
- Teacher Collaboration”

“The staff will also complete assessment trainings to include the use of data and how it drives instruction and the administration of progress monitoring, FCAT/FSA/State Mandated testing, and any other required assessments.” (Application, 72)

“The professional development program will meet statutory compliance and reporting. As needed, DHS will collaborate with PCSB for professional development including development in Exceptional Student Education and English Language Learners policies and procedures.” (Application, 72)

“All professional development, follow up activities, and follow up points will be maintained by the DHS Director.” (Application, 72)

“All DHS faculty will be required to participate in the following professional development: (Application, 73-74)

- New Teacher training at the time of hire to review information on professional responsibilities, ethics, classroom management, instructional policies, the school handbook, and other relevant new hire information
- Kagan Training
- Any professional development provided relating to the school improvement plan
- Any professional development provided relating the staff member’s content area
- Monthly PLC meetings
- Any other relevant opportunities provided by the school
- Any additional training mandated by the State of Florida”

“Faculty members will also be provided additional optional professional development opportunities and will be informed and eligible to attend.” (Application, 74)

6

	2013-14	2012-13	2011-12	2010-11	2009-2010	2008-09	2007-08	2006-07
DALA Oct. Membership	1039	1032	1012	988	1002	1031	962	980
<b>DALA INST STAFF</b>								
Total Hired	66	66	71	65	64	59	67	64
Newly Hired	28.8%	27.3%	16.9%	26.2%	26.6%	32.2%	28.4%	31.3%
Out of Field	17.6%	9.2%	14.8%	16.9%	25.2%	28.2%	31.1%	30.3%
Classes Not Taught by HQ Teachers	14.5%	8.5%	5.3%	13.4%	12.8%	20.2%	21.0%	22.1%
<b>DIST INST STAFF</b>								
Total Hired								
Newly Hired	18.2%	23.9%	19.0%	23.9%	14.2%	17.3%	23.3%	23.9%
Out of Field	9.8%	9.6%	8.6%	8.9%	8.2%	11.5%	23.2%	27.6%
Classes Not Taught by HQ Teachers	6.4%	6.4%	3.7%	4.0%	2.7%	4.9%	6.2%	11.3%
<b>STATE INST STAFF</b>								
Total Hired								
Newly Hired	20.4%	22.7%	17.9%	18.9%	14.6%	14.8%	19.6%	21.3%
Out of Field	6.2%	6.1%	6.0%	4.6%	4.8%	6.5%	8.8%	8.8%
Classes Not Taught by HQ Teachers	5.9%	5.8%	4.9%	5.0%	4.8%	6.1%	8.6%	10.2%

	2005-06	2004-05	2003-04	2002-03		
DALA Oct. Membership	1029	989	896	838		
<b>DALA INST STAFF</b>						
Total Hired	63	60	46	51		
Newly Hired	34.9%	21.7%	28.3%	39.2%		
Out of Field	48.0%	17.5%	0.0%	30.1%		
Classes Not Taught by HQ Teachers	43.3%	30.4%	36.6%	45.9%		
<b>DIST INST STAFF</b>						
Total Hired						
Newly Hired	23.5%	22.4%	25.5%	20.5%		
Out of Field	21.4%	20.0%	13.2%	17.9%		
Classes Not Taught by HQ Teachers	16.1%	15.1%	21.7%	30.7%		
<b>STATE INST STAFF</b>						
Total Hired						
Newly Hired	21.3%	21.2%	20.5%	17.5%		
Out of Field	7.4%	5.5%	5.6%	6.4%		
Classes Not Taught by HQ Teachers	10.4%	7.6%	11.0%	8.9%		

7



**Identified Need for Guidance in Submitted 2014-2015 Discovery High School Charter Application**

“Each student will complete the needed requirements for either college or a career through the use of innovative college and career planning tools used by the school’s guidance department and integration in the core and elective classes.” (Application, 2)

“A strong guidance program to help students and parents to review post-secondary options and what qualifications are needed to achieve the student’s goals.” (Application, 14)

“(electronic portfolio... Students will with the help of their guidance counselor and/or teacher, schedule presentation times with their parents, teachers, and a school administrator.” (Application, 26)

“Each year at DHS, students, with the help of their guidance counselor, will set personal goals relating to their plans for either college or a career after leaving DHS. Administrators, counselors, and teachers will then work with students to ensure they are prepared either through course offerings, extra curricular activities, or real world experience to accomplish their personal post secondary goals.” (Application, 27)

“DHS will have an extensive guidance process that will take the student from their freshman to senior year and provide both college and career guidance services,,,” (Application, 31)

“...in conjunction with the guidance counselor and/or teacher, the student will use the data to create specific learning goals for the year and use the continued collection of that data to monitor progress towards meeting their learning goal.” (Application, 53)

“Students and counselors will meet a minimum of three times per year to discuss their goals and their academic progress.” (Application, 53)

“Through the school’s guidance department, DHS will encourage college bound students to take appropriate college placement tests including PSAT, SAT, and/or ACT.” (Application, 56)

“Parents will be provided time to meet with the school’s administration, teachers, and counselors to discuss any grade related issues or concerns.” (Application, 56)

“The students (ESE) will work closely with their guidance counselor and the school’s ESE Facilitator to ensure they have properly mapped out the student’s 4-year academic plan.” (Application, 59)

“Using the baseline data and student’s IEP, the guidance counselor, the school’s ESE facilitator, and the student’s parents will establish a 4-year academic plan to ensure student progress towards their IEP and post-secondary goals.” (Application, 60)

“ESE students and their guidance counselor will review their exceptionalities, goals, and interests and establish a 4-year plan to meet their high school goals.” (Application, 60)

“As a result of the inclusion model the school will use, teachers at DHS will also be trained in ESE strategies and ESE teachers will be used as needed for support in the classroom depending on the services listed on the IEP.” (Application, 61)

“DHS intends to have a minimum of one guidance counselor at the opening of the school and will report to the Director.” (Application, 66)

“The guidance counselor will be in charge of maintaining the Learning Progression Plans and ensuring all students are progressing according to the PCSB Student Progression Plan.” (Application, 66)

“The counselor will oversee the student led conferences.” (Application, 66)

“As the school continues to grow, additional guidance counselors will be hired as needed.” (Application, 66)

Guidance Counselor listed as position on page 70 of the application.

“DHS will host annual guidance counselor meetings to provide middle school counselors valuable information about DHS to bring to their students.” (Application, 74)

8



# APPLYING FEDERAL CIVIL RIGHTS LAWS TO PUBLIC CHARTER SCHOOLS

## QUESTIONS AND ANSWERS

As part of the U.S. Department of Education's (ED's) and the U.S. Department of Justice's (DOJ's) efforts to support innovation and choice within the public school system, this publication provides important information on how public charter schools may be developed and operated consistent with federal nondiscrimination laws. The purpose of this publication is to answer civil rights-related questions that charter school developers and operators have raised.

The civil rights principles that apply to charter schools are the same principles that apply to all public schools. This publication contains no new law. Rather, it is designed to assist charter school developers and operators by making available a summary of civil rights issues applicable to public schools.

This publication provides general information that covers a broad range of federal civil rights issues. It does not seek to answer every question that may arise. In many cases, answers will turn on the particular facts of a given situation. In others, the law regarding the issue is evolving. Finally, other state or local civil rights requirements or other federal laws may apply.

For additional information, we encourage you to contact ED's Office for Civil Rights (OCR) or visit OCR's Web site at <http://www.ed.gov/offices/OCR/>. A list of the addresses and telephone numbers of OCR offices is attached. DOJ contributed significantly to this document by preparing the portions where DOJ is featured. Contact information for DOJ and for other federal offices is included where appropriate. OCR and DOJ can provide technical assistance. Early consultation can help you understand and meet these requirements.

---

APPLYING FEDERAL CIVIL RIGHTS LAWS  
TO PUBLIC CHARTER SCHOOLS

---

**Table of Contents**

---

BACKGROUND	1
RESPONSIBILITIES FOR CIVIL RIGHTS COMPLIANCE	3
RECRUITMENT AND ADMISSIONS	5
SCHOOLS AFFECTED BY DESEGREGATION PLANS OR COURT ORDERS	8
SELECTION OF FACILITIES TO PROVIDE ACCESS TO STUDENTS WITH DISABILITIES	12
EDUCATING STUDENTS WHO ARE LIMITED-ENGLISH PROFICIENT	14
EDUCATING STUDENTS WITH DISABILITIES	16
ENDNOTES	19

## BACKGROUND

One of the fastest growing areas of public school reform is the charter schools movement. Charter schools are public schools under contract – or charter – between a public agency and groups of parents, teachers, community leaders, or others who want to create alternatives and choice within the public school system. Charter schools create choice for parents and students within the public school system, while providing a system of accountability for student achievement. Charter schools also encourage innovation and provide opportunities for parents to play powerful roles in shaping and supporting the education of their children. As a result, charter schools can spur healthy competition to improve public education.

In exchange for increased accountability, charter schools are given expanded flexibility with respect to select statutory and regulatory requirements. Federal legislation provides support for the creation of charter schools as a means of promoting choice and innovation within public school systems. Of course, charter schools, like all public schools and other recipients of federal financial assistance, must operate consistent with civil rights laws.

The U.S. Department of Education (ED), Office for Civil Rights (OCR) enforces a number of civil rights laws that apply to public schools, including charter schools. These laws include: Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs; Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits discrimination on the basis of disability; and the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age. These laws apply to programs and activities that receive federal financial assistance. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibits discrimination on the basis of disability by public entities, including public schools. Title II applies to public entities, regardless of whether they receive federal financial assistance. OCR receives and resolves more than 5,000 complaints of discrimination each year and provides technical assistance on a wide range of issues.

In addition, the U.S. Department of Justice, Civil Rights Division (CRD) works on a variety of legal issues involving elementary and secondary schools. DOJ enforces in the courts many of the same statutes that OCR enforces administratively, including Title VI, Title IX, Section 504, and Title II. DOJ also enforces Title IV and Title VII of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974. DOJ may intervene in private suits that allege violations of education-related anti-discrimination statutes and the Fourteenth Amendment of the U.S. Constitution. CRD is also responsible for monitoring more than 400 school districts currently covered by

desegregation court orders in over 200 desegregation cases where the United States is a party.

ED and DOJ support the implementation of charter schools as a valuable way to enhance choice among public schools and to give more students the opportunity to learn to challenging standards. This guidance seeks to aid charter school developers and operators in their efforts to plan, develop, and deliver their important educational programs in a nondiscriminatory manner.

To avoid distraction within this guidance, we have often used acronyms and abbreviations to substitute for the names of agencies and multiword concepts. The meaning of each is explained within the context. For your convenience, we also include the following key to the acronyms and abbreviation you will find in this publication.

CRD - Civil Rights Division, U.S. Department of Justice  
DOJ - U.S. Department of Justice  
ED - U.S. Department of Education  
FAPE - Free appropriate public education  
IDEA - Individuals with Disabilities Education Act  
LEA - Local Educational Agency  
LEP - National-origin minority, limited-English proficient  
OBEMLA - Office of Bilingual Education and Minority Languages Affairs,  
U.S. Department of Education  
OCR - Office for Civil Rights, U.S. Department of Education  
OSEP - Office of Special Education Programs, U.S. Department of Education  
OSERS - Office of Special Education and Rehabilitative Services,  
U.S. Department of Education  
SEA - State Educational Agency  
Section 504 - Section 504 of the Rehabilitation Act of 1973  
Title II - Title II of the Americans with Disabilities Act of 1990  
Title VI - Title VI of the Civil Rights Act of 1964  
Title IX - Title IX of the Education Amendments of 1972

## RESPONSIBILITIES FOR CIVIL RIGHTS COMPLIANCE

Perhaps the most common image associated with education is the relationship between a child and his or her teacher. Of course, public education is that and more. It includes shared responsibility by many entities, including the school, the school district, and the state, acting in cooperation with parents. In much the same way, the responsibility for safeguarding the civil rights of the students, parents, and teachers in a public school, such as your charter school, is shared and does not fall exclusively on any one individual or agency.



### **1. Who is responsible for making sure that my charter school is complying with federal civil rights laws?**

Public schools, including your charter school, are responsible for complying with several federal civil rights laws, based on their status as recipients of federal financial assistance and as public entities.

Other entities share responsibility for your school's compliance. If your charter school is part of a Local Educational Agency (LEA), such as a school district, the LEA is also responsible for ensuring that your school is complying. Furthermore, if your charter school receives federal funds through the State Educational Agency (SEA) or an authorized public chartering agency that receives federal funds, or is chartered by the SEA or its designee, the SEA is also responsible. The SEA is responsible in all cases for having methods of administration that are not discriminatory, including procedures for chartering schools.

*Sources of federal education funds include programs authorized under the Elementary and Secondary Education Act of 1965, as amended, including the Public Charter Schools Program.*



**2. In general, what are the federal civil rights obligations that apply to public elementary or secondary schools, including my charter school?**

Public schools, including charter schools, must not discriminate on the basis of race, color, national origin, sex, or disability in any of their programs or activities. The primary federal civil rights laws addressed in this publication include:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability; and
- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability.

*Other applicable federal civil rights laws not directly addressed in this publication include:*

- *Age Discrimination Act of 1975;*
- *Title IV of the Civil Rights Act of 1964;*
- *Title VII of the Civil Rights Act of 1964; and*
- *Equal Educational Opportunities Act of 1974.*

## RECRUITMENT AND ADMISSIONS

Students attend charter schools by choice, but their admission might be subject to certain qualifications or selection procedures, including a lottery. This is one factor that may distinguish the operation of your charter school from many other public schools. Although your civil rights obligations are no different from those of other public school officials, the fact that your students are not simply assigned to attend your charter school underscores your need to be mindful of the rights of children and parents in your community when publicizing your school to attract students and when evaluating their applications for admission.



### **3. Do I have any responsibility regarding the recruitment of students in order to be in compliance with federal civil rights laws?**

Yes. When announcing your charter school or conducting outreach, you may not discriminate against students of a particular race, color, or national origin, or against students with disabilities. If your charter school is co-educational, then you may not discriminate in recruitment on the basis of sex. If your charter school recruits students, you should recruit them from all segments of the community served by the school, including students with disabilities and students of all races, colors, and national origins. Also, you may target additional recruitment efforts toward groups that you believe might otherwise have limited opportunities to participate in your program.

*Title IX allows single-sex programs, classes, and schools under certain conditions. For more information, see Question 9.*

### **4. What steps should I take when providing outreach information to parents who are limited-English proficient?**

You must make sure that parents in your community who are not proficient in English have the opportunity to understand the outreach information provided to other parents. This information may need to be provided in a language other than English. For example, if outreach materials are made available to parents, you should provide the content of the materials to parents who do not understand English in a manner and form they understand. If you conduct public informational meetings with parents or community groups, you should make sure that limited-English proficient parents who can be reasonably expected to attend have a meaningful opportunity to understand what is being presented.

**5. What steps should I take when providing outreach information to parents with disabilities?**

You must make sure that a parent with a disability has a meaningful opportunity to understand the outreach information given about the charter school as effectively as other parents. Appropriate auxiliary aids and services must be made available whenever they are necessary to ensure effective communication with disabled parents. For example, if outreach materials are made available to parents, you need to make sure that parents with disabilities have appropriate access to the content of the materials. If requested, you may need to provide the materials using alternative formats, such as Braille, large print, or audio cassette. If you conduct public informational meetings with parents or community groups, those meetings must be physically accessible to individuals with disabilities. Qualified interpreters or another effective means of communication must be provided if requested.

**6. What is my obligation to make sure that all students – regardless of race, color, or national origin – are treated in a nondiscriminatory manner in admissions?**

You may not discriminate on the basis of race, color, or national origin in determining whether an applicant satisfies any admissions requirements. Students with limited-English proficiency must have the opportunity to meet any appropriate minimum eligibility criterion for admission, consistent with the mission of the charter school. Eligibility criteria must be nondiscriminatory on their face and must be applied in a nondiscriminatory manner. If such criteria have a disparate impact on the basis of race, color, or national origin, then the criteria should be examined to ensure that they are educationally justified and that no alternative criteria exist that would equally serve your goals and have a lesser disparate impact. It is important to understand that disparities alone do not constitute discrimination under Federal law. For more information and technical assistance, contact the OCR office that serves your state.

*For schools receiving funds under the federal Public Charter School Program, see the discussion on establishing minimum eligibility criteria for admission and other important information in Public Charter Schools Program: Non-Regulatory Guidance at [http://www.uscharterschools.org/res\\_dir/res\\_primary/fed\\_gud\\_pcsp.htm](http://www.uscharterschools.org/res_dir/res_primary/fed_gud_pcsp.htm).*

If your charter school receives funds under the federal Public Charter Schools Program, you must use a lottery to admit students if the charter school is oversubscribed.

## **7. May my charter school consider race in admissions decisions?**

A charter school may take race into account in making admissions decisions in limited circumstances. Race may be used only in a narrowly-tailored way to meet a compelling interest, such as to remedy discrimination, to promote the educational benefits of diversity, or to reduce minority-group isolation. The state of the law in this area is undergoing close examination by the courts. The legal standard that applies to your state may vary, depending on State law and the federal circuit in which your state is located.

*For more information and technical assistance concerning the use of race in admissions, contact the OCR Office that serves your state and see, for example, the Federal Register notices on the Magnet Schools Assistance Program application notice, at <http://www.ed.gov/legislation/FedRegister/announcements/1998-1/021798c.html>.*

## **8. What is my obligation to make sure that student applicants with disabilities are treated in a nondiscriminatory manner in admissions?**

Under Section 504 and Title II, you may not categorically deny admission to students on the basis of disability. For example, you may not deny admission to a student with a disability solely because of that student's need for special education or related aids and services. Students with disabilities must have the opportunity to meet any appropriate minimum eligibility criterion for admission, consistent with the mission of the charter school and civil rights requirements.

*For more information on civil rights requirements regarding the educational needs of students with disabilities, see Questions 23 to 30 concerning Educating Students with Disabilities.*

## **9. Does Title IX permit single-sex classes, programs, or schools?**

An exemption in Title IX permits LEAs to establish single-sex elementary or secondary schools as long as they are not vocational schools. However, when an LEA establishes a public school for one sex – unless it is necessary to remedy discrimination – any student excluded based on sex must have made available comparable courses, services, and facilities, pursuant to the same policies and criteria of admissions.

The Title IX regulation generally prohibits single-sex classes or programs in co-educational schools. There are some exceptions, including contact sports, chorus, and portions of classes dealing with human sexuality.

Separate classes may also be provided for pregnant students, but participation must be voluntary. Title IX also allows for single-sex classes and programs if they are necessary to remedy discrimination found by a court or OCR, or as a response to conditions that have limited participation by sex.

*If you are thinking of establishing a single-sex class, program, or school, we encourage you to contact your LEA and the OCR office that serves your state for more guidance. ED is reviewing its Title IX regulation pertaining to single-sex programs and schools.*

## SCHOOLS AFFECTED BY DESEGREGATION PLANS OR COURT ORDERS

Some school districts have desegregation obligations under plans or court orders that could affect or be affected by the establishment of your charter school, even if your charter school is its own LEA. Typically, desegregation plans and court orders are resolutions of past segregative discrimination by school districts determined by OCR or by the courts, in some instances with the participation of the U.S. Department of Justice, Civil Rights Division (CRD). If the jurisdiction in which your charter school is located is under a desegregation plan or order, there are steps you can take to ensure compliance and avoid unnecessary delays.



### **10.** How do I determine whether my proposed charter school is in a jurisdiction with a duty to desegregate?

If you are uncertain whether your charter school is in a jurisdiction that is covered by an existing desegregation plan or court order, you may contact several entities for assistance. First, to determine if there is an applicable court order where the United States is a party to the case, you may contact the appropriate LEA, your SEA, or CRD. To assist you in this process, CRD has provided your chief state school officer with a list of the LEAs in the state that are subject to such a court order. Second, to determine if there is an applicable OCR Title VI desegregation plan, you may contact the appropriate LEA or the OCR office that serves your state.

*If you have questions about a desegregation court order where the United States is a party to the case, you may contact CRD at 202-514-4092. If you have questions about a Title VI desegregation plan, you may contact the OCR office that serves your state. A list of OCR offices is attached.*

You should also know that there are other desegregation plans and orders that do not involve CRD or OCR. These desegregation plans and orders only involve private parties in state or federal courts, or state agencies that have ordered districts to desegregate.

In some states and school districts there may also be other obligations under state or local laws or policies, such as those to promote integration or diversity, that could affect or be affected by your charter school. In these cases, you should consult your SEA or the appropriate LEA to determine whether the jurisdiction has a desegregation obligation.

## **11. What steps should my LEA or I take in order to establish a school that complies with an existing desegregation plan or court order?**

The establishment of any new public school, including a new charter school, in a jurisdiction with a duty to desegregate must be consistent with the LEA's obligations under its desegregation plan or court order. Alternatively, it is possible to seek a modification of the applicable plan or order. If you are establishing a charter school in a jurisdiction that is under an OCR Title VI desegregation plan, OCR should be consulted on any applicable Title VI obligations. Similarly, CRD should be contacted if you are establishing a charter school in a jurisdiction under a desegregation court order in which the United States is a party to the case. You, the appropriate LEA, or your chartering authority may contact these agencies. Early consultation will speed the process for your charter school proposal and can avoid unnecessary delay or disruption in the future. Review of any new school by a court or OCR involves a case-by-case, fact-bound determination that takes into account the particular charter school's impact on the ability of the appropriate LEA to comply with its unique desegregation obligations.

## **12. What information is needed for this consultation process to be effective?**

As a first step, you should provide a copy of the charter school application to either OCR or CRD. In general, OCR and CRD are interested in the effect a new public school will have on the appropriate LEA's obligations. Your charter application will contain at least some of the information needed to make this determination, such as those items listed below.

Because charter school applications vary from state to state, and because each court order and OCR Title VI desegregation plan is different, CRD or OCR may need more information than is included in your charter application. The information below is especially helpful to CRD or OCR in evaluating the impact of your school on the LEA's desegregation obligations, although additional information may be necessary:

- theme and target population;
- recruitment and admissions processes;
- proposed location;
- enrollment capacity of the school;
- projected racial composition of students, faculty, and staff for the coming school year; and
- impact on racial composition of students at other schools in the LEA.

### **13. In the case of a court order, what does CRD do with this information?**

If your jurisdiction is under a desegregation court order where the United States is a party to the case, you should consult with CRD. When CRD receives information on your charter school, it will review your submission, its own files, and any other readily available information to see if these sources provide enough data to reach a position about the charter school's impact on compliance with the desegregation order. If more information is needed, CRD will contact you and the appropriate LEA to request the additional information.

*When an LEA is subject to a desegregation court order, it is the court, not DOJ, that determines whether or not to approve a new school. Where approval is required, the court will ask the other parties to the case, including DOJ, for their views.*

In many cases, the limited number of students enrolled in a charter school does not have a significant impact on the attendance patterns and enrollment in the appropriate LEA's other schools, and does not adversely affect compliance with the desegregation order. In such cases, and in other cases where CRD concludes there is no adverse impact, CRD will advise you and the appropriate LEA that it has no objection to the proposed operation of the charter school.

If CRD's review of the information raises concerns about compliance with the desegregation order, CRD may offer suggestions and modifications that address these concerns, where appropriate.

### **14. Who is responsible for notifying the court about a new charter school to obtain court approval when required?**

If your jurisdiction is under a desegregation court order, the appropriate LEA may need to have the court approve any new school, including a charter school. Where court approval is required, charter school developers should contact their LEA or SEA for information on how best to obtain the approval of the court. Where appropriate, CRD may be able to make a joint motion with a charter school or LEA to seek court approval for a new charter school. However, CRD can not represent charter school developers before the court, and can not submit motions on their behalf.

### **15. In the case of a desegregation plan, what does OCR do with this information?**

If your jurisdiction is under an OCR desegregation plan, you should consult with the OCR office that serves your state. After OCR receives information on your charter school, we promptly examine it along with the Title VI desegregation plan and any other readily available information to determine if establishing the new school would be consistent with the appropriate LEA's

Title VI obligations. If OCR needs more information, we will contact you and the appropriate LEA. In many cases, a charter school does not adversely affect compliance with the OCR Title VI desegregation plan because the limited number of students enrolled has a minimal effect on the attendance patterns and enrollment in the LEA's other schools. In such cases, and in other cases where OCR concludes there is no adverse impact, OCR will advise you and the appropriate LEA that it has no objection to the proposed operation of the charter school.

If OCR's review of the information raises concerns about compliance with the LEA's Title VI obligations, OCR may offer suggestions and modifications that address these concerns, where appropriate.



## SELECTION OF FACILITIES TO PROVIDE ACCESS TO STUDENTS WITH DISABILITIES

For some people with physical disabilities, an otherwise outstanding program may as well not exist if it is located in an inaccessible facility. Section 504 and Title II require that persons with disabilities have access to the programs and activities offered at public schools. Because charter schools often open in older buildings that may lack attention to accessible design or in contemporary or renovated buildings that were not originally designed for use as public schools, it is important that you be aware of these requirements.

\*\*\*\*\*

### **16. Are there requirements for physical access that apply when I select the facilities that will house my charter school?**

Yes. An LEA (including your charter school if it is its own LEA) may not deny persons with disabilities, including parents and students, the benefits of programs and activities offered at its schools because of inaccessible facilities. The selection of the facility for your charter school may not result in excluding or limiting enrollment of people with disabilities from any school program or activity.

*The program accessibility requirements of Section 504 and Title II often involve complex issues. For technical assistance regarding accessible programs and facilities, please contact the OCR Office that serves your state.*

### **17. Are there different legal requirements that apply to charter schools located in existing facilities as compared to newer facilities?**

Yes. For existing facilities, a charter school's programs and activities, when viewed in their entirety, must be readily accessible to individuals with disabilities. Both the Section 504 and Title II regulations permit considerable flexibility in meeting this legal standard. For example, structural changes are not required in existing facilities if nonstructural methods are effective in achieving program accessibility.

For new construction and alterations, Section 504 and Title II require that a new or altered facility (or the part that is new or altered) must be readily accessible to and usable by individuals with disabilities. The focus here is on providing physical access to buildings and facilities in addition to programs and activities. This means you must make sure that a child with a physical disability has access to every part of the new building or the parts that are newly-altered.

For example, if your charter school is in a new building, all parts of the building, including the third-floor chemistry labs, must be accessible for use by persons with disabilities. In contrast, if your charter school is in an existing facility, you might be able to meet the program accessibility requirement by locating at least one chemistry lab in an accessible location like the first floor.

**18. How do I know if a building is considered an existing facility or new construction?**

Any building or alteration by or on behalf of your LEA or your charter school for which construction began since June 1977, is considered new. Any construction or alteration that was not done by or on behalf of your LEA or charter school is likely to be considered an existing facility, regardless of its age.

*Any construction that began before June 4, 1977, is considered existing. Any construction or alteration by or on behalf of your LEA or charter school that began after January 26, 1992, is considered new. Construction that began on or between those two dates is new under Section 504 and existing under Title II. In these cases, the more stringent standard for new construction would apply.*

**19. What should I consider when acquiring the space in which I operate my program?**

In summary, when you purchase, take title to, lease, or rent a facility, you are encouraged to look for the most accessible space available. At a minimum, you must make sure that the educational program, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities, in accordance with the requirements for existing facilities. Construction or alteration initiated by you or for your charter school must also meet standards for new construction.

## EDUCATING STUDENTS WHO ARE LIMITED-ENGLISH PROFICIENT

A growing number of students in the public school population are national-origin minority students who are limited-English proficient (LEP). These children include recent immigrants to the United States, and other children raised with languages other than English. Generally, these children's limited ability to speak, read, write, and understand English well enough to participate meaningfully is a barrier to their educational success. Federal civil rights law requires that public schools provide LEP children appropriate services designed to teach them English and the general curriculum.

\*\*\*\*\*

### **20.** What civil rights requirements apply if there are LEP students attending my charter school?

In *Lau v. Nichols*, the U.S. Supreme Court held that school districts must take affirmative steps to help LEP students overcome language barriers so that they can participate meaningfully in each school district's programs. Under Title VI, public schools and LEAs must identify LEP students and provide them educational services so they can learn English-language skills and acquire the knowledge and skills in academic content areas that all students are required to know.

Public schools are not required to adopt any particular model of instruction for LEP students. However, where a program is necessary to ensure equal educational opportunity for LEP students, it must be based on a sound educational theory, adequately supported with qualified staff and adequate resources so that the program has a reasonable chance for success, and periodically evaluated and revised, if necessary.

## **21. Are there federal funds available to help me educate LEP students?**

Yes. A wide variety of resources are available to help you serve your charter school's LEP students. In addition to receiving general educational funds and state and local funds appropriated for the education of LEP students, LEAs may qualify for Federal financial assistance. For example, like any public school, your charter school might qualify for funds from Title I, Title VII, or other titles of the Elementary and Secondary Education Act of 1965, as amended. These grant funds may be used to supplement the services that the LEA is required to provide using state and local educational funds. Title I is administered by ED's Office of Elementary and Secondary Education (OESE). There are specific requirements that you must meet in order to receive Title I funds. Contact your SEA to find out if your charter school is eligible for these funds. LEAs may apply for Title VII funds from ED's Office of Bilingual Education and Minority Languages Affairs (OBEMLA).

*Title I provides assistance to at-risk children in high-poverty schools. For further information on Title I, visit OESE's World Wide Web site at <http://www.ed.gov/offices/OESE/CEP/index.html>. Title VII helps LEAs meet their needs and objectives related to improving the instruction of LEP students. For further information on Title VII, visit OBEMLA's Web site at <http://www.ed.gov/offices/OBEMLA/>.*

Your charter school might also join with other charter schools or work with LEAs to share qualified staff and other resources. Keep in mind that the obligation to educate LEP students is the same regardless of whether special funds or resources are available.

## **22. What must I do to make sure that limited-English proficient parents of students in my school are provided with information about school activities?**

Like operators of other public schools, you must ensure that language-minority parents who are not proficient in English receive the same information provided to other parents, in a manner and form they understand. This may include information about their children's program, progress, and disciplinary problems, as well as information about the school's rules, policies, and activities. This information may have to be provided in a language other than English for parents who are not proficient in English.

*You may find assistance through real-time interpreting services, such as those provided by telecommunications companies.*

## EDUCATING STUDENTS WITH DISABILITIES

Some children arrive at school with disabilities that affect their participation in the educational program. Sometimes, these disabilities are known; sometimes they remain hidden until a parent or teacher raises a concern. The challenge for all public schools is to identify children with disabilities, assess their individual needs, and provide appropriate educational services without undue delay.



### **23.** What civil rights requirements apply to my charter school for the education of students with disabilities?

Under Section 504 and Title II, students with disabilities enrolled in public schools, including your charter school, are entitled to a free appropriate public education (FAPE). The Section 504 regulation includes several substantive and procedural requirements regarding the provision of FAPE. Among these requirements is that a student with a disability must receive appropriate regular or special education and related aids and services. The requirement is designed so that the individual educational needs of the disabled student are met as adequately as the needs of nondisabled students.

### **24.** Are there federal funds available to help me meet my obligation to educate students with disabilities?

Yes. Your charter school might benefit from federal funds available under the Individuals with Disabilities Education Act (IDEA). The IDEA is a federal law that provides funds to SEAs, and through them to LEAs, to help schools serve students with disabilities. There are specific requirements of the IDEA that you must meet in order to receive these federal funds. Contact your SEA to find out if these funds are available to you.

Like Section 504 and Title II, the IDEA has FAPE requirements. In general, if you satisfy the FAPE requirements under the IDEA, then you will be in compliance with the FAPE requirements of Section 504 and Title II. The IDEA, which has distinct requirements that are not discussed in detail in this publication, is administered by ED's Office of Special Education and Rehabilitative Services (OSERS).

*For further information on the IDEA and its requirements, contact OSERS' Office of Special Education Programs (OSEP) at 202-205-5507; or visit OSEP's World Wide Web site at <http://www.ed.gov/offices/OSERS/OSEP/index.html>.*

**25. Are there additional ways to help me meet my obligations under Section 504 and Title II?**

Yes. In addition to providing federal funds to eligible entities, the IDEA allows a state the flexibility to designate some other entity as responsible for ensuring that the requirements of the IDEA are met for children with disabilities enrolled in public schools. Where you are meeting your charter school's Section 504 and Title II FAPE responsibilities through compliance with IDEA requirements, the IDEA's flexibility could help you meet your charter school's Section 504 and Title II FAPE responsibilities.

Generally, if a state designates another entity as responsible for ensuring that all of the IDEA requirements are met for eligible disabled children enrolled in a particular charter school, that designated entity would ensure that FAPE is provided to each of those students, generally at the charter school site.

*Contact your SEA to learn whether your state makes this flexibility available to your charter school.*

**26. Could a child be protected by Section 504 and Title II but not be eligible to receive services under the IDEA?**

Yes. Some students with disabilities are protected by Section 504 and Title II, but are not eligible to receive services under the IDEA because they do not need special education. One example would be a child with juvenile rheumatoid arthritis who requires the periodic administration of medication during the school day, but who does not need any special education services. The child may have the right to FAPE under Section 504 and Title II, even though the child is not eligible for services under the IDEA.

*Under Section 504 and Title II, an individual with a disability is an individual who either has a physical or mental impairment that substantially limits one or more major life activities (such as learning), has a record of such an impairment, or is regarded as having such an impairment.*

**27. May I limit the participation of students with disabilities to certain aspects of my charter school's program?**

No. Consistent with civil rights requirements, students with disabilities must be provided a range of choices in programs and activities that is comparable to that offered to students without disabilities. This includes an opportunity to participate in a range of nonacademic or extracurricular programs and activities offered at your charter school.

**28.** Is a student with a disability required to be educated with students without disabilities?

A student with a disability must be educated with nondisabled students to the maximum extent appropriate for the disabled student. The education of students with disabilities must be designed to meet their individual needs. A student with a disability may be placed in a setting outside the regular classroom only if the regular educational environment – including using supplementary aids and services – cannot satisfactorily meet the student’s educational needs. The group making placement decisions is responsible for selecting the setting that satisfies these requirements.

*The Section 504 regulation requires that any placement decision be made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.*

**29.** What do I need to do when a student enrolled in my charter school is believed to have a disability?

When a student is believed to have a disability, your charter school, like any public school, must initiate the procedures established by your SEA or by your LEA (if your charter school is a part of the LEA) to identify and refer the student for evaluation in a timely manner.

**30.** What other rights and responsibilities are included in the provision of FAPE regarding student identification, evaluation, and placement?

Under Section 504 and Title II, students with disabilities, and their parents or guardians, are entitled to due process from the LEA concerning student identification, evaluation, and placement. Simply stated, due process is procedural fairness. In the context of FAPE, due process includes notice, the opportunity for review of records, the right to request an impartial hearing with representation by counsel, and a procedure for review. In general, by complying with the relevant IDEA procedural-safeguard requirements, an LEA is complying with these Section 504 and Title II requirements.

## ENDNOTES

The information provided in this document discussed the application of federal civil rights laws to charter schools. As stated above, the document discusses the application of existing law, and does not set forth new law. These same civil rights laws apply to all public schools, including charter schools. The following endnotes provide citations and background information to the major points addressed in this document. Numbers correspond to the answers in this document. These endnotes are not meant to be an exhaustive list of existing regulations or case law, but a brief, helpful summary and restatement of relevant federal civil rights laws. If you have further questions, please contact the OCR office that serves your state. A list of OCR offices is attached.

### RESPONSIBILITIES FOR CIVIL RIGHTS COMPLIANCE

1. The federal civil rights laws and the implementing regulations that OCR enforces include: 42 U.S.C. § 2000d *et seq.*, 34 C.F.R. Part 100 (1999) (Title VI); 29 U.S.C. § 1681 *et seq.*, 34 C.F.R. Part 106 (1999) (Title IX); 29 U.S.C. § 794 *et seq.*, 34 C.F.R. Part 104 (1999) (Section 504); 42 U.S.C. § 12101 *et seq.*, 28 C.F.R. part 35 (1999) (Title II); 42 U.S.C. § 6101 *et seq.*, 45 C.F.R. Part 90 (1999) (Age Discrimination Act). (All subsequent citations in this document from the Code of Federal Regulations (C.F.R) are also from the 1999 edition.)
2. There are other federal civil rights statutes that apply to public schools, which are not addressed in this publication. These include, but are not limited to:
  - Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000b *et seq.*, which authorizes the Attorney General to institute civil actions alleging discrimination on the basis of race, color, sex, religion or national origin by public elementary and secondary schools and public institutions of higher learning.
  - Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, which prohibits employment practices that discriminate on the grounds of race, sex, religion, and national origin.
  - The Equal Educational Opportunities Act of 1974 (EEOA), 20 U.S.C. § 1701 *et seq.*, which prohibits specific discriminatory conduct, including segregating students on the basis of race, color or national origin, and discrimination against faculty and staff. The EEOA also requires school districts to take action to overcome students' language barriers that impede equal participation in educational programs.



**RECRUITMENT AND ADMISSIONS**

3. For regulations that generally address nondiscrimination in recruitment, see: 34 C.F.R. § 100.3(b); 34 C.F.R. § 106.23; 34 C.F.R. §106.36; 28 C.F.R. § 35.130; 34 C.F.R. § 104.4(b). For regulations which govern targeted recruitment, see: 34 C.F.R. § 100.3(b) (6) (i) (ii); 34 C.F.R. § 106.3 (a)-(b); 34 C.F.R. § 104.6(a)-(b); 45 C.F.R. § 90.49.
4. For documents supporting outreach to limited-English proficient parents, see: Identification of Discrimination and Denial of Services on the Basis of National Origin, 35 Fed. Reg. 11595 (1970) (hereinafter OCR 1970 memorandum) (requires adequate notice to LEP parents of school activities); Policy Update on Schools' Obligations Toward National Origin Minority Students with Limited-English Proficiency (9/27/91) (hereinafter OCR 1991 memorandum) at 8 (discussing notification to parents of LEP students in specialized programs). OCR's policy on the requirements for LEP students are encompassed in three documents: the 2 documents listed above along with The Office for Civil Rights' Title VI Language Minority Compliance Procedures (initially issued 12/3/85, reissued without change 4/6/90). These three documents should be read together and are available through your OCR office.
5. For regulations related to outreach for parents with disabilities, see: 28 C.F.R. § 35.160; 28 C.F.R. § 35.104 (1)-(2). See also 34 C.F.R. § 104.4(b).
6. For regulations regarding non-discriminatory treatment in admissions, regardless of race, color and national origin, see: 34 C.F.R. § 100.3(b) (1) (v); 34 C.F.R. § 100.3(b) (2). Also read Guardian's Association v. Civil Service Commission, 463 U.S. 582 (1983) (holding disparate impact standard as valid). Many courts use the term "equally effective" (see, for example, Georgia State Conf. of Branches of NAACP v. Georgia, 775 F.2d 1403, 1417 (11th Cir. 1985)) and "comparably effective" (see, for example, Elston v. Talladega County Bd. of Educ., 997 F.2d 1394, 1407 (11th Cir. 1993)) when discussing whether alternative criteria serve the educational goals; the courts appear to use the terms synonymously. Also helpful is 34 C.F.R. 100, Appendix B, part K (Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs). For admissions requirements concerning LEP students, see OCR 1991 memorandum at pages 8-9 (LEP students cannot be categorically excluded from specialized programs unless the particular program requires proficiency in English for meaningful participation).

7. The list of cases discussing the use of race is lengthy. For the general principles regarding the use of race, see, for example, Adarand Constructors, Inc. v. Peña, 515 U.S. 200 (1995) (holding that use of race must serve a compelling legal interest and be narrowly tailored to serve that interest). Elimination of discrimination is a compelling government interest that can justify race-conscious measures. See, for example, United States v. Fordice, 505 U.S. 717 (1992). The Supreme Court and other courts have recognized other compelling interests. See, for example, Regents of University of California v. Bakke, 438 U.S. 265, 311-14 (1978) (opinion of Powell, J.) (Promotion of educational benefits of diverse student body furthers a compelling state interest justifying use of race in university admissions). See, for example, Wittmer v. Peters, 87 F.3d 916, 919 (7<sup>th</sup> Cir. 1997), cert. denied, 117 S. Ct. 949 (1997) (finding a compelling interest in the use of use of race in maintaining the integrity of correctional facility's boot camp program). But see, for example, Hopwood v. State of Texas, 78 F.3d 932, 944-948 (5<sup>th</sup> Cir.), cert. denied, 518 U.S. 1033 (1996) (University interest in attaining diverse student body does not constitute a compelling governmental interest to justify use of race in law student selection). Other courts have assumed for the sake of argument that diversity is a compelling legal interest, but struck down the use of race in admissions on the grounds that the specific policy challenged was not narrowly tailored to meet the diversity interest. See, for example, Wessmann v. Gittens, 160 F.3d 790, 795-799 (1st Cir. 1998).

Congress has also recognized that the elimination of racial isolation has significant benefits. See 20 U.S.C. §§ 7201-7213 (Magnet School Assistance Program). For additional helpful background information on this topic, see: Adarand Memorandum to General Counsels from Assistant Attorney General Walter Dellinger (6/28/95); 34 C.F.R. § 100.3(b) (6) (i) and (ii); 59 Fed. Reg. 8756 (02/23/1994) (Title VI and applicability to financial aid ); Bakke Notice, 44 Fed. Reg. 58509 (10/10/79).

8. The regulations related to admissions of students with disabilities include: 34 C.F.R. § 104.4(a)-(b); 28 C.F.R. § 35.130(a); 28 C.F.R. § 35.104 (1)-(2).
9. The regulations that address single-sex courses, activities, programs and schools are: 34 C.F.R. § 106.34 (single-sex courses); 34 C.F.R. § 106.35 (single-sex schools); 34 C.F.R. § 106.3(a)-(b) (single-sex activities/programs). The Supreme Court has also addressed the legality of single-sex institutions. See, for example, United States v. Virginia, 518 U.S. 515, 531 (1996) (parties who seek to defend gender-based government action must demonstrate an "exceedingly persuasive justification").

#### SCHOOLS AFFECTED BY DESEGREGATION PLANS OR COURT ORDERS

10. For a discussion of de jure segregation in public schools, see generally, for

example, Swann v. Charlotte-Mecklenberg Board of Education, 402 U.S. 1 (1971); Green v. County School Board of New Kent County, 391 U.S. 430 (1968); Brown v. Board of Education, 347 U.S. 483 (1954). See also: 34 C.F.R. § 100.4 (c) (2) (OCR plans); 34 C.F.R. § 100.4(c) (1) (court orders). To examine more recent Supreme Court school desegregation cases, in particular unitary status, see, for example, Jenkins v. Missouri, 515 U.S. 70 (1995); Freeman v. Pitts, 503 U.S. 467 (1992); Board of Education of Oklahoma City v. Dowell, 498 U.S. 237 (1991).

If a charter school is its own LEA, it still could affect a desegregation plan or court order. Two Supreme Court cases which provide support are: Wright v. Council of Emporia, 407 U.S. 451, 460-462 (1972) (Even if there is no discriminatory intent, a new school district could not be created if its effect would be to impede progress of dismantling the existing dual system); United States v. Scotland Neck City Bd. of Ed., 407 U.S. 484 (1972) (Whether action affecting dismantling of dual school system is by legislature or school district is immaterial, criterion is whether the dismantling of dual system is furthered or hindered).

11. For cases dealing specifically with charter schools and school desegregation, see, for example, Berry v. School District of the City of Benton Harbor, 56 F.Supp.2d 866, 872 (W.D. Mich 1999) (holding charter school has same burdens as other public schools in district subject to court's remedial order); Beaufort County Board of Education v. Lighthouse Charter School et. al., 516 S.E.2d 655, 659 (S.C. 1999) (holding valid a school board finding that charter school applicant failed to adhere to same remedial requirements as other public schools in the district under OCR Title VI desegregation plan); Davis v. East Baton Rouge Parish School Board, et al., C.A. No. 56-1662 (M.D. La. 1999) (stating that charter schools in district remain subject to court's orders relating to desegregation of district). Courts are guided by the general principle established in Wright and Scotland Neck, both discussed in note 10.
12. As stated before, it is the effect of the action, not the intent, that determines whether new schools comply with school desegregation decrees. See: Wright and Scotland Neck, both discussed in note 10. For more discussion on how charter schools can meet school desegregation requirements, see, for example, Benton Harbor, discussed in note 11 (court approved a charter school since it provided sufficient information; ordered it to undertake recruitment steps that would guarantee a population to approximate racial characteristics of district). Generally, see also: 34 C.F.R. § 100.3(b) (2); 34 C.F.R. § 100.3(b) (3).
13. See the endnote discussing the answer to question 12.
14. See the endnotes discussing the answers to questions 10-12.
15. See the endnote discussing the answer to question 12.

**SELECTION OF FACILITIES TO PROVIDE ACCESS TO STUDENTS WITH DISABILITIES**

16. For requirements involving physical accessibility to schools, see: 34 C.F.R. § 104.21; 28 C.F.R. § 35.149.
17. For regulations involving existing facilities as opposed to new facilities, see: 34 C.F.R. §§ 104.22-23; 28 C.F.R. §§ 35.150-151. For additional background information, see: Uniform Federal Accessibility Standards; Americans with Disabilities Act Accessibility Guidelines; American National Standards Institute A117.1-1961 (R1971).
18. The regulations that distinguish new facilities from existing ones are: 34 C.F.R. § 104.23 (c); 28 C.F.R. § 35.151.
19. To assist you in choosing the space where you operate your charter school, you should read: 34 C.F.R. §§ 104.21-23; 28 C.F.R. §§ 35.149-151.

**EDUCATING STUDENTS WHO ARE LIMITED-ENGLISH PROFICIENT**

20. The legal support for taking affirmative steps in educating LEP students are: Lau v. Nichols, 414 U.S. 563 (1974); 34 C.F.R. § 100.3(b) (2); OCR 1970 memorandum (35 Fed. Reg. 11595, 07/18/70) (cited with approval in Lau). For the legal standard regarding the instructional program for LEP students, see: Casteneda v. Pickard, 648 F.2d 989, 1009-1010 (5th Cir. 1981) (decided under EEOA framework and applied in OCR Title VI analysis, OCR 1991 Memorandum at 12-15).
21. The relevant statute is the Improving America's Schools Act of 1994, P.L. 103-382 (10/20/94), 108 Stat. 3518. 20 U.S.C. § 6301-6514 (Title I); 20 U.S.C. § 7401-7602. (Title VII).
22. The OCR 1970 memorandum, set out more fully in note 4, specifically addresses this issue. See also 34 C.F.R. § 100.3(b) (2).

#### EDUCATING STUDENTS WITH DISABILITIES

23. For regulations dealing with the civil rights requirements of providing a free appropriate public education, read: 34 C.F.R. § 104.33; 28 C.F.R. § 35.130(b) (1) (iv).
24. The regulations of the IDEA are at: 34 C.F.R. Part 300. If a school satisfies the FAPE requirement under IDEA, it is in compliance with FAPE under 504 and Title II. See: 34 C.F.R. § 300.13; 34 C.F.R. § 104.33(b) (2).
25. The regulation discussing the flexibility of IDEA is 34 C.F.R. § 300.312.
26. For discussion of how a student could be protected under Section 504 and Title II, but not be eligible for IDEA services, see in general: 34 C.F.R. § 104.3(k) (2); 34 C.F.R. § 300.7. The definition of a person with a disability can be found at 34 C.F.R. § 104.3(j); 28 C.F.R. § 35.104.
27. For discussion of participation of students with disabilities in nonacademic services, see: 34 C.F.R. § 104.37; 34 C.F.R. § 104.34(b).
28. The regulations addressing the educational placement of students with disabilities are: 34 C.F.R. § 104.4(b) (2); 34 C.F.R. § 104.34(a).
29. The regulation that addresses when a student is believed to have a disability is 34 C.F.R. § 104.35(a).
30. Other rights and responsibilities included in the provision of FAPE are discussed at 34 C.F.R. § 104.36.

# U.S. Department of Education Office for Civil Rights

## Enforcement Offices

### Eastern Division

Serving: **Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont**

Office for Civil Rights, Boston Office  
U.S. Department of Education  
J. W. McCormack Post Office and Courthouse  
Room 707, 01-0061  
Boston, MA 02109-4557  
(617) 223-9662; FAX (617) 223-9669; TDD (617) 223-9695  
Email: [OCR\\_Boston@ed.gov](mailto:OCR_Boston@ed.gov)

Serving: **New Jersey, New York, Puerto Rico, and Virgin Islands**

Office for Civil Rights, New York Office  
U. S. Department of Education  
75 Park Place, 14th Floor  
New York, NY 10007-2146  
(212) 637-6466; FAX (212) 264-3803; TDD (212) 637-0478  
Email: [OCR\\_NewYork@ed.gov](mailto:OCR_NewYork@ed.gov)

Serving: **Delaware, Maryland, Kentucky, Pennsylvania, and West Virginia**

Office for Civil Rights, Philadelphia Office  
U.S. Department of Education  
Wanamaker Building, Suite 515  
100 Penn Square East  
Philadelphia, PA 19107  
(215) 656-8541; FAX (215) 656-8605; TDD (215) 656-8604  
Email: [OCR\\_Philadelphia@ed.gov](mailto:OCR_Philadelphia@ed.gov)

### Southern Division

Serving: **Alabama, Florida, Georgia, South Carolina, and Tennessee**

Office for Civil Rights, Atlanta Office  
U.S. Department of Education  
61 Forsyth St. S.W., Suite 19T70  
Atlanta, GA 30303-3104  
(404) 562-6350; FAX (404) 562-6455; TDD (404) 331-7236  
Email: [OCR\\_Atlanta@ed.gov](mailto:OCR_Atlanta@ed.gov)

Serving: **Arkansas, Louisiana, Mississippi, Oklahoma, and Texas**

Office for Civil Rights, Dallas Office  
U.S. Department of Education  
1999 Bryan Street, Suite 2600  
Dallas, TX 75201  
(214) 880-2459; FAX (214) 880-3082; TDD (214) 880-2456  
Email: [OCR\\_Dallas@ed.gov](mailto:OCR_Dallas@ed.gov)

Serving: **North Carolina, Virginia, and Washington, DC**

Office for Civil Rights, District of Columbia Office  
U.S. Department of Education  
1100 PA. Ave, N.W., Rm. 316  
P.O. Box 14620  
Washington, D.C. 20044-4620  
(202) 208-2545; FAX (202)-208-7797; TDD (202) 208-7741  
Email: [OCR\\_DC@ed.gov](mailto:OCR_DC@ed.gov)

## Midwestern Division

Serving: Illinois, Indiana, Minnesota, and Wisconsin

Office for Civil Rights, Chicago Office  
U.S. Department of Education  
111 N. Canal Street, Suite 1053  
Chicago, IL 60606-7204  
(312) 886-8434; FAX (312) 353-4888; TDD  
(312) 353-2540  
Email: [OCR\\_Chicago@ed.gov](mailto:OCR_Chicago@ed.gov)

Serving: Michigan and Ohio

Office for Civil Rights, Cleveland Office  
U.S. Department of Education  
600 Superior Avenue East  
Bank One Center, Room 750  
Cleveland, OH 44114-2611  
(216) 522-4970; FAX (216) 522-2573; TDD  
(216) 522-4944  
[OCR\\_Cleveland@ed.gov](mailto:OCR_Cleveland@ed.gov)

Serving: Iowa, Kansas, Missouri, Nebraska, North Dakota, and South Dakota

Office for Civil Rights, Kansas City Office  
U.S. Department of Education  
10220 North Executive Hills Boulevard  
8th Floor, 07-6010  
Kansas City, MO 64153-1367  
(816) 880-4200; FAX (816) 891-0644; TDD  
(816) 891-0582  
Email: [OCR\\_KansasCity@ed.gov](mailto:OCR_KansasCity@ed.gov)

## Western Division

Serving: Arizona, Colorado, Montana, New Mexico, Utah, and Wyoming

Office for Civil Rights, Denver Office  
U.S. Department of Education  
Federal Building, Suite 310, 08-7010  
1244 Speer Boulevard  
Denver, CO 80204-3582  
(303) 844-5695; FAX (303) 844-4303; TDD  
(303) 844-3417  
Email: [OCR\\_Denver@ed.gov](mailto:OCR_Denver@ed.gov)

Serving: California

Office for Civil Rights, San Francisco Office  
U.S. Department of Education  
Old Federal Building, 09-8010  
50 United Nations Plaza, Room 239  
San Francisco, CA 94102-4102  
(415) 556-4275; FAX (415) 437-7786; TDD  
(415) 437-7783  
Email: [OCR\\_SanFrancisco@ed.gov](mailto:OCR_SanFrancisco@ed.gov)

Serving: Alaska, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, and Trust Territory of the Pacific Islands

Office for Civil Rights, Seattle Office  
U.S. Department of Education  
915 Second Avenue  
Room 3310, 10-9010  
Seattle, WA 98174-1099  
(206) 220-7900; FAX (206) 220-7887; TDD  
(206) 220-7907  
Email: [OCR\\_Seattle@ed.gov](mailto:OCR_Seattle@ed.gov)

9



DOE #	Name	Current Assignment	Type	Certification	Endorsement	Out of Field	New to School
1244215	Berkes, Scott	Grade 8, English	Prof	English 6-12		ESOL	X
1167728	Bishop, Seth	Grade 8, Science, Biology	Prof	Gen Sci 5-9			
735575	Borges, Brenda	Grade 6,7,8 Explor Wheel - Art	Prof	Art K-12			
1090256	Bramhall, Kristen	Grade 6,7,8 Explor Wheel	Prof	Com Sci K-12			
1203393	Bridgett, Shantell	Grade 7 Social Studies	Nonrenew Temp	Soc Sci 5-9			X
1079940	Cardona, William	Grades 6,7,8 PE	Prof	PE K-12			
1227894	Clark, Julianna	Grade 7, Math	Prof	Math 5-9			X
1052442	Clark, Nichole	Grade 6,7,8 ESE Math	Prof	Elem Ed K-6; ESE K-12; Math 5-9; PE K-12			
1168373	Clayton, Drista	Grade 6, Social Studies	Prof	Elem Ed K-6			
1224752	Dent, Katelyn	Grade 8, Social Studies	Prof	Soc Sci 6-12			
697920	Dunham, Diana	Grade 6, Science	Prof	Gen Sci 5-9			
1056021	Faust, Shawn	Grade 6,7,8 PE	Prof	PE K-12			
884810	Finnis, Joanna	Grade 7, Math/Algebra	Prof	Math 5-9			
1193810	Flowers, Jullian	Grade 7 Social Studies	Prof	English 6-12		Soc St	
994296	Frabotta, Michelle	Grade 8, English	Prof	English 5-9	ESOL		
1033758	Froitzheim, Karen	Grade 6, English	Prof	Elem Ed K-6; Middle Int Cur 5-9	ESOL		X
1012630	Gish, Natalie	Grade 6,7,8 PE	Prof	PE K-12			
1094305	Gompper, Jessica (Bager	Grade 7 English	Prof	English 5-9		ESOL	
1055192	Green, Janel	Grade 7, English	Prof	English 6-12		ESOL	
No Record	Green, Rico	Grade 6,7,8 Reading					X
1253170	Greene, Robin	Grade 6, Social Studies	Nonrenew Temp	Soc Sci 6-12			X
1246829	Hanson, Natalie	Grade 8, Science	Nonrenew Temp	Biology 6-12; Gen Sci 5-9			X
1213053	Harper, Sarah	Grade 6, English	Prof	English 6-12		ESOL	
1224231	Harris, Carissa	Grade 6,7,8 Reading	Nonrenew Temp	Journalism 6-12; Math 5-9		Reading; ESOL	

DOE #	Name	Current Assignment	Type	Certification	Endorsement	Out of Field	New to School
SAP36195	Higdon, Shannon	Grade 8, English		Eng 6-12; Eng 5-9	ESOL	ESOL	
1161792	Hudson, Erica	Grade 6, English	Prof	Elem K-6	ESOL		
SAP29274	Kiella, Candance	Grade 8, Math/Algebra		Elem Ed K-6; Math 5-9	ESOL		
1214465	Kleine, Dana	Grade 6, Science	Nonrenew Temp	Gen Sci 5-9			X
879940	Klippel, David	Grades 6,7,8 Gifted and SS	Prof	Middle Int 5-9; Soc Sci 6-12	Gifted	ESOL	
1001593	Lewis, Shayla	Grade 6, Math	Nonrenew Temp	Elem Ed K-6			X
1203835	Lewter, Lakisha	Grade 6,7,8, Reading	Nonrenew Temp	Elem Ed K-6		ESOL	X
827509	Manning-White, La Toya	Grade 6, Math	Prof	Elem Ed K-6			
1088285	Matousek, Heather	Grade 7, Science	Prof	Elem Ed K-6; Gen Sci 5-9	ESOL; Reading		
858924	Miller, Patricia	Grade 6, Social Studies	Prof	English 6-12; Soc Sci 6-12	ESOL		
1200320	Moore, Julia	Grade 8, Science	Prof	ESE K-12; Gen Sci 5-9; Prek/Prim Ed Age 3 - Grade 3			X
1201015	Moore, Kevin	Grade 6, Science	Prof	Elem Ed K-6; Gen Sci 5-9; English 6-12			
1133960	Myers, Daniel	Grade 8, Social Studies	Prof	Soc Sci 6-12			
1116483	Nolan, Laura	Grade 7, Science	Prof	Earth-Space Sci 6-12			
1224321	Nykiel, Scott	Grade 6,7,8 Expor Wheel Chorus	Prof	Music K-12			X
SAP45643	Parker, Andrea	Grade 6, English		Elem Ed K-6		Elem Ed	X

DOE #	Name	Current Assignment	Type	Certification	Endorsement	Out of Field	New to School
1226062	Polizzi, Lauren	Grade 6,7,8 Reading	Nonrenew Temp	Eng 5-9; English 6-12; Reading K-12		ESOL	
SAP36210	Reddick, Kimberly	Grade 6, Science		Elem Ed K-6	ESOL		X
1252039	Reder, Ariela	Grade 6,7,8 Reading	Nonrenew Temp	Soc Sci 6-12		ESOL	X
1167597	Ritchie, Andrea	Grade 6, Social Studies	Prof	Elem Ed K-6; PreK/Prim Age 3- Grade 3			
1221948	Robertson, Jessica	Grade 6, Math	Prof	Math 6-12			
1256741	Rodkey, Kristin	Grade 7, Science	Prof	Earth-Space Sci 6-12			X
1222276	Seitz, Paige	Grade 6,7 Explor Wheel Spanish	Prof	World Lang K-12			X
1169769	Stevens, Megan	Grade 8, Math, Geometry	Prof	Math 6-12			X
1192406	Subbiah, Nithya	Grade 6, Math	Nonrenew Temp	Math 5-9			
1177048	Tremble, Joanna	Grade 6,7,8 PE	Nonrenew Temp	PE K-12			X
1035516	Watkins, Christina	Grade 8, Social Studies	Prof	Middle Int 5-9; Soc Sci 6-12			
1048413	Widener, Donald	Grade 8, Math, Algebra	Prof	Math 6-12; Middle Int 5-9			X
914119	Yale, Kenney	Grade 7, Social Studies	Prof	Middle Int 5-9; Soc Sci 5-0			

Notes:

- 1 New to School - Based on Comparison of Document Published by School of Staff Members Out of Field
- 2 Utilized SAP and DOE Records to Determine Certification

10

Dear Parents: For your information, I have provided you the Instructional Staff Roster of teachers and their teaching assignments at Discovery Academy of Lake Alfred for the 2014-2015 school year. *Kevin Warreny*, Principal, October 10, 2014

Berkes, Scott*	Grade 8 English (ESOL)	Kiella, Candace	Grade 8 Math, Algebra
Bishop, Seth	Grade 8 Science, Biology	Kleine, Dana	Grade 6 Science
Borges, Brenda	Grade 6,7,8 Exploratory Wheel/Art	Klippel, David*	Grade 6,7,8 Gifted and Social Studies (ESOL)
Bramhall, Kristen	Grade 6,7,8 Exploratory Wheel	Lewis, Shayla	Grade 6 Math
Bridgett, Shantell	Grade 7 Social Studies	Lewter, Lakisha *	Grade 6,7,8 Reading, (ESOL)
Cardona, William	Grade 6,7,8 Physical Education	Manning-White, LaToya	Grade 6 Math
Clark, Julianna	Grade 7 Math	Matousek, Heather	Grade 7 Science
Clark, Nichole	Grade 6,7,8 ESE Math	Miller, Patricia	Grade 6 Social Studies
Clayton, Krista	Grade 6 Social Studies	Moore, Julia	Grade 8 Science
Dent, Katelyn	Grade 8 Social Studies	Moore, Kevin	Grade 6 Science
Dunham, Diana	Grade 6 Science	Myers, Daniel	Grade 8 Social Studies
Faust, Shawn	Grade 6,7,8 Physical Education	Nolan, Laura	Grade 7 Science
Finnis, Joanna	Grade 7 Math/Algebra	Nykiel, Scott	Grade 6,7,8 Exploratory Wheel/Chorus
Flowers, Jillian*	Grade 7 Social Studies	Parker, Andrea*	Grade 6 English Elementary Education
Frabotta, Michelle	Grade 8 English	Polizzi, Lauren *	Grade 6,7,8 Reading, (ESOL)
Froltzhelm, Karen	Grade 6 English	Reddick, Kimberly	Grade 6 Science
Gish, Natalie	Grade 6,7,8 Physical Education	Reder, Ariela *	Grade 6,7,8 Reading, (ESOL)
Gompper, Jessica*	Grade 7 English (ESOL)	Ritchie, Andrea	Grade 6 Social Studies
Green, Janel*	Grade 7 English (ESOL)	Robertson, Jessica	Grade 6 Math
Green, Rico *	Grade 6,7,8 Reading, (ESOL)	Rodkey, Kristin	Grade 7 Science
Greene, Robin	Grade 6 Social Studies	Seitz, Paige	Grade 6,7 Exploratory Wheel, Spanish I, II
Hanson, Natalie	Grade 8 Science	Stevens, Megan	Grade 8 Math, Geometry
Harper, Sarah*	Grade 6 English (ESOL)	Subbiah, Nithya	Grade 6 Math
Harris, Carissa*	Grade 6,7,8 Reading, (ESOL)	Tremble Joanna	Grade 6,7,8 Physical Education
Higdon, Shannon*	Grade 8 English (ESOL)	Watkins, Christina	Grade 8 Social Studies
Hudson, Erica	Grade 6 English	Widener, Donald	Grade 8 Math, Algebra
Kessler, Kevin	Grade 7 Math / Algebra	Yale, Kenney	Grade 7 Social Studies

*You have the right to ask if your child's teachers meet the state requirements for certification for their teaching assignment, their certificate type, their degree major, subject area of their degree, or if paraprofessionals are used in the instruction of your child, and their qualifications.*

*\*Currently teaching out of field in subject(s) in bold print and completing course work or is in the process of submitting appropriate documentation to certify in field.  
 \*\*Currently not highly qualified in area that is in bold print and completing course work or is in the process of submitting appropriate documentation to attain highly qualified status.*

11

**DISCOVERY ACADEMY OF LAKE ALFRED, INC.**

**A Charter School and Component Unit of the  
District School Board of Polk County, Florida**

**Financial Statements  
with Independent Auditors' Reports Thereon**

**June 30, 2013**



**M<sup>C</sup>CRADY | HESS | RUTH**  
CERTIFIED PUBLIC ACCOUNTANTS

## CONTENTS

	<u>Page</u>
<b>Management's Discussion and Analysis</b>	1 – 6
<b>Report of Independent Auditors on Basic Financial Statements and Supplementary Information</b>	7 – 9
<b>Basic Financial Statements:</b>	
Statement of Net Position	10
Statement of Activities	11
Balance Sheet – Governmental Funds	12
Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position	13
Statement of Revenues, Expenditures and Changes in Fund Balances of Governmental Funds	14
Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balances of Governmental Funds to the Statement of Activities	15
Notes to Financial Statements	16 – 27
<b>Required Supplementary Information:</b>	
Budgetary Comparison Schedule – General Fund	28
Budgetary Comparison Schedule – Special Revenue Fund	29
<b>Schedule of Expenditures of Federal Awards</b>	30
<b>Notes to Schedule of Expenditures of Federal Awards</b>	31
<b>Independent Auditors' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <i>Government Auditing Standards</i></b>	32 – 33
<b>Independent Auditors' Report on Compliance for Each Major Program and on Internal Control Over Compliance Required by with OMB Circular A -133</b>	34 – 35
<b>Schedule of Findings and Questioned Costs</b>	36 – 37
<b>Additional Information Required by Rules of the Florida Auditor General, Chapter 10.850, <i>Audits of Charter Schools and Similar Entities</i>:</b>	
Management Letter	38 – 40



**DISCOVERY ACADEMY OF LAKE ALFRED, INC.  
MANAGEMENT'S DISCUSSION AND ANALYSIS**

---

Management of Discovery Academy of Lake Alfred, Inc. (the "School") offers the following narrative overview and analysis of the financial activities of the School for the fiscal year ended June 30, 2013. Readers are encouraged to use this information in conjunction with information furnished in the School's financial statements. This summary should not be taken as a replacement for the audit, which consists of the basic financial statements and other supplemental information.

**FINANCIAL HIGHLIGHTS**

- ❖ The School's net position at June 30, 2013 is approximately \$4.09 million, an increase from the prior year of approximately \$177,500.
- ❖ For the fiscal year ended June 30, 2013, the School's revenues exceeded expenses by \$177,523, which is an increase over the prior year when expenses exceeded revenues by \$4,804.

**OVERVIEW OF THE FINANCIAL STATEMENTS**

This discussion and analysis are intended to serve as an introduction to the School's basic financial statements. The School's basic financial statements consist of three components; 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. The basic financial statements present two different views of the School through the use of government-wide statements and fund financial statements. In addition to the basic financial statements, this report contains other supplemental information that will enhance the understanding of the financial condition of School.

**Government-Wide Financial Statements**

The government-wide financial statements are designed to provide a broad overview of the School's finances, similar in format to a financial statement of a private-sector business. The government-wide statements provide short and long-term information about the School's financial status as a whole.

The two government-wide statements report the School's net position and the current year changes. The net position is the difference between the School's total assets and total liabilities. Measuring the net position is one way to evaluate the School's financial condition.

The government-wide statements are divided into three categories: 1) governmental activities 2) business-type activities, and 3) component units. The governmental activities include the School's basic services. The business-type activities are those services that the School charges for not directly related to the School's mission. For the year ended June 30, 2013, the School had no business-type activities or component units.

## **Fund Financial Statements**

The fund financial statements provide a more detailed look at the School's most significant activities. A fund is a grouping of related accounts used to maintain control over resources segregated for specific activities or objectives. All of the operations of the School are presented in governmental funds only.

Governmental funds are used to account for those functions reported as governmental activities in the government-wide financial statements. The School's basic services are accounted for in governmental funds. These funds focus on how assets that can readily be converted into cash flow in and out, and what monies are left at year-end be available for spending in the next year. Governmental funds are reported using an accounting method called *modified accrual accounting*. This method also has a current financial resources focus. As a result, the governmental fund financial statements provide a detailed short-term view of the financial resources available to finance the School's programs. The relationship between governmental activities (reported in the Statement of Net Position and the Statement of Activities) and governmental funds is described in a reconciliation that is a part of the fund financial statements.

The School adopts an annual budget for its general fund and special revenue fund as required by the Florida Statutes. The budget is legally adopted by management of the School and its Board. Budgetary comparison schedules have been included as part of the required supplementary information. The budgetary comparison schedules show four columns: 1) the original budget as adopted by the board, 2) the final budget as amended by the board, 3) the actual resources, charges and ending balances in the general fund, and 4) the variance between the final budget and the actual resources and charges.

## **Notes to Financial Statements**

The notes to financial statements provide additional information that is essential to the full understanding of the information reported in the government-wide and fund financial statements. The notes to the financial statements start on page 16 of this report.

## **Other Reports**

This report also includes the information required by the U.S. Office of Management and Budget ("OMB") Circular A-133: Schedule of Expenditures of Federal Awards, Independent Auditors' Report on Compliance For Each Major Program and on Internal Controls over Compliance Required by OMB A-133 and Schedule of Findings and Questioned Costs. In addition, it also includes the Independent Auditors' Report on Internal Controls Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With *Government Auditing Standards*, as well as the management letter required by the Rules of the Auditor General, Chapter 10.850, *Audits of Charter Schools and Similar Entities*.

**GOVERNMENT-WIDE ANALYSIS OF THE SCHOOL**

**Net Position**

The School's combined net position as of June 30, 2013 and 2012 is summarized as follows:

	<u>2013</u>	<u>2012</u>	<u>Increase ((Decrease)</u>
<b>Assets:</b>			
Current assets	\$ 4,057,667	\$ 3,994,715	\$ 62,952
Capital assets, net	<u>1,031,073</u>	<u>1,088,160</u>	<u>(57,087)</u>
Total assets	<u>5,088,740</u>	<u>5,082,875</u>	<u>5,865</u>
<b>Liabilities:</b>			
Current liabilities	583,122	602,463	(19,341)
Long-term liabilities	<u>415,644</u>	<u>567,961</u>	<u>(152,317)</u>
Total liabilities	<u>998,766</u>	<u>1,170,424</u>	<u>(171,658)</u>
<b>Net Position:</b>			
Investment in capital assets, Net of related debt	615,429	520,199	95,230
Restricted for:			
Food services	76,159	-	76,159
Unrestricted	<u>3,398,386</u>	<u>3,392,252</u>	<u>6,134</u>
Total net position	<u>\$ 4,089,974</u>	<u>\$ 3,912,451</u>	<u>\$ 177,523</u>

The change in current assets is due to an increase in cash balances at year end due to the timing of cash receipts and payments. Capital assets decreased due to depreciation exceeding the current year additions. Current and other liabilities decreased due to the timing of payments on accounts payable. Long-term liabilities decreased due to current year loan payments. The increase in total net position is due to the current year government-wide results of operations.

## Change in Net Position

The School's total revenues exceeded expenses by approximately \$177,500 in fiscal 2013—see table below.

	<u>2013</u>	<u>2012</u>	<u>Increase (Decrease)</u>
<b>Revenues:</b>			
Federal sources	\$ 738,245	\$ 776,450	\$ (38,205)
State and local sources	5,856,284	5,613,137	243,147
Contributions and other revenues	532,261	420,830	111,431
Total revenues	<u>7,126,790</u>	<u>6,810,417</u>	<u>316,373</u>
<b>Expenses:</b>			
Instruction	3,283,530	3,267,700	15,830
Pupil personnel services	668,473	618,110	50,363
Instructional media services	127,661	114,382	13,279
Instructional and curriculum development	22,496	25,894	(3,398)
Instructional staff training	61,987	62,268	(281)
Board	40,102	33,721	6,381
General administration	69,849	69,302	547
School administration	812,651	773,410	39,241
Fiscal services	53,020	48,344	4,676
Food services	527,696	517,687	10,009
Central services	25,247	11,875	13,372
Transportation	829,822	821,772	8,050
Operation of plant	401,875	418,508	(16,633)
Interest	24,858	32,248	(7,390)
Total expenses	<u>6,949,267</u>	<u>6,815,221</u>	<u>134,046</u>
Change in net positions	<u>\$ 177,523</u>	<u>\$ (4,804)</u>	<u>\$ 182,327</u>

Total enrollment increased slightly for the fiscal year 2013. The change in state and local sources is primarily due to the increase in student population. The increase in other revenues is due primarily to the increase in interest and returns on the School's investments.

The School's expenses in instruction and instructional support increased due to changes in student population. The increases in the remaining functional areas is primarily due to salary increases over the prior year.

## FINANCIAL ANALYSIS OF THE SCHOOL'S FUNDS

The focus of the School's governmental funds is to provide information on near term inflows, outflows, and balances of usable resources. Such information is useful in assessing the School's financing requirements. Specifically, unrestricted fund balance can be a useful measure of a government's net resources available for spending at the end of the fiscal year.

As the School completed the year, its governmental funds reported a combined fund balance of \$3,749,946.

### General and Special Revenue Funds Budgetary Highlights

During the fiscal year, the School amended its budgets twice. Generally, budget amendments fall into one of three categories: 1) amendments made to adjust the estimates that are used to prepare the original budget once exact information is available; 2) amendments made to recognize changes in funding amounts and 3) changes in appropriations that become necessary to maintain services.

In the general fund, actual revenues were less than budget amounts by approximately \$17,600. Expenditures were approximately \$119,000 less than budgeted amounts.

In the special revenue fund, total revenues were less than budget amounts by approximately \$8,400. Expenditures were approximately \$17,600 less than budget amounts.

## CAPITAL ASSETS AND DEBT ADMINISTRATION

### Capital Assets

At the end of fiscal 2013, the School invested approximately \$1.03 million in capital assets, net of accumulated depreciation of approximately \$1.09 million.

	<u>Governmental Activities</u>		Increase
	<u>2013</u>	<u>2012</u>	<u>(Decrease)</u>
Furniture, fixtures and equipment	\$ 441,759	\$ 412,037	\$ 29,722
Vehicles	1,679,146	1,669,331	9,815
	<u>2,120,905</u>	<u>2,081,368</u>	<u>39,537</u>
Less - accumulated depreciation	<u>(1,089,832)</u>	<u>(993,208)</u>	<u>(96,624)</u>
Total capital assets	<u>\$ 1,031,073</u>	<u>\$ 1,088,160</u>	<u>\$ (57,087)</u>

More detailed information about the School's capital assets is presented in Note 4 to the financial statements.

### **Long-Term Debt**

As of June 30, 2013, the School has approximately \$416,000 notes payable outstanding. For more detailed information about the School's long-term liabilities, see Note 5 to the financial statements.

### **CONTACTING THE SCHOOL'S FINANCIAL MANAGEMENT**

This financial report is designed to provide interested parties with a general overview of the School's finances and to demonstrate the School's accountability for the money it receives. Should additional information be required, please contact the School's administrative offices at 1000 North Buena Vista Drive, Lake Alfred, Florida 33850.



**Report of Independent Auditors on Basic Financial Statements  
and Supplementary Information**

To the Board of Directors of Discovery Academy of Lake Alfred, Inc.  
a Charter School and Component Unit of the District  
School Board of Polk County, Florida

We have audited the accompanying financial statements of the governmental activities, each major fund and the remaining fund information of Discovery Academy of Lake Alfred, Inc. (the "School"), a charter school and component unit of the District School Board of Polk County, Florida, as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the School's basic financial statements as listed in the table of contents.

**Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

**Auditors' Responsibility**

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

## ***Opinion***

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the School, as of June 30, 2013, and the respective changes in financial position, thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## ***Other Matters***

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 1 - 6 and 28 - 29 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### ***Other Reporting Required by Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated September 19, 2013, on our consideration of the School's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the School's internal control over financial reporting and compliance.

### ***Other Information***

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the School's financial statements as a whole. The accompanying Schedule of Expenditures of Federal Awards on page 30 is presented for purposes of additional analysis as required by U.S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, and is also not a required part of the financial statements. The Schedule of Expenditures of Federal Awards is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements.



The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

*MC CRADY, HESS + RUTH*

Maitland, Florida  
September 19, 2013

2600 Lake Lucien Drive, Suite 405 ■ Maitland, FL 32751  
Office 407-478-4020 ■ Fax 407-478-4021 ■ [cpa@mhrcpas.com](mailto:cpa@mhrcpas.com) ■ [www.mhrcpas.com](http://www.mhrcpas.com)

DISCOVERY ACADEMY OF LAKE ALFRED, INC.

A Charter School and Component Unit of the  
District School Board of Polk County, Florida

Statement of Net Position

June 30, 2013

	<u>Governmental Activities</u>
<b>ASSETS</b>	
Cash and cash equivalents	\$ 2,605,710
Investments	1,367,145
Due from other agencies	69,537
Other current assets	15,275
Capital assets:	
Furniture, fixtures and equipment	441,759
Vehicles	1,679,146
Less accumulated depreciation	<u>(1,089,832)</u>
Total capital assets, net	<u>1,031,073</u>
Total assets	<u>\$ 5,088,740</u>
<b>LIABILITIES</b>	
Accounts payable and accrued expenses	\$ 307,721
Compensated absences payable	275,401
Long-term liabilities:	
Portion due or payable within one year:	
Note payable	160,082
Portion due or payable after one year:	
Note payable	<u>255,562</u>
Total liabilities	<u>998,766</u>
<b>NET POSITION</b>	
Invested in capital assets, net of related debt	615,429
Restricted for:	
Food services	76,159
Unrestricted	<u>3,398,386</u>
Total net position	<u>\$ 4,089,974</u>

The accompanying notes to financial statements are an integral part of this statement.

DISCOVERY ACADEMY OF LAKE ALFRED, INC.

A Charter School and Component Unit of the  
District School Board of Polk County, Florida

Statement of Activities

For the Year Ended June 30, 2013

	Expenses	Program Specific Revenues			Governmental Activities	Total
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions		
Governmental Activities:						
Instruction	\$ 3,283,530	\$ -	\$ 122,853	\$ -	(3,160,677)	(3,160,677)
Pupil personnel services	668,473	-	114,539	-	(553,934)	(553,934)
Instructional media services	127,661	-	-	-	(127,661)	(127,661)
Instructional and curriculum development	22,496	-	19,501	-	(2,995)	(2,995)
Instructional staff training	61,987	-	53,612	-	(8,375)	(8,375)
Board	40,102	-	-	-	(40,102)	(40,102)
General administration	69,849	-	-	-	(69,849)	(69,849)
School administration	812,651	-	-	-	(812,651)	(812,651)
Fiscal services	53,020	-	-	-	(53,020)	(53,020)
Food services	527,696	173,672	427,740	-	73,716	73,716
Central services	25,247	-	-	-	(25,247)	(25,247)
Transportation services	829,822	-	-	-	(829,822)	(829,822)
Operation of plant	401,875	-	-	-	(401,875)	(401,875)
Interest	24,858	-	-	-	(24,858)	(24,858)
Total primary government	\$ 6,949,267	\$ 173,672	\$ 738,245	\$ -	(6,037,350)	(6,037,350)
General revenues:						
State and local sources					5,856,284	5,856,284
Contributions and other revenues					358,589	358,589
Total general revenues					6,214,873	6,214,873
Change in net position					177,523	177,523
Net position at beginning of year					3,912,451	3,912,451
Net position at end of year					\$ 4,089,974	\$ 4,089,974

The accompanying notes to financial statements are an integral part of this statement.

DISCOVERY ACADEMY OF LAKE ALFRED, INC.

A Charter School and Component Unit of the  
District School Board of Polk County, Florida

Balance Sheet - Governmental Funds

June 30, 2013

	General Fund	Special Revenue Fund	Total Governmental Funds
<b>ASSETS</b>			
Cash and cash equivalents	\$ 2,485,556	\$ 120,154	\$ 2,605,710
Investments	1,367,145	-	1,367,145
Due from other agencies	69,537	-	69,537
Other current assets	15,275	-	15,275
Due from special revenue fund	30,516	-	30,516
	<u>3,968,029</u>	<u>120,154</u>	<u>4,088,183</u>
Total assets	<u>\$ 3,968,029</u>	<u>\$ 120,154</u>	<u>\$ 4,088,183</u>
<b>LIABILITIES</b>			
Accounts payable and accrued expenses	\$ 294,242	\$ 13,479	\$ 307,721
Due to general fund	-	30,516	30,516
	<u>294,242</u>	<u>43,995</u>	<u>338,237</u>
Total liabilities	<u>294,242</u>	<u>43,995</u>	<u>338,237</u>
<b>FUND BALANCES</b>			
Nonspendable:			
Other current assets	15,275	-	15,275
Assigned:			
Designated for School-based student activity organizations	92,212	-	92,212
Food services	-	76,159	76,159
Spendable:			
Unassigned	3,566,300	-	3,566,300
	<u>3,673,787</u>	<u>76,159</u>	<u>3,749,946</u>
Total fund balances	<u>3,673,787</u>	<u>76,159</u>	<u>3,749,946</u>
Total liabilities and fund balances	<u>\$ 3,968,029</u>	<u>\$ 120,154</u>	<u>\$ 4,088,183</u>

The accompanying notes to financial statements are an integral part of this statement.

DISCOVERY ACADEMY OF LAKE ALFRED, INC.

A Charter School and Component Unit of the  
District School Board of Polk County, Florida

Reconciliation of the Governmental Funds Balance Sheet  
to the Statement of Net Position

June 30, 2013

**Total fund balances - governmental funds** \$ 3,749,946

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities are not financial resources and, therefore, are not reported as assets in the governmental funds. The cost of the capital assets is \$2,120,905 and the accumulated depreciation is \$1,089,832.

1,031,073

Amounts accrued for compensated absences are not due and payable in the current period and, therefore, are not reported as liabilities in the governmental funds.

(275,401)

Long-term liabilities, including notes payable, are not due and payable in the current year and, therefore, are not reported as liabilities in the governmental funds. Long-term liabilities at year-end consisted of:

Note payable

(415,644)

**Total net position - governmental activities**

\$ 4,089,974

The accompanying notes to financial statements are an integral part of this statement.

**DISCOVERY ACADEMY OF LAKE ALFRED, INC.**

A Charter School and Component Unit of the  
District School Board of Polk County, Florida

**Statement of Revenues, Expenditures and  
Changes in Fund Balances of Governmental Funds**

For the Year Ended June 30, 2013

	General Fund	Special Revenue Fund	Other Governmental Fund	Total Governmental Funds
<b>REVENUES</b>				
Federal sources passed through local school district	\$ -	\$ 738,245	\$ -	\$ 738,245
State and local sources	5,856,284	-	-	5,856,284
Contributions and other revenue	358,589	173,672	-	532,261
<b>Total revenues</b>	<b>6,214,873</b>	<b>911,917</b>	<b>-</b>	<b>7,126,790</b>
<b>EXPENDITURES</b>				
Current:				
Instruction	3,140,410	122,853	-	3,263,263
Pupil personnel services	550,940	114,539	-	665,479
Instructional media services	121,622	-	-	121,622
Instructional and curriculum development	2,995	19,501	-	22,496
Instructional staff training	8,375	53,612	-	61,987
Board	40,102	-	-	40,102
General administration	69,849	-	-	69,849
School administration	785,879	-	-	785,879
Fiscal services	53,020	-	-	53,020
Food services	2,154	525,253	-	527,407
Central services	25,247	-	-	25,247
Transportation services	656,605	-	-	656,605
Operation of plant	402,901	-	-	402,901
Debt service:				
Principal	-	-	152,317	152,317
Interest	-	-	24,858	24,858
Capital outlay	139,844	-	-	139,844
<b>Total expenditures</b>	<b>5,999,943</b>	<b>835,758</b>	<b>177,175</b>	<b>7,012,876</b>
Excess (deficiency) of revenues over expenditures	214,930	76,159	(177,175)	113,914
<b>OTHER FINANCIAL SOURCES (USES)</b>				
Operating transfer in	-	-	177,175	177,175
Operating transfer out	(177,175)	-	-	(177,175)
<b>Total other financial sources</b>	<b>(177,175)</b>	<b>-</b>	<b>177,175</b>	<b>-</b>
<b>Net changes in fund balances</b>	<b>37,755</b>	<b>76,159</b>	<b>-</b>	<b>113,914</b>
Fund balances at beginning of year, as previously stated	3,636,032	-	-	3,636,032
<b>Fund balances at end of year</b>	<b>\$ 3,673,787</b>	<b>\$ 76,159</b>	<b>\$ -</b>	<b>\$ 3,749,946</b>

The accompanying notes to financial statements are an integral part of this statement.

DISCOVERY ACADEMY OF LAKE ALFRED, INC.

A Charter School and Component Unit of the  
District School Board of Polk County, Florida

Reconciliation of the Statement of Revenues, Expenditures and  
Changes in Fund Balances of Governmental Funds  
to the Statement of Activities

For the Year Ended June 30, 2013

Net changes in fund balances - total governmental funds \$ 113,914

Amounts reported for governmental activities in the statement of activities are different because:

Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which depreciation expense (\$192,803) exceeds capital outlays (\$139,844) in the current period. (52,959)

Loss on disposal of assets is reported in the statement of activities, whereas no expense is reported in the governmental funds. (4,128)

Compensated absences included in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in the governmental funds. (31,621)

Principal payments on long-term liabilities are expenditures in the governmental funds, but the repayments reduce long-term liabilities in the statement of net position. 152,317

Change in net position of governmental activities \$ 177,523

The accompanying notes to financial statements are an integral part of this statement.

# DISCOVERY ACADEMY OF LAKE ALFRED, INC.

A Charter School and Component Unit of the  
District School Board of Polk County, Florida

## Notes to Financial Statements

For the Year Ended June 30, 2013

### 1 ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

#### Organization

Discovery Academy of Lake Alfred, Inc. (the "School") is a not-for-profit corporation organized pursuant to chapter 617, Florida Statutes and the Florida Not-for-Profit Corporation Act. The governing body of the School is the not-for-profit corporation Board of Directors (the "Board"), which is composed of five members. Effective July 1, 2001, the School converted from a public school to a charter school.

The general operating authority of the School is contained in Section 1002.33, Florida Statutes. The School operates under a charter of the sponsoring school district, the District School Board of Polk County, Florida, (the "School Board"). The School is considered a component unit of the School Board of Polk County, Florida and meets the definition of a governmental entity under the Governmental Accounting Standards Board ("GASB").

#### Charter Contract

The current charter expires June 30, 2018 and may be renewed for a maximum of an additional fifteen years by mutual written agreement between the School and the School Board. Upon the expiration of the charter, the School Board may elect not to renew the charter under grounds specified in the charter. In this case, the School Board is required to notify the School in writing at least 90 days prior to the charter's expiration. However, the School Board may terminate the current charter at any time if good cause is shown. In the event of termination of the charter, any property purchased by the School with public funds and any unencumbered public funds revert back to the School Board.

#### Basis of Presentation

Based on the guidance provided in the American Institute of Certified Public Accountants Audit and Accounting Guide – *Audits for States and Local Governments* and provisions in the Florida Statutes, the School is considered as a governmental organization for financial statement reporting purposes. The School is required by its agreement with the School Board to use the governmental reporting model and follow the fund and accounting structure provided in the "Financial and Program Cost Accounting and Reporting for Florida Schools – The Red Book" issued by the Florida Department of Education FDOE.

#### Government-Wide Financial Statements

The government-wide financial statements provide both short-term and long-term information about the School in a manner similar to those of a private-sector business. The statement of net position and statement of activities are designed to provide financial information as a whole about the School on an accrual basis of accounting. The statement of net position provides information about the School's financial position, its assets and its liabilities, using an economic resources measurement focus.



## DISCOVERY ACADEMY OF LAKE ALFRED, INC.

A Charter School and Component Unit of the  
District School Board of Polk County, Florida

### Notes to Financial Statements (continued)

The statement of activities presents a comparison between direct expenses and program revenue for each function or program of the School's governmental activities. Direct expenses are those that are specifically associated with a program or function, therefore, are clearly identifiable to a particular function.

Program revenues include charges paid by the recipient of goods and services offered by the program and grants and contributions that are restricted for meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues are presented as general revenues.

#### Fund Financial Statements

The governmental fund financial statements report detailed information about the School's most significant funds, not the School as a whole. A fund is a group of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The School uses fund accounting to ensure and demonstrate compliance with finance related requirements. Certain funds received are established by law while others are created by grant agreements. The following are the individual governmental funds that are reported in these fund financial statements:

- General Fund – the School's primary operating fund that accounts for all financial resources of the school, except those that are required to be accounted for in another fund.
- Special Revenue Fund – to account for the proceeds of specific revenue sources that are restricted or committed to expenditures for a specific purpose.
- Debt Service Fund – to account for the accumulation of resources for, and payment of, general long-term debt principal, interest and related costs.

For the purpose of these statements, the general and special revenue funds are considered major funds. The debt service fund is reported as other governmental funds.

#### Basis of Accounting

Basis of accounting refers to when revenues and expenses/expenditures are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurements made, regardless of the measurement focus applied.

The government-wide financial statements are reported using the accrual basis of accounting. Revenues are recognized when earned and expenses/expenditures are recognized when a liability is incurred, regardless of the timing the related cash flows take place.

## DISCOVERY ACADEMY OF LAKE ALFRED, INC.

### A Charter School and Component Unit of the District School Board of Polk County, Florida

#### Notes to Financial Statements (continued)

The governmental fund financial statements are reported using the modified accrual basis of accounting. Under this method, revenues, except for certain grant revenues, are recognized when they become measurable and available. Revenues are considered to be available when they are collectable within a current period. The School considers revenues to be available if they are collected within 60 days after the end of the current fiscal year. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on long-term debt, claims and judgments, and compensated absences, which are recognized when due. General capital asset acquisitions are reported as expenditures in governmental funds. Proceeds of general long-term debt and acquisition of capital leases are reported as other financing sources.

#### **Budgetary Basis Accounting**

Budgets are prepared using the modified accrual basis of accounting and the governing board must approve all budgets and amendments. During the fiscal year, expenditures were controlled at the object level. Budgets may be amended by resolution of the Board prior to the date of the annual report.

#### **Cash and Cash Equivalents and Investments**

The School's cash and cash equivalents consist primarily of demand deposits with financial institutions.

As State of Florida Statutes and the School's policy require, all deposits be made into and held by financial institutions designated by the treasurer of the State of Florida as qualified public depositories as defined by Chapter 280 of the Florida Statutes. This statute requires that every qualified public depository institution maintain eligible collateral to secure the public entity's funds. The minimum collateral to be pledged by the institution, the collateral eligible for pledge, and reporting requirements of the qualified public depositor to the treasurer is defined by the ability to assess members of the pool should the need arise. The School's deposits are held in a qualified public depository. They are covered by the collateral pool as the School has identified itself as a public entity at June 30, 2013.

#### **Interfund Receivables and Payables**

Activities between the funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as due to/from other funds. The general fund has recorded total receivables of approximately \$30,516 which relates to amounts paid by the general fund on behalf of the special revenue fund.

DISCOVERY ACADEMY OF LAKE ALFRED, INC.

A Charter School and Component Unit of the  
District School Board of Polk County, Florida

Notes to Financial Statements  
(continued)

**Interfund Transfers**

The School reports its debt service and food service expenditures in the other governmental funds and special revenue fund, respectively. For the year ended June 30, 2013, the general fund transferred approximately \$177,000 to the other governmental fund to assist in current year debt service payments.

**Capital Assets and Depreciation**

The School's capital assets with useful lives of more than one year are stated at historical cost and reported in the statement of net position in the government-wide financial statements. Donated capital assets are recorded at their estimated fair value on the date donated. The School capitalizes assets with a cost of \$750 or more. Expenditures of normal maintenance and repair that do not add to the assets value or extend the useful lives are not capitalized. Depreciation is computed using the straight-line method. Estimated useful lives of the assets are as follows:

	<u>Years</u>
Furniture, fixtures, and equipment	3 – 5
Vehicles	10

**Compensated Absences**

Compensated absences (i.e. paid absences for employee vacation leave and sick leave) are recorded as expenditures in the governmental funds when leave is used or when accrued as payable to employees entitled to cash payment in lieu of taking leave. In the government-wide financial statements, compensated absences are recorded as an expense when earned by the employee.

**Recently Issued Accounting Principles**

In June 2011, the GASB issued Statement 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*. GASB 63 provides guidance for reporting deferred outflows of resources, deferred inflows of resources, and net position in the statement of financial position and related disclosures. The statement of net assets is renamed the statement of net position and includes four components; assets, deferred outflows of resources, liabilities and deferred inflows of resources. The provisions of the Statement are effective for financial statements for periods beginning after December 15, 2011.

DISCOVERY ACADEMY OF LAKE ALFRED, INC.

A Charter School and Component Unit of the  
District School Board of Polk County, Florida

Notes to Financial Statements  
(continued)

**Net Position and Fund Balance Classifications**

*Government-wide financial statements*

Net position is classified and reported in three components:

- Investment in capital assets, net of related debt – consists of capital assets net of accumulated depreciation and reduced by the outstanding balances of any borrowings that are attributed to the acquisition or improvement of those assets.
- Restricted – consists of amounts with constraints placed on their use either by external groups such as creditors, grantors, contributors or laws or regulations of other governments.
- Unrestricted – all other amounts that do not meet the definition of “restricted” or “invested in capital assets, net of related debt.”

*Fund financial statements*

GASB Codification Section 1800.142, *Fund Balance Reporting and Governmental Fund Type Definitions*, defines the different types of fund balances that a governmental entity must use for financial reporting purposes. GASB requires the fund balance amounts to be reported within one of the following fund balance categories:

- Nonspendable – fund balance associated with inventories, prepaid expenses, long-term loans and notes receivable, and property held for resale (unless the proceeds are restricted, committed or assigned). All nonspendable fund balances at year end relate to assets that are in nonspendable form.
- Restricted – fund balance that can be spent only for the specific purposes stipulated by the constitution, external resource providers, or through enabling legislation.
- Committed – fund balance that can be used only for the specific purposes determined by a formal action of the School’s Board of Governance.
- Assigned – fund balance that is intended to be used by the School’s management for specific purposes but does not meet the criteria to be classified as restricted or committed.
- Unassigned – fund balance that is the residual amount for the School’s general fund and includes all spendable amounts not contained in the other classifications.

This statement also clarifies the definition of the Special Revenue Fund to denote it may be used to account for the proceeds of specific revenue sources (other than trusts for individual, private organizations or other governmental agencies or for major capital projects) that are legally restricted to expenditures for specified purposes.

**DISCOVERY ACADEMY OF LAKE ALFRED, INC.**

**A Charter School and Component Unit of the  
District School Board of Polk County, Florida**

**Notes to Financial Statements  
(continued)**

**Order of Fund Balance Spending Policy**

The School's policy is to apply expenditures against non-spendable fund balance, restricted fund balance, committed fund balance, assigned fund balance, and unassigned fund balance at the end of the fiscal year. First, non-spendable fund balances are determined. Then restricted fund balances for specific purposes are determined (not including non-spendable amounts). Any remaining fund balances not included in the general funds are classified as restricted fund balance. It is possible for the amounts not included in the general fund to be classified as restricted fund balance. It is possible for the amounts not included in the general fund to have negative unassigned fund balance when non-spendable amounts plus the restricted fund balances for specific purposes amounts exceed the positive fund balance for the non-general fund.

**Revenue Sources**

Revenues for operations are provided primarily from the District School Board of Polk County, Florida pursuant to the funding provisions included in the School's charter. In accordance with the funding provisions of the charter and Section 1002.33, Florida Statutes, the School reports the number of full-time equivalent (FTE) students and related data to the School Board. The School Board receives a 5% administrative fee from the School, which is withheld from the respective Florida Education Finance Program (FEFP) payments. The administrative expense is reflected as a general administration expense/expenditure in the accompanying statement of activities and statement of revenues, expenditures and changes in fund balances of governmental funds. The administrative fee is calculated on the FEFP revenue up to 250 students. The difference between the actual expense and the expense calculated on total FEFP revenue is restricted for capital outlay expenditures. As of June 30, 2013, the School had expended all restricted funds for this purpose.

Under provisions of Section 1011.62, Florida Statutes, the District reports the number of FTE students and related data to the Florida Department of Education (FDOE) for funding through the FEFP. Funding for the School is adjusted during the year to reflect the revised calculations by the FDOE under FEFP and the actual weighted full-time equivalent students reported by the School during the designated full-time equivalent student survey period. The FDOE may also adjust subsequent fiscal period allocations based on an audit of the School's compliance in determining and reporting FTE and related data. Generally, such adjustments are treated as reductions or additions of revenues in the year when the adjustments are made.

The basic amount of funding through the FEFP under Section 1011.62 is calculated based on (1) unweighted FTE, multiplied by (2) the cost factor for each program multiplied by (3) the base student allocation established by the Florida legislature. Additional funds for exceptional students who do not have a matrix of services are provided through the guaranteed allocation designated in Section 1011.62(1)(e)2., Florida Statutes. For the year ended June 30, 2013, the School reported 1,030 unweighted FTE.

**DISCOVERY ACADEMY OF LAKE ALFRED, INC.**

**A Charter School and Component Unit of the  
District School Board of Polk County, Florida**

**Notes to Financial Statements  
(continued)**

The School received additional funding under other federal and state grants. This assistance is generally received based on applications submitted to various granting agencies. For federal and state grants in which funding is awarded based on incurring eligible expenditures, revenue is recognized as the amount of eligible expenditures have been incurred.

**Use of Estimates**

In preparing the financial statements in conformity with accounting principles generally accepted in the United States, management is required to make estimates and assumptions that affect the reported amounts of assets and liabilities as of the date of the balance sheet and revenues and expenses/expenditures for the period presented. Actual results could differ significantly from those estimates.

**2 INVESTMENTS**

The School had the following investments and maturities as of June 30, 2013:

Investment	Fair Value	Investment Maturities (in Years)	
		Less than 1	1 - 5
Cash and cash equivalents	\$ 14,262	\$ 14,262	\$ -
Equities	487,096	-	487,096
Fixed income	19,536	19,536	-
Mutual funds	846,251	846,251	-
Total investments	<u>\$ 1,367,145</u>	<u>\$ 880,049</u>	<u>\$ 487,096</u>

**Interest Rate Risk:** As a means of limiting its exposure to fair value losses, the School's investment policy adheres to Florida Statutes.

**Credit Risk:** State law limits investments of surplus public funds to the Prudent Investment Act. The School's investment policy is to follow the guidelines of the Prudent Investment Act. All of the School's investments are in compliance as of June 30, 2013.

**Concentration of Credit Risk:** More than 5 percent of the School's investments are from the following issuer:

Issuer:	Amount	Percentage of Total Investments
Blackrock Equity Dividend FD-Instl	\$69,486	5.08%
Mainstay Large Cap Growth Fund Class I	\$76,948	5.63%
Metropolitan West Total Return Class I	\$96,307	7.04%

DISCOVERY ACADEMY OF LAKE ALFRED, INC.

A Charter School and Component Unit of the  
District School Board of Polk County, Florida

Notes to Financial Statements  
(continued)

3 DUE FROM OTHER AGENCIES

Due from other agencies included in the accompanying financial statements includes approximately \$68,000 in reimbursements from the School Board. Based on the source of these funds, management has evaluated the collectability and an allowance for doubtful accounts is not considered necessary.

4 CAPITAL ASSETS

Capital assets as of June 30, 2013 were as follows:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
<b>Capital assets:</b>				
Furniture, fixtures & equipment	\$ 412,037	\$ 47,465	\$ (17,743)	\$ 441,759
Vehicles	1,669,331	92,379	(82,564)	1,679,146
Total capital assets	<u>2,081,368</u>	<u>139,844</u>	<u>(100,307)</u>	<u>2,210,905</u>
<b>Accumulated depreciation:</b>				
Furniture, fixtures & equipment	(369,606)	(30,111)	17,743	(381,974)
Vehicles	(623,602)	(162,692)	78,436	(707,858)
Total accumulated depreciation	<u>(993,208)</u>	<u>(192,803)</u>	<u>96,179</u>	<u>(1,089,832)</u>
Capital assets, net	<u>\$ 1,088,160</u>	<u>\$ (52,959)</u>	<u>\$ (4,128)</u>	<u>\$ 1,031,073</u>
<b>Depreciation expense:</b>				
Instruction			\$ 15,123	
Pupil personnel services			2,681	
Instructional media services			5,382	
School administration			1,541	
Transportation services			168,076	
Total governmental activities depreciation expense			<u>\$ 192,803</u>	

**DISCOVERY ACADEMY OF LAKE ALFRED, INC.**

**A Charter School and Component Unit of the  
District School Board of Polk County, Florida**

**Notes to Financial Statements  
(continued)**

**5 LONG-TERM LIABILITIES**

The long-term liability consists of a note payable to a financial institution, secured by the School's vehicles financed under the note. Terms of the note include monthly principal and interest payments of \$14,762 through December 2015. The interest rate charged on the note is a fixed rate of 4.98%. Activity during fiscal year 2013 was as follows:

Balance outstanding at the beginning of year	\$ 567,961
Additions	-
Reductions	<u>(152,317)</u>
Balance outstanding at the end of year	<u>\$ 415,644</u>

Future debt service requirements related to the long-term liability are as follows:

Interest paid during the year ended June 30, 2013 totaled \$24,858.

Year Ended June 30:	Principal	Interest	Total
2014	\$ 160,084	\$ 17,091	\$ 177,175
2015	168,247	8,928	177,175
2016	<u>87,313</u>	<u>1,274</u>	<u>88,587</u>
Total	<u>\$ 415,644</u>	<u>\$ 27,293</u>	<u>\$ 442,937</u>

**6 SCHEDULE OF STATE AND LOCAL REVENUE SOURCES**

**District School Board of Polk County, Florida:**

Florida Education Finance Program	\$ 3,678,094
Class size reduction	926,261
Transportation	335,494
Supplemental academic instruction	242,050
Discretionary local efforts	185,435
Discretionary millage funds	184,408
ESE guaranteed allocation	118,706
School recognition	94,268
Instructional materials	78,607
Safe school	20,006
Lead teacher	10,800
Proration to funds available	<u>(17,845)</u>
Total	<u>\$ 5,856,284</u>

The administrative fee paid to the School Board during the year ended June 30, 2013 totaled approximately \$69,000, which is reflected as a general administration expense/expenditure in the accompanying statement of activities and statement of revenues, expenditures and changes in fund balances of governmental funds.



**DISCOVERY ACADEMY OF LAKE ALFRED, INC.**

**A Charter School and Component Unit of the  
District School Board of Polk County, Florida**

**Notes to Financial Statements  
(continued)**

**7 RISK MANAGEMENT PROGRAM**

Workers' compensation coverage, health and hospitalization, general liability, professional liability and property coverage are being provided through purchased commercial insurance with minimum deductibles for each line of coverage. Settled claims resulting from these risks have not historically exceeded commercial coverage.

**8 COMMITMENTS AND CONTINGENT LIABILITIES**

**Grants**

The School participates in state and federal grant programs, which are governed by various rules and regulations of the grantor agencies. Costs charged to the respective grant programs are subject to audit and adjustment by the grantor agencies; therefore, to the extent that the School has not complied with the rules and regulations governing the grants, refunds of any money received may be required and the collectability of any related receivable as year end may be impaired.

Management also believes there are no significant contingent liabilities related to compliance with the rules and regulations governing the respective grants; therefore, no provision has been recorded in the accompanying financial statements for such contingencies.

**Legal matters**

In the normal course of conducting its operations, the School occasionally becomes party to various legal actions and proceedings. Management believes the ultimate resolution of such legal matters will not have a significant adverse effect on the accompanying financial statements.

**9 RETIREMENT PROGRAM**

The Florida Retirement System (FRS) covers all regular employees of the School. The FRS offers employees a defined benefit retirement plan and a defined contribution program. The School is required to make contributions in accordance with rates established by the Florida Legislature. Essentially, all regular employees of participating employers are eligible and must enroll as members of FRS.

Most employees working for the School are covered by a State-administered cost-sharing multiple-employer defined benefit retirement plan (Plan) under FRS. Plan provisions are established by Chapters 121 and 112, Florida Statutes; Chapter 112, Part IV, Florida Statutes; Chapter 238, Florida Statutes; and Florida Retirement System Rules, Chapter 60S, Florida Administrative Code, wherein Plan eligibility, contributions, and benefits are defined and described in detail. Benefits in the defined benefit plan vest at specific ages or number of years of service depending upon the employee's classification. The Plan also includes an early

DISCOVERY ACADEMY OF LAKE ALFRED, INC.

A Charter School and Component Unit of the  
District School Board of Polk County, Florida

Notes to Financial Statements  
(continued)

retirement provision but imposes a penalty for each year a member retires before the specified retirement age. The Plan provides retirement, disability, and death benefits and annual cost-of-living adjustments, as well as supplements for health-care insurance and, for certain employees, a supplement to cover social security benefits lost by virtue of retirement system membership.

A Deferred Retirement Option Program (DROP), subject to provisions of Section 121.091, Florida Statutes, is offered to employees of the School. DROP permits employees eligible for normal retirement under the Plan to defer receipt of monthly benefit payments while continuing employment with a FRS employer. An employee may participate in DROP for a period not to exceed 60 months after electing to participate. During the period of DROP participation, deferred monthly benefits are held in the FRS Trust Fund and accrue interest. The School had one participant in DROP during fiscal year 2013.

**Defined Contribution Plan**

The Public Employee Optional Retirement Program (PEORP) is administered by FRS as an option to the defined benefit plan. It is self-directed by the employee. The Employees have the responsibility of selecting how their funds are invested within the approved set of investment choices and may take their funds when they leave FRS. Employer contributions are defined by law, but the ultimate benefit depends in part on the performance of the investment funds. The PEORP is funded by employer contributions that are based on salary and membership class (Regular Class, Special Risk Class, Etc.). The School had no PEORP participants during fiscal year 2013.

**Funding Policy**

The contribution rates for Plan members are established and may be amended, by the State of Florida. During fiscal year 2013, contribution rates were as follows:

Class or Plan	Percentage of Gross Salary	
	Employee	Employer (A)
Florida Retirement System, Regular	3.00%	5.18%
Florida Retirement System, Reemployed Retiree	(B)	(B)

(A) Employer rate includes 1.11% for the post-employment health insurance supplement and 0.03% for administrative cost of the Public Employee Optional Retirement Program.

(B) Contribution rates are dependent upon the retirement class in which reemployed.

The School's liability to the defined benefit plan and the defined contribution plan is limited to the payment of the required contribution at the rates and frequencies established by law on future payrolls of the School. The School's contributions to the defined benefit plan for the fiscal years ended June 30, 2013, 2012 and 2011 totaled approximately \$197,000, \$179,000 and \$397,000, respectively.

**DISCOVERY ACADEMY OF LAKE ALFRED, INC.**

**A Charter School and Component Unit of the  
District School Board of Polk County, Florida**

**Notes to Financial Statements  
(continued)**

**Pension Reporting**

The financial statements and required supplemental information of the FRS are included in the comprehensive annual financial report of the State of Florida which may be obtained by contacting the Office of the Florida Chief Financial Officer in Tallahassee, Florida. Also, an annual report of FRS that includes its financial statements, required supplemental information, actuarial report, and other relevant information may be obtained from the State of Florida, Division of Retirement, in Tallahassee, Florida.

**10 CAMPUS FACILITIES**

The title of the school building and facilities acquired prior to July 1, 2001 remain with the School Board. Florida Statutes provide that the use of the school building and facilities be furnished to charter schools on the same basis as made available to other public schools in the district. No rental or leasing fee may be charged by the district school board to the charter school or to the parents and educators who organize the charter school.

In management's opinion, the value of facilities utilized by the School are significant; therefore, any substantial changes in Florida Statutes related to facilities used by conversion schools could have a material effect on the School's operations.

Originally, any capital assets acquired prior to July 1, 2001 also remained with the School Board. However, on May 14, 2013, the School District transferred ownership, title and all inherent duties related to these capital assets located on the School campus to Discovery Academy of Lake Alfred, Inc.

**11 INCOME TAXES**

The School qualifies as a tax-exempt organization under Internal Revenue Code Section 501(c)(3), and is therefore, exempt from income taxes. Accordingly, no tax provision has been made in the accompanying financial statements. Additionally, no uncertain tax positions have been made requiring disclosure in the related notes to the financial statements. The School's income tax returns for the three tax years ended 2010 through 2012 are subject to examination by tax authorities, and may change upon examination.

**12 SUBSEQUENT EVENTS**

In accordance with GASB Codification Section 2250.106, the School has evaluated subsequent events and transactions for potential recognition or disclosure through September 19, 2013 which is the date the financial statements were available to be issued.

DISCOVERY ACADEMY OF LAKE ALFRED, INC.

A Charter School and Component Unit of the  
District School Board of Polk County, Florida

Required Supplementary Information

Budget Comparison Schedule - General Fund

For the Year Ended June 30, 2013

	Budgeted Amounts		Actual	Variance
	Original	Final		
<b>REVENUES</b>				
State and local sources	\$ 5,558,371	\$ 5,865,886	\$ 5,856,284	\$ (9,602)
Contributions and other revenue	45,000	366,617	358,589	(8,028)
Total revenues	5,603,371	6,232,503	6,214,873	(17,630)
<b>EXPENDITURES</b>				
Current:				
Instruction	3,123,567	3,140,249	3,140,410	161
Pupil personnel services	319,562	570,836	550,940	(19,896)
Instructional media services	126,354	129,635	121,622	(8,013)
Instructional and curriculum development	5,600	5,800	2,995	(2,805)
Instructional staff training	10,000	10,000	8,375	(1,625)
Board	56,900	45,255	40,102	(5,153)
General administration	56,900	69,849	69,849	-
School administration	763,556	780,957	785,879	4,922
Fiscal services	51,000	53,300	53,020	(280)
Food services	-	2,154	2,154	-
Central services	14,100	26,000	25,247	(753)
Transportation services	678,861	694,138	656,605	(37,533)
Operation of plant	433,866	422,565	402,901	(19,664)
Capital outlay	119,500	168,290	139,844	(28,446)
Total expenditures	5,759,766	6,119,028	5,999,943	(119,085)
Excess (deficiency) of revenues over expenditures	(156,395)	113,475	214,930	101,455
<b>OTHER FINANCIAL SOURCES (USES)</b>				
Operating transfer out	(177,172)	(177,175)	(177,175)	-
Total other financial sources (uses)	(177,172)	(177,175)	(177,175)	-
Net changes in fund balances	(333,567)	(63,700)	37,755	101,455
Fund balances at beginning of year	3,636,032	3,636,032	3,636,032	-
Fund balances at end of year	\$ 3,302,465	\$ 3,572,332	\$ 3,673,787	\$ 101,455

See report of independent auditors.

DISCOVERY ACADEMY OF LAKE ALFRED, INC.

A Charter School and Component Unit of the  
District School Board of Polk County, Florida

Budget Comparison Schedule - Special Revenue Fund

For the Year Ended June 30, 2013

	Budgeted Amounts		Actual	Variance
	Original	Final		
<b>REVENUES</b>				
Federal sources passed through local school district	\$ 712,455	\$ 730,362	\$ 738,245	\$ 7,883
Contributions and other revenue	157,895	190,000	173,672	(16,328)
Total revenues	870,350	920,362	911,917	(8,445)
<b>EXPENDITURES</b>				
Current:				
Instruction	137,941	141,161	122,853	(18,308)
Pupil personnel services	116,182	115,394	114,539	(855)
Instructional and curriculum development	-	17,810	19,501	1,691
Instructional staff training	73,854	53,612	53,612	-
Food services	521,664	525,398	525,253	(145)
Total expenditures	849,641	853,375	835,758	(17,617)
Excess (deficiency) of revenues over expenditures	20,709	66,987	76,159	9,172
<b>OTHER FINANCIAL SOURCES (USES)</b>				
Operating transfer in	-	-	-	-
Total other financial sources	-	-	-	-
Net changes in fund balances	20,709	66,987	76,159	9,172
Fund balances at beginning of year	-	-	-	-
Fund balances at end of year	\$ 20,709	\$ 66,987	\$ 76,159	\$ 9,172

See report of independent auditors.

DISCOVERY ACADEMY OF LAKE ALFRED, INC.

A Charter School and Component Unit of the  
District School Board of Polk County Florida

Schedule of Expenditures of Federal Awards

For the Year Ended June 30, 2013

Federal Grantor / Pass-through Grantor / Program Title	Federal CFDA Number	Grant Period	Expenditures
United States Department of Agriculture / Florida Department of Agriculture / Polk County School District / School Lunch Program	10.555	7/1/12 - 6/30/13	\$ 324,646
United States Department of Agriculture / Florida Department of Agriculture / Polk County School District / School Breakfast Program	10.553	7/1/12 - 6/30/13	51,835
United States Department of Agriculture / Florida Department of Agriculture / Polk County School District / Commodity Supplemental Food Program	10.565	7/1/12 - 6/30/13	51,259
Total Food Program Cluster			<u>427,740</u>
United States Department of Education / Florida Department of Education / Polk County School District / Title I Grants to Local Education Agencies	84.010	7/1/12 - 6/30/13	231,540
United States Department of Education / Florida Department of Education / Polk County School District / Special Education Grants to States (IDEA, Part B)	84.027	7/1/12 - 6/30/13	75,746
United States Department of Education / Florida Department of Education / Polk County School District / Improving Teacher Quality Grant (Title II)	84.367	7/1/12 - 6/30/13	3,219
Total Federal Award Expenditures			<u>\$ 738,245</u>

See accompanying notes to schedule of expenditures of federal awards.

**DISCOVERY ACADEMY OF LAKE ALFRED, INC.**

**Notes to Schedule of Expenditures of Federal Awards**

**For the Year Ended June 30, 2013**

**1 SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS**

The accompanying schedule of expenditures of federal awards includes the federal grant activity of the School and is presented on the accrued basis of accounting. The information in the schedule is presented in accordance with the requirements of the U.S. Office of Management and Budget ("OMB") Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.



**Independent Auditors' Report on Internal Control Over  
Financial Reporting and on Compliance and Other Matters Based  
On an Audit of Financial Statements Performed in Accordance  
With Government Auditing Standards**

To the Board of Directors of Discovery Academy of Lake Alfred, Inc.,  
a Charter School and Component Unit of the District  
School Board of Polk County, Florida

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, each major fund, and the aggregate remaining fund Discovery Academy of Lake Alfred, Inc., a Charter School and Component Unit of the District School Board of Polk County, Florida, as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the School's basic financial statements, and have issued our report thereon dated September 19, 2013.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the School's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the School's internal control. Accordingly, we do not express an opinion on the effectiveness of School's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.



## Compliance and Other Matters

As part of obtaining reasonable assurance about whether the School's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

## Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

This report is intended solely for the information and use of management of the School, the District School Board of Polk County, Florida, the Florida Department of Education and the Florida Auditor General and is not intended to be and should not be used by anyone other than these specified parties.

*MC CRADY, HESS + RUTH*

Maitland, Florida  
September 19, 2013



**Independent Auditors' Report on Compliance For Each Major Program and  
on Internal Control over Compliance Required by OMB Circular A-133**

To the Board of Directors of Discovery Academy of Lake Alfred, Inc.,  
a Charter School and Component Unit of the District  
School Board of Polk County, Florida

**Report on Compliance for Each Major Federal Program**

We have audited Discovery Academy of Lake Alfred, Inc. (the "School"), a charter school and component unit of the District School Board of Polk County, Florida compliance with the types of compliance requirements described in the *OMB Circular A-133 Compliance Supplement* that could have a direct and material effect on each of the School's major federal programs for the year ended June 30, 2013. The School's major federal programs are identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs.

***Management's Responsibility***

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

***Auditor's Responsibility***

Our responsibility is to express an opinion on compliance for each of School's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the School's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the School's compliance.

***Opinion on Each Major Federal Program***

In our opinion, the School, complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2013.

## Report on Internal Control Over Compliance

Management of the School is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the School's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the School's internal control over compliance.

*A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.*

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Accordingly, this report is not suitable for any other purpose.

This report is intended solely for the information and use of management of the School, the District School Board of Polk County, Florida, the Florida Department of Education and the Florida Auditor General and is not intended to be and should not be used by anyone other than these specified parties.

*MAC CRADY, HESS + RUTH*

Maitland, Florida  
September 19, 2013

2600 Lake Lucien Drive, Suite 405 ■ Maitland, FL 32751  
Office 407-478-4020 ■ Fax 407-478-4021 ■ [cpa@mhrpcpas.com](mailto:cpa@mhrpcpas.com) ■ [www.mhrpcpas.com](http://www.mhrpcpas.com)

**DISCOVERY ACADEMY OF LAKE ALFRED, INC.**

**Schedule of Findings and Questioned Costs**

**For the Year Ended June 30, 2013**

**Section I – Summary of Auditors' Results**

*Financial Statements*

Type of auditor's report issued:	Unqualified
Internal Control over financial reporting:	
➤ Material weakness identified?	No
➤ Significant deficiencies identified that are not considered to be material weaknesses?	None noted
Noncompliance material to financial statements noted?	No

*Federal Awards*

Internal control over major programs:	
➤ Material weakness identified?	No
➤ Significant deficiencies identified that are not considered to be material weaknesses?	None noted
Type of auditor's report issued on compliance for major programs?	Unqualified
Audit findings disclosed that are required to be reported in accordance with section 510(a) of OMB Circular A-133?	No

Identification of major programs:

<u>CFDA Number</u>	<u>Grant Period</u>	<u>Name of Federal Program</u>
10.553	7/1/12 – 6/30/13	School Breakfast Program
10.555	7/1/12 – 6/30/13	National School Lunch Program
10.565	7/1/12 – 6/30/13	Commodity Supplemental Food Program

Dollar threshold used to distinguish between type A and type B programs?	\$300,000
Qualified as a low-risk auditee?	Yes

**DISCOVERY ACADEMY OF LAKE ALFRED, INC.**

**Schedule of Findings and Questioned Costs  
(continued)**

**Section II – Financial Statement Findings**

None

**Section III – Federal Award Findings and Questioned Costs**

None

**Section IV – Status of Prior Year Audit Findings**

There were no prior year audit findings reported.

**Additional Information Required by  
Rules of the Auditor General,  
Chapter 10.850, *Audits of Charter Schools  
and Similar Entities***



**Management Letter as Required by Rules of the Florida Auditor General, Chapter 10.850,  
Florida Statutes, *Charter School Audits***

To the Board of Directors of Discovery Academy of Lake Alfred, Inc.  
a Charter School and Component Unit of the District  
School Board of Polk County, Florida

We have audited the financial statements of the governmental activities, each major fund and remaining fund information of Discovery Academy of Lake Alfred, Inc. (the "School") as of and for the year ended June 30, 2013, and have issued our report thereon dated September 19, 2013.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. We have issued our Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters, Independent Auditors' Report on Compliance with Requirements Applicable to each Major Federal Program and on Internal Control over Compliance, and Schedule of Findings and Questioned Costs. Disclosure in those reports and schedules, which are dated September 19, 2013, should be considered in conjunction with this management letter.

Additionally, our audit was conducted in accordance with Chapter 10.850, Rules of the Auditor General, which governs the conduct of charter school and similar entity audits performed in the State of Florida. This letter includes the following information, which is not included in the aforementioned auditors' reports:

- Section 10.854(1)(e)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. There were no finding or recommendations made in the preceding annual financial audit report.
- Section 10.854(1)(e)2., Rules of the Auditor General, requires a statement be included as to whether or not the charter school has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and identification of the specific condition met. In connection with our audit, we determined that the School did not meet any of the conditions described in Section 218.503(1), Florida Statutes.
- Section 10.854(1)(e)3., Rules of the Auditor General, requires that we address in the management letter any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

- Section 10.854(1)(e)4., Rules of the Auditor General, requires that we address noncompliance with provisions of contract or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance. In connection with our audit, we did not have any such findings.
- Section 10.854(1)(e)5., Rules of the Auditor General, requires the name or official title of the school. The official title of the School is Discovery Academy of Lake Alfred, Inc..
- Pursuant to Sections 10.854(1)(e)6a. and 10.855(11), Rules of the Auditor General, we applied financial condition assessment procedures. It is management's responsibility to monitor the School's financial condition, and our financial condition assessment was based in part on representations made by management and the review of financial information provided by same.

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and Florida House of Representatives, the Florida Auditor General and applicable management and is not intended to be and should not be used by anyone other than these specific parties.

*MC CRADY, HESS + RUTH*

Maitland, Florida  
September 19, 2013



12

Item	Page
21st Century Skills Implementation	1,2,4,5,6,10,11,12,14,15,18,19,20,21,22,33,36,37,42,53,55,60,77
Academic Mentoring and Tutoring Program/Sessions	4, 39, 40,42,43
Administrators	47
Advisory Teacher	25
AP Level Coursework	4,23,26,50
Blended Learning	21,32,42
Career Based Electives	3,4
Career-Based Stem Clases as Electives	22
Certified Public Accountant - Hire to Monitor Finances	82,85,86,90
Character Development Program	6
Classroom Management and Discipline - Marzano	63
Clubs - Student	29
College and Career Guidance/Planning Program	2,11, 19, 31,52
College and Career Options & Readiness Skills	1,4,7,9,12,25,26,28,36,40,41,42,46
Community Service and Intership Career Programs	2,5,27,29,36
Computer Labs	19, 22,77
Courses Electives - Spanish I, II, III, AP Spanish, AP Spanish Literature, Intensive Reading, Reading for College Readiness, Intensive Math, Math for College Readiness, Biotechnology 1,2,3, Digital Design 1,2,3	38,41
Courses of Study Required for Polk State College Program	9
Courses Pre-Collegiate Program - English Honors I& II, Geometry Honors Algebra II Honors Pre-Calculus Honors, World History Honors, American History Honors, Biology I Honors, Chemistry Honors, Physics Honors,	7,38,39
Courses to Meet Minimum Graduation Requirements- English,Algebra -I & II, Geometry, Pre-Calculus, American History, World History, Economics, Government, Biology I, Chemistry, Physics, Information Technology or Computing for College & Careers, Personal Fitness, Team Sports	37,38
Cross Curricular Reading Program	37
Daggett System for Effective Instruction	14,16,17, 34
Data Driven Instruction	12,18,45,56
Differentiated Instruction	4,5,14,19
Discovery Education Testing System	3, 5, 14, 43,52,53,54
Document Cameras	19, 21
e Portfolios	5, 6,11,19, 23, 24, 25, 26,27,29,30,34,36,55,56
ESE Facilitator	59,60
ESE Services	8,57-61
FLVS	21,42

# Discovery High School

## Examples -Budgetary Items Found in Application

Food Service	82
Formative Assessment	5,16,19,47
Genesis	14
Genres of Literature (Multiple)	43
Guidance Counselor(s)	2,14,26,27,31,53,56,59,60,65,70
Health Insurance Coverage for Employees	94
Honor Classes (2016-17)	8,23,26,50
Individualized College and Career Guidance	3
Insurance Coverage as Required by Sponsor	93,94
iPad Labs	19, 21,77
ipads - Teachers and Students	4,19,21
Kagan Cooperative Learning Strategies	4, 5, 19, 37, 46
Land Acquisition	79,80,81
Laptops	21
Learning Progression Plans - Student Determined	25, 28,45,52,57,66
Learning Style Profiles	23,35
Lesson Planning Process (Design)	10,45
Modular Portables (2 for 2015-2016 and 4 for 2016-17)	77
Multiple Genres of Literature	43
New School Facility (2017-18)	77
PD 360 (Online Modules for Staff Development	72
Performance Evaluation System - Danielson & Marzano	5, 14, 20, 28, 35, 40
Pert Test	3,5,37,42,43,44,46,56
Pinnacle Internet Viewer	3, 14, 27,56
Pre-Collegiant Program	4,7,9
Professional Learning Communities (PLC)	5,6, 13,16, 18, 19,20,45
Project Based Learning	5
Projectors	19, 22
Read 180 Next Generation	44
Research-Based Lesson Planning Process	4
Smartboards	19, 21
Sports as Needed Through Student Interest	29
State Educational Testing	2,3,36,46,54
STEM	2,3,6,7,10,11,18,22,23,24,31,32,33,36, 37,40,41,46
Student Learning Progression Plan	13
Student Led Conferences	4,6,11,23,24,25,26,27,33,34,66
Teacher Created Summative/Formative Assessments	5,6, 12,52,53,55
Technology as a Learning Tool	14, 19, 21,22,23,37
Technology Driven Instruction	5,19,21,32
Transportation	81
Varied Elective Offerings	19
Vertical Alignment	16

# Discovery High School

## Examples -Budgetary Items Found in Application

Wireless Newtworking	22
----------------------	----