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BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF ARIZONA

In the Matter of: **ALLSPORT ACADEMY**, a nonprofit corporation, operating **ALLSPORT ACADEMY,** a charter school.	No. 13F-FSRV-001-BCS **ARIZONA STATE BOARD FOR CHARTER SCHOOLS' WRITTEN CLOSING ARGUMENT** (Honorable Thomas Shedden)

The Arizona State Board for Charter Schools ("Board") submits its Written Closing Argument pursuant to the Order Setting Filing Deadline and Holding Record Open.

I. ARGUMENT

Charter schools are established to provide a learning environment that will improve pupil achievement. A.R.S. § 15-181(A). Unfortunately for the students at Allsport Academy charter school ("the School"), pupil achievement has fallen so far below that of the rest of the State, that its academic performance fails to meet the academic expectations of both the Arizona State Board for Charter Schools ("Board") and the Arizona Department of Education ("the Department"). Allsport Academy's continuing and documented failure to take the action necessary to promote its students' academic growth and

proficiency is a clear demonstration of its unwillingness or inability to provide a learning environment that improves pupil achievement and requires that the charter of Allsport Academy to operate the School be revoked.

II. FACTUAL BACKGROUND

Allsport Academy ("Allsport") is an Arizona non-profit corporation that operates the School pursuant to a charter contract ("charter") between Allsport and the Board, and currently serves 52 students in grades 5-9 in Tucson, Arizona. (Board Exhibits ("Exh.") 1, 2 and 21; Testimony of Martha Morgan, page 35, line 19 to page 36, line 3). In October 2012, the Department notified the Board that the School was assigned an achievement profile of "F." (Exh. 3 at 142). The School also failed to meet or make sufficient progress toward the academic performance expectations set forth in the Board's academic performance framework. (Exh. 9 and 16). Moreover, the School lacks the financial capacity to improve its students' academic performance. (Exh. 16(A) at 334 and 336). This administrative hearing is the result of the Board's vote to revoke the charter of Allsport.

LEGAL BACKGROUND

The Department compiles an annual achievement profile for all Arizona public schools. A.R.S. § 15-241(A). The achievement profile currently used to determine a school's classification employs a letter grade system – A through F. A.R.S. § 15-241(H). Prior to September 1, 2011, the achievement profiles used to determine a school's classification were: (1) an excelling school; (2) a highly performing school; (3) a performing school; (4) an underperforming school; and (5) a school failing to meet academic standards ("legacy labels"). A.R.S. § 15-241(H)(2011). For academic year 2010-2011, schools were designated a legacy label *and* a letter grade. A.R.S. § 15-241(H)(2011), amended by 2012 Ariz. Sess. Laws. 2nd Reg. Sess., ch. 67, sec. 3. A school assigned a letter grade of "A" demonstrates an excellent level of performance. A school assigned a letter grade of "B" demonstrates an above average

level of performance. A school assigned a letter grade of "C" demonstrates an average level of performance. A school assigned a letter grade of "D" demonstrates a below average level of performance. A school assigned a letter grade of "F" demonstrates a failing level of performance. A.R.S. § 15-241(H).

If a charter school is assigned a letter grade of "F," the Department notifies the charter school's sponsor, which must take action to restore the charter school to acceptable performance or revoke the charter school's charter. A.R.S. § 15-241(U). The sponsor may revoke the charter of a charter school it sponsors upon its determination that the charter holder has failed to meet or make sufficient progress toward the academic performance expectations set forth in its performance framework. A.R.S. § 15-183(I)(3).

III. THE SCHOOL WAS ASSIGNED A LETTER GRADE OF "F" FOR THE 2011-2012 SCHOOL YEAR.

In the Fall of 2010, the achievement profile assigned to the School for the 2009-2010 school year was a legacy label of "an underperforming school." (Morgan, 37:24 to 38:4). In the Fall of 2011, the achievement profiles assigned to the School for the 2010-2011 school year were a legacy label of "an underperforming school" and a letter grade of "D." (Morgan, 37:17-20). On October 29, 2012, the Department notified the Board that the School was identified as a priority school and assigned a letter grade of "F." (Exh. 3). As a "priority school," Allsport is among Arizona's lowest performing Title I (Title I, Part A of the Elementary and Secondary Education Act, 20 U.S.C. § 6301 *et seq.*) schools, despite its having received federal funds designed specifically to target economically disadvantaged students. (Morgan, 39:16-22). Allsport's charter representative, Moses Montoya, was notified of the School's letter grade of "F" on August 10, 2012. (Exh. 3; Morgan, 35:3-5 and 40:6-9).

IV. ALLSPORT FAILED TO MEET THE BOARD'S ACADEMIC PERFORMANCE EXPECTATIONS

In implementing its oversight and administrative responsibilities for the charter schools that it sponsors, the Board has adopted its academic performance framework ("academic framework"), which defines its expectations for the academic performance of its schools. (A.R.S. § 15-183(R)(1); Morgan, 41:24 to 42:1; Exh. 4). For charter schools not meeting the Board's academic performance expectations, the academic framework also defines the Board's measures of sufficient progress toward those expectations. (Exh. 4 at 181 to 189; Morgan, 42:2-4). The purpose of the Board's academic framework is to communicate its academic expectations to ensure that the charter schools it sponsors are providing a learning environment where measurable improvement in student achievement can be demonstrated. (Morgan, 40:24 to 41:5; Exh. 4 at 145).

For elementary schools, the Board's academic framework utilizes three categories ("indicators") of academic performance: (1) student progress over time (aka growth); (2) student achievement (aka proficiency); and (3) the annual achievement profile assigned to the school. (Exh. 4 at 146-147). The growth indicator measures how much students are learning and progressing over the course of a school year. (*Id.* at 146; Morgan, 43:23-25). The proficiency indicator focuses on the percentage of students meeting state-wide standards on Arizona's state assessment, the Arizona Instrument to Measure Standards ("AIMS"). (Exh. 4 at 146; Morgan, 44:1-3). The academic framework includes an analysis of proficiency rates of a school's students overall and by subgroups (the lowest performing [bottom 25%] students, students who qualify for free for or reduced- price lunch ["FRL"], English Language Learners ["ELL"], and disabled students ["SPED"]), and it compares these rates to the overall state rates, as well as to schools serving demographically similar populations. (Exh. 4 at 146). The achievement profile indicator is the letter grade assigned to the school by the Department. (Exh. 4 at 147; Morgan, 44:4-6).

The Board's academic framework weights and rates the measures within each of the three indicators and assigns an overall rating of the charter school's academic performance. (Exh. 4 at 145). The charter school's overall rating is one of the following: (1) Exceeds Standard (the charter school's overall rating exceeds the Board's academic performance expectations and shows exemplary performance); (2) Meets Standard (the charter school's overall rating meets the Board's minimum expectations for academic performance); (3) Does Not Meet Standard (the charter school's overall rating fails to meet the Board's minimum expectations for academic performance; and (4) Falls Far Below Standard (the charter school's overall rating is far below the Board's academic performance expectations and on par with the lowest-performing schools in the state). (Exh. 4 at 159). A charter holder meets the Board's academic expectations if all schools it operates receive an overall rating of "Meets Standard" or "Exceeds Standard." (*Id.*). The School received an overall rating of "Falls Far Below Standard," thereby failing to meet the Board's academic expectations.

A. Student Progress Over Time (Growth) at the School Falls Far Below the Board's Academic Standards

The growth indicator is based on the Student Growth Percentile Methodology. (*Id.* at 149). Student growth percentile calculates a student's progress in comparison to his or her academic peers – students with similar performance on AIMS. (*Id.*; Morgan, 48:4-10). Each individual student's growth in assessment results is ranked against the growth for all students with the same AIMS' test results. (Exh. 4 at 149). The academic framework considers the median aggregate growth in reading and mathematics for each charter school, as well as the progress of the lowest-performing students within the school. (*Id.*; Morgan, 48:11-15). The Board's academic framework target for the "Meets Standard" rating sets the expectation that at least half of the students in the charter school are showing growth that is greater than their academic peers across the state. (Exh. 4 at 150).

The School's median aggregate growth in mathematics (25%) and reading (18%) for all of its students in school year 2011-2012 fell far below the Board's standard. (Exh. 5; Exh. 4 at 150). Only 25% of the students at the School scored better than their academic peers in mathematics on AIMS. (Exh. 5). Conversely, 75% of the students at the School did not score as well as their academic peers in mathematics on AIMS. (Exh. 5; *See* Morgan, 50:16-24). Eighty-two percent of the students at the School did not score as well as their academic peers in reading on AIMS. (Exh. 5). The School's median aggregate growth in reading for its lowest performing (bottom 25%) students also fell far below the Board's standard. (Exh. 5; Exh. 4 at 150). Sixty-nine percent of the School's lowest performing students did not score as well as their academic peers in mathematics on AIMS. (Exh. 5). (Morgan, 54:13).

B. Student Achievement (Proficiency) at the School Does Not Meet the Board's Academic Standards

The proficiency indicator of the Board's academic framework measures the percent of students at the School who have met or exceeded the state-wide average proficiency (passing) rates on AIMS. (Morgan, 55:14-19). In this measure, the School was compared to other schools serving grades 5 through 9. (Morgan, 55:20-24; *See* Exh. 4 at 152). The School's proficiency rates on AIMS mathematics and reading do not meet the Board's standard. (Exh. 5; Exh. 4 at 152). Only 8% of the students at the School met or exceeded the state-wide average AIMS proficiency rate in mathematics; compared to 42% of students statewide in the same grades. (Morgan, 56:5-10; Exh. 5). Only 35% of the students at the School met or exceeded the state-wide average AIMS proficiency rate in reading; compared to 68% of students statewide in the same grades. (Exh. 5).

The Board's academic framework also conducts a comparative analysis in reading and mathematics for each charter school by creating a "composite" school. (Exh. 4 at 153). The composite school is created by matching and aggregating student-level data for students statewide with similar

characteristics. (*Id*.). The difference between the charter school's actual proficiency rate and its expected proficiency rate, given the characteristics of the School's student population, are compared. (*Id*.). A comparison proficiency rating of zero means that a charter school is performing as expected. (Morgan, 57:8-9). A comparison proficiency rating greater than zero means that a charter school is performing better than the composite school. (Morgan, 57:10-11). A comparison proficiency rating of less than zero means that a charter school is performing worse than the composite school. (Morgan, 57:12-13). The School's composite school comparison proficiency rating for both mathematics (-30.4) and reading (-29.4) fell far below the Board's academic standard. (Exh. 5; Morgan, 57:17 to 581).

The Board's academic framework also conducts a comparative analysis of a charter school's enrollment of subgroups FRL, ELL and SPED students. (Exh. 4 at 153). The School's composite school comparison of all subgroups did not meet the Board's academic standard. (Exh. 5; Exh. 4 at 15).

C. The School's Achievement Profile Falls Far Below the Board's Academic Standards

The Department's achievement profiles contain many of the same measures as the Board's academic framework. (Exh. 4 at 155; Morgan, 49:24 to 50:3). The School's achievement profile of "F" falls far below the Board's academic standard. (Exh. 5; Exh. 4 at 155**).**

D. The School Does Not Meet the Board's Academic Performance Expectations

The School's overall rating for its 2011-2012 school year fell far below the Board's standard, and, as a result, Allsport did not meet the Board's academic performance expectations. (Exh. 5; Exh. 4 at 159; Morgan, 61:5 to 62:6).

V. ALLSPORT ALSO FAILED TO DEMONSTRATE SUFFICIENT PROGRESS TOWARD THE BOARD'S ACADEMIC PERFORMANCE EXPECTATIONS

Having failed to meet the Board's academic performance expectations, Allsport was provided the opportunity to demonstrate sufficient progress toward the academic performance expectations identified

in the academic framework by submitting a Demonstration of Sufficient Progress ("DSP"). (Exh. 4 at 160; Morgan, 62:22 to 63:7; Exh. 6). Allsport was given 3 months to complete and submit its DSP. (Exh. 6). In its DSP, Allsport was required to detail the success of its previous efforts to improve student academic performance in each of its measures that rated "Does Not Meet Standard" or "Falls Far Below Standard." (Exh. 4 at 181; Weisberg, 79:15-20). Evidence of success may be derived from any implemented improvement plan[1] and must be presented using graphs, tables or data charts that demonstrate, with specificity, improved academic performance based on data generated from valid and reliable assessment sources. (Exh. 4 at 181). Allsport submitted its DSP to the Board in April 2013. (Morgan, 67 at 2-11; Exh. 7). Using the criteria identified in its academic framework, the Board's education program specialist, Lisa Weisberg, evaluated Allsport's DSP and found all measures "Not Acceptable." (Exh. 8; Weisberg, 80:12 to 24). Ms. Weisberg is a certified teacher and has a master's degree in education, reading curriculum and instruction. (Weisberg, 78:8-10). Prior to her employment with the Board, Ms.Weisberg served in the capacity of a classroom teacher, reading specialist, and curriculum instructional specialist. (Weisberg, 78:12-14).

The Board notified Allsport of the results of its initial evaluation of the DSP and scheduled a site visit to meet with the School's leadership team on April 25, 2013 to discuss Allsport's implementation of its PMP and to review the documents identified in its DSP. (Exh. 10). The site visit also provided Allsport a second opportunity to demonstrate that the School is making sufficient progress toward meeting the Board's academic performance expectations. (*Id.*). The site visit was attended by Board staff that included Ms. Morgan and Ms. Weisberg, as well as School leadership Moses Montoya, Raquel

[1] On September 1, 2010, as part of its ten-year interval review and its poor student academic performance, the Board required Allsport to submit an improvement plan ("Performance Management Plan" or "PMP"), detailing the steps it would implement to improve the academic performance of the students attending the School. (Morgan, 64:15 to 65:19; Exh. 15). The duration of the Performance Management Plan was August 2010 to May 2013. (Exh. 15; Morgan, 65:20-24).

Montoya and Justin Montoya. (Weisberg, 82:3-5 and 83:24 to 84:2). Allsport was provided an additional 48 hours following the site visit to submit additional documentation, but failed to do so. (Weisberg, 84:8-14). Following the site visit and her review of the information and documents provided at the site visit, Ms.Weisberg conducted a second DSP evaluation and, again, found all measures "Not Acceptable." (Exh. 9; Weisberg, 85:7-25).

A. ALLSPORT FAILED TO DEMONSTRATE ITS IMPLEMENTATION OF AN ALIGNED CURRICULUM THAT CONTRIBUTES TO INCREASED STUDENT GROWTH AND PROFICIENCY IN READING AND IN MATHEMATICS

The evidence has shown that Allsport failed to produce any formal curriculum aligned to the Arizona Academic Standards ("Standards"), curriculum maps, pacing guides, instructional material adoptions or committee work in use at the School. (Weisberg, 90:3-13, 91:5-9 and 91:20-25, and 92:6-10). The Standards, prescribed by the State Board of Education, establish what students need to know and be able to do in each content area at each grade level, and are tested through AIMS. (Weisberg, 88:19 to 89:24). Curriculum maps provide the sequence in which the Standards are taught to students throughout the school year. (Weisberg, 90:24 to 91:4). Pacing guides provide the time frame in which the Standards are taught, to ensure that all of the Standards are covered throughout the year. (Weisberg, 91:16-19). Committees composed of staff members are established to provide recommendations for curriculum and instructional revisions. (Weisberg, 92:2-5). None of these items were present at Allsport. Nor did Allsport demonstrate that it provided a specific curriculum to improve the academic performance of its lowest performing, FRL, ELL, or disabled students. (Weisberg, 95:8-14 and 97:1-6).

At the site visit, Allsport's charter representative advised Board staff that he provided the School's teachers with a copy of the Standards and left it up to them to create their own curriculum and pacing guides. (Weisberg, 90:20-23). In its DSP submitted April 2013, Allsport

stated it had been gathering teacher's lesson plans "this year" for use in the development of a formal comprehensive school curriculum, pacing guides and maps. (Exh. 7 at 195). Sample lesson plans produced by Allsport failed to demonstrate alignment to the Standards. (Weisberg, 94:2 to 95:7; Exh. 12). Moreover, school leadership advised Board staff at the April 25, 2013 site visit that Allsport had abandoned its plan to compile lesson plans to build a curriculum and, instead, was looking at curriculum from Tucson and Vail Unified School Districts. (Weisberg, 93:1-4; Morgan, 184:24 to 185:4). It was school leadership's testimony at the hearing that Allsport began "looking at [Vail's curriculum i]n April of 2013." (Montoya, 181:25 to 182:4).

The evidence shows that Allsport's failure to implement any formal curriculum aligned to the Standards is longstanding. The record reflects that Allsport recognized as early as 2007 that its students' reading and mathematics performance on AIMS was dropping significantly and that this trend was continuing. (Exh. 15 at 318-319). The majority of the students at the School did not meet the standard on the 2009 and 2010 AIMS reading and mathematics. (*Id.*, Montoya, 143:2-5). Allsport identified in September 2010 its need to strengthen its curriculum alignment to the Standards and to target areas of improvement. (Exh. 15 at 322 and 323). Yet, in March 2012, the Department's Solutions Team found that Allsport provided "no evidence that there is a written core curriculum or that there are consistent curriculum maps, pacing guidelines or lesson plans utilized by the teaching staff." (Allsport's Exh. 2, Addendum 1 at page 2 of 11). In October 2012, the Department found that "[i]nterviews, documentation and classroom observations reveal that the school does not have a standards-based curriculum" and that "pacing guides and/or curriculum maps are not used at Allsport Academy." (Exh. 16(I) at 391). Further, the Department found that there was "no observable evidence of a clear plan for increasing the achievement level of ELL, SPED, and struggling students" and that "afterschool

tutoring is focused on homework completion, not on closing gaps in student learning. (Exh. 16(I) at 390 and 391.) Allsport's continuing failure in April of 2013 to produce any formal curriculum, curriculum maps, or pacing guides demonstrates that, despite continuing evidence of its students' failing levels of performance on AIMS reading and mathematics, Allsport is unwilling or unable to implement a school curriculum aligned with the state Standards. The School's principal, Joanne Vigilant, upon her employment at Allsport in July 2013, continued to identify "a lack of viable curriculum" at the School. (Vigilant, 169:5-13). The evidence clearly establishes that Allsport failed to demonstrate the implementation of a system to create, evaluate and revise curriculum aligned to the Standards to increase its students' growth and proficiency in AIMS reading and mathematics school-wide and for its lowest performing, FRL, ELL and disabled student populations.

B. ALLSPORT FAILED TO DEMONSTRATE ITS INTEGRATION OF THE STANDARDS INTO ITS READING AND MATHEMATICS INSTRUCTION TO INCREASE STUDENT GROWTH AND PROFICIENCY IN READING AND IN MATHEMATICS

The evidence has shown that Allsport failed to produce lesson plan reviews, formal teacher evaluations, effective informal classroom observations, standards checklists, and standards-based teacher assessments. (Weisberg, 100:10-14 and 101:12-15 and 103:5-7). Lesson plan reviews conducted by charter school administration ensure that teachers incorporate the Standards into their lesson plans. (Weisberg, 100:2-9). Formal teacher evaluations completed by charter school administrators provide quantitative feedback to teachers about their work and track the alignment of student instruction to the Standards. (Weisberg, 99:20-24 and 100:15-18). In its DSP, Allsport stated that the School's principal/director monitors teacher effectiveness by performing and recording regular classroom walk-throughs to observe and

provide feedback. (Exh. 7 at 195). However, Allsport's sample classroom observation form fails to identify the standard and/or objective being observed. (Exh. 13 at 284-285; Weisberg, 103:5-7). Nor, as of the date of the Board staff's site visit, had Allsport used its rubric to conduct teacher evaluations. (Exh. 13 at 286-296; Weisberg, 100:19 to 101:15).

Reading and mathematics lesson plans produced by Allsport were incomplete and failed to clearly identify their intended grade levels. (Weisberg, 94:5 to 95-7). Lesson plans produced to target the School's lowest performing students failed to define the Standard being taught, identify learning activities, or contain an assessment of the student interventions being targeted. (Weisberg, 95:17 to 96:9).

The evidence has shown that Allsport's failure to monitor the integration of the Standards into its reading and mathematics instruction is longstanding. The record reflects that in September 2010, Allsport identified the need to focus and target student instruction on identified areas and to provide continuous and ongoing feedback to teachers. (Exh. 15 at 322). Yet, in March 2012, the Department's Solutions Team found "no evidence of differentiated instruction in meeting [the] needs of diverse student populations." (Allsport Exh. 2, Addendum 1 at page 3 of 11). School leadership acknowledges the importance of sharing AIMS data and test results with its instructional staff. (Montoya, 148:23 to 149:5). Yet, in October 2012, the Department found that school leadership "has not shared AIMS data with instructional staff." (Exh. 16(I) at 392).

In March, 2012, the Department found that Allsport teachers wanted more frequent and formal evaluation of their instruction and effectiveness. (Allsport Exh. 2, Addendum 1 at page 3 of 11). In October 2012, the Department found that Allsport leadership "recognizes the need to design and utilize a teacher observation tool to provide instructional feedback and prescribe staff

development," but that the School "does not have a formal process to observe and evaluate teacher effectiveness." (Exh. 16(I) at 388). Allsport's continuing failure, in April 2013, to have conducted formal teacher evaluations evidences that it is unwilling or unable to monitor its teachers' instructional practices. The evidence clearly reflects that Allsport failed to demonstrate a system to monitor the integration of the Standards into its reading and mathematics instruction to increase student growth and proficiency in AIMS reading and mathematics school-wide and for its lowest performing, FRL, ELL and disabled student populations. The evidence also establishes that Allsport failed to demonstrate implementation of its PMP, or otherwise evidence that the School's students are making adequate growth.

C. ALLSPORT FAILED TO DEMONSTRATE ITS IMPLEMENTATION OF A COMPREHENSIVE ASSESSMENT SYSTEM FOR MONITORING AND DOCUMENTING INCREASES IN STUDENT GROWTH AND PROFICIENCY IN READING AND MATHEMATICS

Allsport failed to demonstrate its use of a comprehensive student assessment system in reading and mathematics that includes data collection from multiple assessments. Student assessments serve as a periodic check of how well students are mastering the Standards. (Weisberg, 105:13-16). Assessments also inform instruction, identifying where students are weak (or advanced) in Standards that have already been taught. (Weisberg, 105:17-24). Despite Allsport leadership's operation of the School since June 2004, it was not until the 2012-2013 school year that Allsport "began [its] assessment of student Reading proficiency using practice AIMS tests for benchmarking." (Exh. 7 at 196; Exh. 2). Ms. Weisberg testified that the AIMS practice test is not an appropriate method of assessment for data collection. (Weisberg, 107:20 to108:4). Multiple administrations of the same test do not assess concept mastery. (Weisberg: 108:1-4). By Allsport's own admission, it did not purchase the Study Island Reading Assessment Program until March 2013 and did not plan its use as a formal assessment tool until the

2013-2014 school year. (Exh. 7 at 196). For its mathematics assessment, Allsport stated that it began using the Star Math Program in the 2011-2012 school year; but only produced documentation of data results from the 2012-2013 school year. (Weisberg, 111:2-9). In any event, the assessment data produced by Allsport as evidence of its students' growth in reading and mathematics was unreliable; having factored into its growth data, students who had not been present for each test administration. (Weisberg, 108:13 -24; Exh. 11).

The evidence has shown that Allsport's failure to implement a comprehensive student assessment system to inform its reading and mathematics instruction is longstanding. In its September 10, 2010 PMP, Allsport recognized its need to establish a "systemic assessment system to regularly monitor students' academic learning needs" and that its lack of assessment measures made it "difficult to determine whether students were on target." (Exh. 15 at 320). Allsport's PMP advised the Board that it would implement an assessment system "no later than the end of the 1st quarter in 2010-2011." (Exh. 15 at 324). Yet, in March 2012, the Department's Solutions Team found that "no system of formative and summative assessments is in place." (Allsport Exh. 2, Addendum 1 at page 5 of 11). In October 2012, the Department found that the School "does not have [a] benchmarking system in place" and, further, found "no evidence that teachers use formative assessment data to determine [the] correct level of difficulty for individual or group instruction." (Exh. 16(I) at 392). The evidence clearly demonstrates that, despite its length of operations, Allsport, as of April 2013, was only at the *beginning* stages of its development of a student assessment system and, further, that it was unable to demonstrate processes for data analysis and the use of data in making instructional decisions to contribute to increased student growth and proficiency in reading and mathematics, school-wide or for its lowest performing, FRL, ELL and disabled student populations.

D. ALLSPORT FAILED TO DEMONSTRATE ITS IMPLEMENTATION OF A PROFESSIONAL DEVELOPMENT PLAN THAT CONTRIBUTES TO INCREASED STUDENT GROWTH AND PROFICIENCY IN READING AND MATHEMATICS

Through professional development, teachers learn new skills, which school administration then monitors to ensure the implementation of those skills into student instruction. (Weisberg, 114:21 to 115:6). The evidence shows that Allsport failed to demonstrate that the professional development it was providing to its teachers was aligned with, or based on, the learning needs of its teachers. (Weisberg, 116:10-16; Exh. 14). The evidence also shows that Allsport failed to demonstrate that it was monitoring implementation of the information or strategies being provided to teachers during professional development. (Weisberg, 116:10-16). Additionally, Allsport failed to demonstrate that the professional development being provided to its teacher was contributing to increased student growth in reading or mathematics. (Weisberg, 116:257:11; Exh. 14).

Allsport's failure to implement a professional development plan aligned with teacher learning needs is longstanding. In its September 10, 2010 PMP, Allsport recognized its need to focus professional development on identified areas of improvement. (Exh. 15 at 322). Yet, in March 2012, the Department's Solutions Team found "no formal professional development plan in place" and "no formal system in place to evaluate the effectiveness of the school's professional development program." (Allsport Exh. 2, Addendum 1 at page 4 of 11). According to Department interviews conducted with Allsport staff in October 2012, "teachers rarely participate in job-embedded professional development to update their content knowledge and/or professional practices." (Exh. 16(I) at 389). The evidence clearly establishes that Allsport consistently failed to demonstrate the implementation of a professional development plan based on identified teacher learning needs to increase student growth and proficiency in

AIMS reading and mathematics, school-wide or for its lowest performing, FRL, ELL and disabled student populations.

VI. ALLSPORT'S FAILURE TO MEET THE BOARD'S FINANCIAL PERFORMANCE EXPECTATIONS REFLECTS ITS INABILITY TO IMPLEMENT THE STEPS NECESSARY TO INCREASE STUDENT GROWTH AND PROFICIENCY IN READING AND MATHEMATICS

In implementing its oversight and administrative responsibilities for the charter schools that it sponsors, the Board has also developed its financial performance framework ("financial framework"), which is used by the Board to evaluate charter schools' financial health and sustainability and to define its expectations for the financial performance of its schools. (Leder, 122:4-18; Exh. 17). The Board's financial framework utilizes seven measures of financial performance: (1) going concern; (2) unrestricted days cash; (3) default; (4) total liabilities to equity ratio; (5) net income; (6) cash flow; and (7) fixed charge coverage ratio. (Exh. 17). Charter schools' annual audits, conducted by an independent certified public accountant ("CPA"), provide the source of the financial information contained in the Board's financial framework. (Leder, 126:2-5).

For fiscal years 2012, 2011 and 2010, Allsport's financial statements were prepared on a going concern basis, meaning that the independent CPA conducting Allsport's annual audits had substantial doubts about Allsport's ability to continue to operate. (Leder, 128:10 to 129:3; Exh. 18 at 434 and 445 [fiscal year 2012]; Exh. 19 at 461 and 471 [fiscal year 2011]; Exh. 20 at 485 and 493 [fiscal year 2010]). Allsport's identification as a going concern falls far below the Board's financial performance expectations and is an indication that Allsport may have difficulty meeting its academic and operational obligations. (Leder, 130:5-10).

"Unrestricted days cash" considers the number of days a charter holder could cover its expenses without another influx of cash. (Leder, 130, 14-16; Exh. 17 at 419). The Board has set cash on hand

equaling at least 30 days of operating expenses as the standard minimum for its charter schools. (Exh. 17 at 420). If a charter holder has fewer than 15 days cash on hand, should unforeseen circumstances arise, the charter holder may have difficulty making its next payroll and meeting other obligations before receiving its next influx of cash. (*Id.*). For the past three fiscal years, Allsport's unrestricted days of cash has not met the Board's standard. (Exh. 16A at 336).

"Total liabilities to equity ratio" shows the level to which a charter holder is relying on outside funding, such as loans. (Leder, 132:1-6; Exh. 17 at 421). Allsport has had negative total liabilities to equity ratio for the past three fiscal years, suggesting that Allsport may not be generating enough cash through its operations to meet its obligations. (Leder, 132:12-15). Allsport's audits for the past three fiscal years reflect loan debt in excess of $233,000 annually ($422,780.00 in fiscal year 2010 [Exh. 20 at 491]; ($ 438,204 in fiscal year 2011 [Exh. 19 at 468-469]; ($233,906 in fiscal year 2012 [Exh. 18 at 443]. Interviews conducted by the Department in March 2012 "provided evidence that the drop in enrollment at the school over the past years has severely limited available funding to purchase instructional programs and materials." (Allsport Exh. 2, Addendum 1 at page 2 of 11). Observation and teacher interviews also indicated "a lack of resources to support implementation of effective instruction that is research-based." (Allsport Exh. 2, Addendum 1 at page 3 of 11). In October 2012, the Department reported that Allsport teachers expressed having "outdated textbooks and no technology equipment, such as computers and telephones." (Exh. 16(I) at 391).

At the Board's site visit in April 2013, Allsport's charter representative reported that, due to its financial situation, Allsport had only recently implemented its PMP. (Weisberg, 119:17 to 120:1). Allsport's report of its financial problems is supported by its performance under the Board's financial framework. (Leder; 132:16-21). Allsport cannot finance the resources it requires to implement its PMP or to increase its students' academic growth and proficiency.

VII. CONCLUSION

Allsport's failure to meet or demonstrate sufficient progress toward the Board's academic performance expectations is exacerbated by Allsport's ongoing failed academic performance in the 2012-2013 school year. Allsport students continue to perform far below the statewide average in growth and proficiency on AIMS reading and mathematics. (Exh. 22). For the second year in a row, Allsport's achievement profile was an "F". (*Id.)* For the second year in a row, Allsport's academic performance did not meet the Board's expectations. (*Id.*). Allsport represents on its website that it is designated by the Department as a "performing school." (Montoya, 160:24 to161:5). This is disingenuous, and is a severe disservice to Allsport's students and their parents. For the foregoing reasons, Allsport's charter to operate the School should be revoked.

DATED this 4th day of October, 2013.

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Attorney General

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Assistant Attorney General

COPY of the foregoing Closing Argument filed electronically this 4th day of October, 2013 with:

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