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BEFORE THE ARIZONA STATE BOARD FOR CHARTER SCHOOLS

In the matter of:

John Hancock Academy, Inc. (an Arizona nonprofit corporation), Applicant

No. 13F-AP-001-BCS

NOTICE OF HEARING ON APPEAL OF ARIZONA STATE BOARD FOR CHARTER SCHOOLS' DENIAL OF REQUEST FOR CHARTER

PURSUANT TO a Notice of Appeal and Request for Hearing received on March 15, 2013 from Reed Hancock Gaddie, Authorized Representative for John Hancock Academy, Inc., an Arizona nonprofit corporation, and under the provisions of Arizona Revised Statutes ("A.R.S.") § 41-1092.05(D),

YOU ARE HEREBY NOTIFIED that pursuant to Title 41, Chapter 6, Article 10, a hearing will be held in the above-captioned matter on **May 7 and 8, 2013**, beginning at 8:00 a.m. **This matter is set from 8:00 a.m. to 5:00 p.m.** The hearing will be held before Administrative Law Judge Sondra Vanella at the Office of Administrative Hearings, an independent state agency, located at 1400 West Washington, Suite 101, Phoenix, Arizona 85007, (602) 542-9826.

The hearing is to consider the appeal of the Arizona State Board for Charter Schools' ("Board") decision made pursuant to A.R.S. § 15-183(C)(2) on February 11, 2013 to deny the request of John Hancock Academy, Inc. for a charter.

I. STATEMENT OF LEGAL AUTHORITY AND JURISDICTION UNDER WHICH THE HEARING IS TO BE HELD AND REFERENCE TO THE STATUTES AND RULES INVOLVED.

Charter schools are established by contract ("charter") between a sponsor and a public body, private person or private organization to provide a learning environment that will improve pupil achievement. A.R.S. § 15-101(4), -181(A), -183(B), -183(C). An applicant seeking to establish a charter school must submit a written application to a proposed sponsor. A.R.S. § 15-183(A). As a sponsor, the Board may approve the application to establish a charter school if the application meets the requirements of Title 15, Chapter 1, Article 8 and may approve the charter if the Board determines, within its sole discretion, that the applicant is sufficiently qualified to operate a charter school. A.R.S. § 15-183(C)(2). If the Board does not approve the charter, the applicant may submit a new application for consideration the following fiscal year or may appeal the Board's decision. Arizona Administrative Code ("A.A.C.") R7-5-202(E)(1).

II. STATEMENT OF REASONS FOR THE BOARD'S DECISION TO DENY THE REQUEST OF JOHN HANCOCK ACADEMY, INC. FOR A CHARTER

A. BACKGROUND

1. John Hancock Academy, Inc. ("Applicant") is an Arizona nonprofit corporation consisting of two principals, Delite Gaddie and Reed Gaddie, who serve as its Board of Directors and Authorized Representatives.

2. On June 20, 2012, Applicant timely submitted an application package to establish a charter school for the 2013-2014 school year ("preliminary application

package") in electronic form to the Board.

3. A Technical Review Panel ("TRP")[1] reviewed and scored the preliminary application package of Applicant. The preliminary application package failed to meet the Board's scoring requirements and, as a result, was found to be substantively incomplete. A "substantively complete" application package meets the following scoring requirements: (1) No evaluation area receives a score of Falls Below the Expectations; and (2) No more than one evaluation area in each section is scored as Approaching; and (3) at least 95% of the evaluation areas in each Plan (Educational Plan, Operational Plan, Business Plan) score at the Meets level.

4. On October 21, 2012, the TRP conducted an in-person interview of Applicant to evaluate the capacity of Applicant to successfully implement its plan to operate a charter school, to provide Applicant the opportunity to demonstrate its understanding of the plan presented in its preliminary application package, to address the TRP's questions regarding the education, organization and business plans described in the preliminary application package, and to formulate an assessment of the capacity of Applicant to successfully implement its plan to operate a charter school.

5. On November 20, 2012, the Board provided written notice to Applicant of the deficiencies of the preliminary application package, including a copy of the completed scoring rubric with the comments of the TRP and the results from the in-person interview with Applicant, for use by Applicant as technical assistance and

[1] "TRP" means individuals appointed by the Executive Director of the Board who use their expertise in charter school development, curriculum, and finance to assist in the evaluation of a preliminary or revised application package. A.A.C. R7-5-101 and R7-5-203

suggestions for improving the application package. A.R.S. § 15-183(C)(2), A.A.C. R7-5-203.

6. On December 18, 2012, Applicant timely submitted a revised application package to the Board. A.A.C. R7-5-203.

7. The revised application package of Applicant was reviewed and scored. The revised application package failed to meet the Board's scoring requirements.

8. On January 11, 2013, the Board provided written notice to Applicant that its revised application package failed to meet the Board's scoring criteria and included a copy of the completed scoring rubric for the revised application package.

9. Applicant timely submitted a request that its revised application package be forwarded to the Board for consideration, regardless of its outcome. A.A.C. R7-5-203(8).

10. At its meeting on February 11, 2013, the Board considered Applicant's revised application package, the scoring rubric completed by the TRP, information obtained through verification and investigation of Applicant's background, a recording of the in-person interview, the written results of the in-person interview, a report prepared by Board staff, and the presentation by (and discussion with) Applicant. The Board disapproved Applicant's application for the reasons that the revised application package failed to meet the requirements of Title 15, Chapter 1, Article 8 due to:

- a lack of an Education Plan that includes a program of instruction that improves pupil achievement in the target population that meets the Board's criteria as stated in the [TRP] scoring rubric and demonstrated through the responses to [in-person] interview questions;

- a lack of a Writing curriculum aligned to state standards as stated in the [TRP] scoring rubric; and
- a lack of a Business Plan that meets the Board's criteria as stated in the [TRP] scoring rubric.

Additionally, the Board denied Applicant's request for a charter upon its determination that Applicant was not sufficiently qualified to operate a charter school due to Reed Gaddie's prior operation of a charter school whose charter was revoked in March 1998 by its sponsor, Window Rock Unified School District, for numerous significant and serious violations of its charter and state law. The Board determined that these violations evidence a lack of accountability and an unwillingness or inability to comply with state statutes and the charter contract in Reed Gaddie's previous operation of a charter school, that the violations also included the charter school's failure to comply with laws relating to health and safety, and failure to comply with Arizona's fingerprinting requirements, and that the violations in particular affect the safety and welfare of students.

11. By written Notice dated February 14, 2013, Applicant was advised of the Board's decision.

12. On March 12, 2013, Applicant timely appealed the Board's decision. *See* Exhibit A attached.

B. APPLICANT'S REVISED APPLICATION PACKAGE LACKED AN EDUCATION PLAN THAT INCLUDES A PROGRAM OF INSTRUCTION THAT IMPROVES PUPIL ACHIEVEMENT IN THE TARGET POPULATION THAT MEETS THE BOARD'S CRITERIA AS STATED IN THE TRP SCORING RUBRIC AND DEMONSTRATED THROUGH

THE RESPONSES TO IN-PERSON INTERVIEW QUESTIONS

13. A charter school is established to provide a learning environment that will improve pupil achievement.

14. The Board's new charter application requires applicants provide an explanation of how the implementation of its described program of instruction meets the needs of its identified target population, including improving pupil achievement.

15. Applicant's preliminary application package failed to provide details explaining how its proposed program of instruction will improve pupil achievement in its identified target population.

16. At its in-person interview, Applicant did not describe the rationale for how its choice of educational model (the "Gaddie Educational Model") would meet the needs of its identified target population.

17. Applicant failed to identify the "diverse needs" of its target population or what elements of its chosen educational model would meet those needs or improve student achievement in its target population.

C. APPLICANT'S REVISED APPLICATION PACKAGE LACKED A WRITING CURRICULUM ALIGNED TO STATE STANDARDS AS STATED IN THE TRP SCORING RUBRIC

18. A charter school must provide a comprehensive program of instruction for at least a kindergarten program or any grade between grades one and twelve. A.R.S. § 15-183(E)(3).

19. The Board's new charter application requires applicants to submit curriculum samples to demonstrate capacity to provide quality instruction in English Language Arts (Reading and Writing), Mathematics, and Science aligned to their program of instruction and the required Arizona Academic Standard ("Standard").

20. The curriculum samples must provide a summative assessment that accurately measures student mastery of the required Standard for each grade level Applicant seeks to serve and to list the criteria required to demonstrate mastery of the Standard.

21. Applicant's curriculum sample for Kindergarten writing failed to provide a clearly described summative assessment and a clear list of criteria required to demonstrate mastery of the required Standard. Applicant's sample summative assessment presented multiple descriptions of what constituted the assessment and how points would be awarded. Applicant's assessment and scoring descriptions are internally inconsistent and do not collectively constitute a summative assessment that accurately measures student mastery of the required Standard.

22. Applicant was provided an opportunity to revise the Kindergarten writing curriculum sample based on the technical assistance provided by the TRP in the scoring rubric. The revised application package submitted by Applicant did not include a revised Kindergarten writing curriculum sample.

23. Applicant's curriculum sample for 1st grade writing failed to provide a clearly described summative assessment to demonstrate mastery of the required Standard. The instructions for the summative assessment provided in Applicant's sample did not clearly indicate that mastery of the writing Standard is being assessed. The instructions

provided described a student's annotation of the work of another student. In addition, the summative assessment described a level of mastery and how points would be awarded, including scoring descriptions that do not provide a method for reaching the minimum mastery level described. The summative assessment and scoring presented in Applicant's sample do not constitute a summative assessment that accurately measures student mastery of the required Standard.

24. Applicant's curriculum sample for 2nd grade writing failed to provide a clearly described summative assessment to demonstrate mastery of the required Standard. The instructions for the summative assessment provided in the Applicant's sample did not clearly indicate that mastery of the writing Standard is being assessed. The instructions provided described a student's annotation of the work of another student. In addition, the summative assessment described a level of mastery and how points would be awarded, including scoring descriptions that do not provide a method for reaching the minimum mastery level described. The summative assessment and scoring presented in Applicant's sample do not constitute a summative assessment that accurately measures student mastery of the required Standard.

25. Applicant's curriculum sample for 4th grade writing failed to provide a clearly described scoring scale and mastery level to demonstrate mastery of the required Standard. Applicant's sample summative assessment described a level of mastery and how points would be awarded using a rubric. Applicant's rubric includes scoring areas not aligned to the required Standard. The sample provides a mastery level which could be achieved without demonstrating mastery of all components of the required Standard. The

summative assessment scoring presented in Applicant's sample does not accurately measure student mastery of the required Standard.

26. Applicant's curriculum sample for 5th grade writing failed to provide a clearly described scoring scale and mastery level to demonstrate mastery of the required Standard. Applicant's sample summative assessment described a level of mastery and how points would be awarded using a rubric. Applicant's rubric includes scoring descriptors not aligned to the grade level rigor described by the required Standard. Applicant's scoring description provides a method for achieving mastery level without demonstrating mastery of the grade level rigor of the required Standard. The summative assessment scoring presented in the Applicant's sample does not accurately measure student mastery of the required Standard.

D. HANCOCK IS NOT SUFFICIENTLY QUALIFIED TO OPERATE A CHARTER SCHOOL

27. The Board determines, in its sole discretion, whether a charter applicant is sufficiently qualified to operate a charter school. A.R.S. § 15-183(C)(2). The term "sufficiently qualified" means the Board's determination that Applicant's experience, qualifications, current and prior charter compliance, and creditworthiness indicate an ability to implement a charter or operate a charter school. A.A.C. R7-5-101.

28. On March 19 and 20, 1998, a hearing was held to determine whether there was sufficient factual basis for the revocation of a school charter granted to the Arizona Vocational Training School, L.L.C. (AVT) and the Arizona Career and Technology High School (ACT) by the Window Rock Unified School District No. 8 ("Window Rock").

29. Reed Gaddie was a managing member of AVT in its operation of ACT.

30. On March 27, 1998, Hearing Office Patrick M. Dallabetta, Ed.D issued his Findings and Final Recommendations, finding that AVT and ACT were not in substantial compliance with the charter contract between Window Rock and AVT or with applicable provisions of Title 15, Chapter 1, Article 8, A.R.S. In his Findings and Final Recommendations, Mr. Dallabetta noted that Mr. Gaddie admitted during the hearing that ACT was not incompliance with statutory requirements or with the terms of its contractual arrangements with Window Rock. Mr. Dallabetta recommended that the school charter be revoked by the Governing Board of Window Rock.

31. At its meeting on March 30, 1998, the Governing Board of Window Rock accepted the hearing officer's recommendation to revoke the charter of AVT.

32. The Board determined that Applicant is not sufficiently qualified to operate a charter school due to Reed Gaddie's prior operation of ACT, whose charter was revoked in March 1998 by its sponsor, Window Rock, for numerous significant and serious violations of its charter and state law. The Board determined that these violations evidence a lack of accountability and an unwillingness or inability to comply with state statutes and the charter contract in Reed Gaddie's previous operation of a charter school, that the violations also included the charter school's failure to comply with laws relating to health and safety, and failure to comply with Arizona's fingerprinting requirements, and that these violations in particular affect the safety and welfare of students.

ORDER

Based upon all of the foregoing, the Board has cause to disapprove the application of Applicant to establish a charter school and to deny a charter to Applicant on the basis that its charter application failed to meet the requirements of Title 15, Chapter 1, Article 8 and that it is not sufficiently qualified to operate a charter school as set forth herein.

YOU ARE HEREBY NOTIFIED that the Office of Administrative Hearings, on behalf of the Board, will conduct a hearing on the Board's decision to deny a charter to Applicant. The hearing will be conducted under the authority of, and in accordance with, Title 41, Chapter 6, Article 10, A.R.S. After the hearing is concluded, the Administrative Law Judge shall submit a written decision to the Board for review pursuant to A.R.S. § 41-1092.08. The Board shall then decide whether to accept, reject or modify the decision and will issue a final administrative decision accordingly.

YOU ARE FURTHER NOTIFIED that appearance in an administrative proceeding is considered the practice of law, which under most circumstances may only be undertaken by an active member of the Arizona State Bar. Ariz. R. S. Ct. 31(a)(2)(A)(3) and (b). Under Ariz. R. S. Ct. 31(d)(11):

> Unless otherwise specifically provided for in [Ariz. R. S. Ct. 31], in proceedings before the Office of Administrative Hearings, a legal entity may be represented by a full-time officer, partner, member or manager of a limited liability company, or employee, provided that: the legal entity has specifically authorized such person to represent it in the particular matter, such representation is not the person's primary duty to the legal entity, but secondary or incidental to other duties relating to the management or operation of the legal entity; and the person is not receiving separate or

additional compensation (other than reimbursement for costs) for such representation.

YOU ARE FURTHER NOTIFIED that the original of all correspondence and pleadings filed in this matter should be directed to the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007, with copies to the Assistant Attorney General at the address listed below.

Persons with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007, (602) 542-9826. Requests should be made as early as possible to allow time to arrange the accommodation.

DATED this 1st day of April, 2013.

DeAnna Rowe
Executive Director
Arizona State Board for Charter Schools

ORIGINAL filed this
1st day of April, 2013 with:

Office of Administrative Hearings
1400 West Washington Street
Phoenix, Arizona 85007

COPY of the foregoing Notice sent via certified mail,
return receipt requested, this 2nd day of April, 2013 to:

John Hancock Academy, Inc.
Delite Gaddie, Statutory Agent and Authorized Representative
Reed Gaddie, Authorized Representative
833 East 6th Ave
Mesa, AZ 85204

COPIES of the foregoing Notice sent via regular mail this 2nd day of April, 2013 to:

Kim S. Anderson
Assistant Attorney General
Civil Division/Education and Health Section
1275 West Washington
Phoenix, AZ 85007
Attorney for the Arizona State Board for Charter Schools

By _____
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