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BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF ARIZONA

In the matter of, **FOUNDING FATHERS ACADEMIES, INC.**, a non-profit corporation, in the operation of **JEFFERSON ACADEMY OF ADVANCED LEARNING**, a charter school	No. 14F-FSRV-002-BCS **FOUNDING FATHERS ACADEMIES, INC., d/b/a/ JEFFERSON ACADEMY OF ADVANCED LEARNING'S FINDINGS OF FACT AND CONCLUSIONS OF LAW** Before: Hon. Administrative Law Judge Tammy L. Eigenheer

COMES NOW FOUNDING FATHERS ACADEMIES, INC., an Arizona non-profit corporation, d/b/a Jefferson Academy of Advanced Learning by and through the undersigned counsel hereby submits its Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Charter schools were established under ARS § 15-181 *et. seq.* to provide a learning environment that will improve pupil achievement, to provide additional academic choices for parents and pupils and to serve as alternatives to traditional public schools.

2. The Arizona State Board for Charter Schools ("Board") is authorized to issue charters ("contracts") for the purpose of establishing charter schools in Arizona.

3. Founding Fathers Academies, Inc. is an Arizona non-profit organization ("Charter Holder") which has entered into a charter contract with the Board.

4. Jefferson Academy of Advanced Learning ("School") is a charter school authorized to operate under the sponsorship of the Board.

5. Sandy Stewart as the Charter Representative and person authorized to act on behalf of the Charter Holder.

6. The School is currently authorized to serve students in grades K-12.

7. The School is located in Show Low, Arizona.

8. The School reported an average daily membership of approximately 150 students for the 2013-2014 school year.

9. Approximately 60% of the School's students receive free and reduced lunch.

10. Approximately 30% of the School's students have limitations requiring them to be classified as Special Education students requiring an Individual Educational Plan.

11. The Arizona Department of Education assigns an achievement profile based on academic growth and on students' performance on standardized State testing. Presently, a school is assigned a letter grade of A, B, C, D, or F. Prior to the assignment of letter grades, the Arizona Department of Education used the following legacy labels: (i) Excelling; (ii) Highly Performing; (iii) Performing; (iv) Underperforming; or (v) Failing to meet the standards.

12. The School was deemed "performing" and "performing plus" prior to 2010.

13. The Arizona Department of Education's assignment of an achievement profile is based upon academic progress measured on students' performance on standardized State testing and on proficiency (the "AIMS test"). A school can earn a letter grade of A, B, C, D, or F. A letter grade of D demonstrates a below average level of performance by a school.

14. Once a school has received an achievement profile of D for two consecutive years, receipt of a third consecutive D is deemed an F.

15. Evidence was submitted in a report prepared in 2013 by Anabel Aportela, PhD. and Ildiko Laczko-Kerr PhD for the Center for Student Achievement (the "Report on Standards") that "unless otherwise mitigated, poverty can have a significantly deleterious effect on learning. Students growing up in poverty often arrive at school with challenges that adversely affect their ability to learn or to learn at the same rate as their wealthier counterparts. The relationship between poverty and measures of achievement (e.g. percent of students passing a state's standardized test) has long been a limitation of measurement of student achievement in education."[1]

16. The evidence found in the Report on Standards analyze a range of schools and determined that the total point difference between schools with less than 25 percent poverty and the schools with 75 percent or more poverty is enough of a difference to place the schools with the lower percent of poverty in the A category while the higher percent of poverty in the C category.[2]

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[1] *Oh, the Places They'll Go!, School Ratings: Improving the Data in Data Driven Decision Making byAnabel Aportela, Ph.D. and Ildiko Laczko-Kerr, Ph.D. pp. 6-7* Founding Fathers Exhibit VV – Bates Mark 0036-00337.

[2] *Id. p. 11*

17. The Report on Standards concluded that to a large extent, school ratings were to a large extent, tied to the degree of poverty in a school, but that high poverty schools were not simply poor quality schools.[3]

18. The Board sent a letter dated September 12, 2013 to the Charter Holder notifying it that the School had been assigned an achievement profile letter grade of F by the Arizona Department of Education. The Charter Holder was advised that the Board would make a determination "whether to restore or revoke the charter...based upon evidence of the charter holder's performance in accordance with the performance framework adopted by the Board, including the charter holder's submission of demonstration of sufficient progress toward the Board's expectations."[4] The Charter Holder was advised that it had to submit a Demonstration of Sufficient Progress ("DSP") for the School.

19. The Charter Holder submitted its DSP in a timely manner.

20. The Staff for the Board informed the Charter Holder that it deemed the DSP submitted insufficient and advised the Charter Holder to submit further information.

21. The evaluation of the sufficiency of information submitted to the staff of the Board is subjective with no objective criteria to provide appropriateness.

22. The Staff of the Board set an on-site meeting at the school where the members of the School's staff and administration discussed items deemed to be insufficient with the staff representatives.

23. At the meeting at the School and following the meeting, the School submitted responses to the evidence requested by the Staff which included sample Individual Learning Plan forms for grades K-8 and 9-12; sampling of completed plans for specific students; completed student goal

[3] *Id. p. 15*

sheets for grades K-8 wherein most demonstrated weekly improvement for reading sound fluency, word fluency, comprehension and math computation based on proves for AIMS web; record of results for curriculum-based assessments for elementary and middle school math program; pacing guides for enVisionMath for grades K-7 broken out for 9-week segments and 6-week segments and Scope and Sequence chart for reading skills K-8; AIMSweb summary of impact reports for reading and math for grades 1-8 for Fall 2013 showing defaults vs. school-determined targets; checklists specific to student academic goals and time on task; relevant Progress monitoring charts with completed student goal sheets and reading probe scores for grades 9-12; weekly lesson plans aloigned with the Arizona's College and Career Ready Standards which could be cross-walked to annual plans which were on target and Daily schedules for grades K-8; 2012-2013 semester stands skills checklists fro students in grades K-4, 6-8 which included math, reading, writing, science and social studies; Common Core standards checklists for grades 3,4,5 and math class record forms for grades 1-8; pacing guides and remedial instruction components for A-plus curriculum demonstrated online; informal notes from the Teacher Mentor with some based upon classroom visits and key findings for feedback; the Core Reading program identified in the DSP as Teach Your Children Reading Well; a professional development agenda including guiding questions for conducting data analysis; agendas and sign-in sheets for Friday teacher meetings, among other documents. *See* Board exhibit1G, BCS0078-80.

24. Subsequent to the submission of the documents and requested information, the Charter Holder inquired with the Board Staff as to whether any further information was needed.

[4] Board's Exhibit 1C at Bates Stamp BCS 00013

25. The Board Staff responded only that the Charter Holder should submit any additional documents it believed supported a Demonstration of Sufficient Progress. No specific documents or forms of proof were requested of the School and no designation of deficiency was submitted to the School.

26. The Board staff compiled and submitted to the Charter Board members for its December 9, 2013 meeting a Portfolio (Exhibits 1, 1A-J, 2, 3) prior to the hearing recommending the issuance of a Letter of Intent to Revoke the Charter without submitting a copy to the School informing it of the Staff's analysis and recommendation.

27. The School thought that the documents submitted to the staff was satisfactory to show sufficient progress towards the Board's expectations.

28. On December 9, 2013, the Board voted to issue a Notice of Intent to Revoke the Charter Holder's charter to operate the School on the basis of the School's 2012-2013 achievement profile designation as an F school and its failure to meet or demonstrate sufficient progress toward the Board's performance expectations as set forth in the Board's Academic Performance Framework.

29. On December 27, 2013, the Board issued the "Arizona State Board for Charter Schools' Notice of Intent to Revoke Charter and Notice of Hearing." The matter was forwarded to the Office of Administrative hearings, an independent agency, for an evidentiary hearing.

30. At the hearing, the Board staff presented its case through the testimonies of DeAnna Rowe, the Board's Executive Director, Steve Sarmento, a program and project specialist in the Board's Department of Accountability, and Katherine Poulos, the recently employed Interim Director of Charter Accountability.

31. The School and Charter Holder presented their case through the testimonies of Sandy Stewart, Charter Representative, Joey Reidhead, Director of Special Education and teacher for the School, Kami Tate, School's Director of Curriculum, Sheena Martz, teacher for the School, Sam Torrez, teacher for the School, Kerry Pettit, teacher for the School, Janice Stewart, Charter Representative and teacher for the School, Kevin Eoff, former teacher for the School and parent of former students, Ariel Winans, current student at the School, Dr. Vera Meier-Bennett, local pediatrician and parent of current student, Kathleen Winans, parent of current student, and Rebecca Walker, parent of three current students at School.

32. In determining whether to restore a failing charter school to acceptable performance or to revoke a charter school's charter, Ms. Rowe explained that the Board established criteria that affords such a charter school an opportunity to demonstrate progress toward the Board's academic performance expectations. The Board created a performance framework for measuring the performance of its charter schools. Ms. Rowe testified that "The academic performance framework is established to communicate the academic expectations of the charter school that it sponsors to ensure that the schools are providing a learning environment where measurable improvement can be demonstrated."[5]

33. The Board uses the following three indicators to evaluate a charter school's academic performance for grade school students: (i) Student growth or progress over; (ii) Student achievement or proficiency; and (iii) The A through F letter grade that is calculated by the state.

34. The results of a charter school's performance within each of the indicators are then incorporated into a graph called an academic dashboard.

[5] Transcript of Record at Page 31, Lines 6-10.

35. The charter school's overall level of performance is established as follows: (i) Exceeds standard; (ii) Meets standard; (iii) Does not meet standard; or (iv) Falls far below standard.

36. The evidence of record established that the School and Charter Holder and as subjectively determined by the board staff did demonstrate the implementation of a sustained improvement plan in place but was unable to demonstrate evidence that the School is making adequate growth when based solely on the School's median growth percentiles in Math and Reading both School-wide and for the lowest performing students.[6]

37. The weight of credible evidence established that the School and Charter Holder demonstrated the implementation of a system supported by analysis of data to evaluate and revise curriculum aligned to the Arizona College and Career Ready Standards ("Standards") that contributes to increased student growth in Math and Reading both School-wide and for the lowest performing students. The School and Charter Holder demonstrated evidence of ongoing evaluation and revision of the implemented curriculum and analysis of data.

38. The School and Charter Holder demonstrated the implementation of a comprehensive assessment system for Math and Reading based on clearly defined performance measures aligned with the curriculum and instructional methodology that includes data analysis and instructional decisions based on results collected from multiple assessments that contributes to increased student growth in Math and Reading both School-wide and for the lowest performing students. The School and Charter Holder demonstrated an analysis of data and evidence of instructional planning or realignment of instruction based on analysis of data.

[6] The references to the "lowest performing students" means the bottom 25% of students.

39. The School and Charter Holder demonstrated the implementation of a professional development plan that included specifically scheduled weekly meetings, follow-up to issues discussed and monitoring strategies supported by analysis of data and specific to professional development topics that contribute to increased student growth in Math and Reading. The School and Charter Holder demonstrated follow-up to professional development, including classroom observations for monitoring of instructional practices related to professional development topics and implementation of Math and Reading Strategies taught during training sessions.

40. The School and Charter Holder demonstrated a school-wide implementation of a system supported by analysis of data to evaluate and revise curriculum aligned to the Standards that contributes to increased student proficiency on the state assessment in Math and Reading or to increase student proficiency to expected performance levels on the state assessment in Math and Reading for subgroups. The School and Charter Holder provided evidence of ongoing evaluation and revision of the implemented curriculum and analysis of data.

41. The School and Charter Holder demonstrated the consistent weekly implementation of AIMSWeb, a comprehensive assessment system for Math and Reading based on clearly defined performance measures aligned with the curriculum and instructional methodology that includes data analysis and instructional decisions based on results collected from multiple assessments that contribute to increased student proficiency to expected performance levels in Math and Reading for subgroups. The School and Charter Holder demonstrated its weekly analysis of data for evidence of instructional planning and realignment of instruction based on analysis of data.

42. The School and Charter Holder demonstrated the implementation of a professional development plan aligned with teacher learning needs that contributes to increased student proficiency in

Math and Reading that included follow-up and monitoring strategies supported by analysis of specific professional development topics that contribute to increased student proficiency. The School and Charter Holder demonstrated follow-up to professional development including attendance of specific training in math education techniques, teacher work groups and inter-staff implementation discussions related to professional development topics to ensure effective implementation and increase student proficiency.

43. Kamila Kanoell-Tate (Kami Tate) possessed a Masters in Education. She started at Founding Fathers in 2008 and currently works as professional development specialist, curriculum specialist and she works with students in the classrooms.

44. Ms. Tate testified that she had taken additional coursework in the Arizona Leads Principal Institute. From that training, Ms. Tate was able to return to Founding Fathers and implement what she had learned. She stated that they started keeping more records as hard evidence of accomplishment and implementation. The course also taught Ms. Tate to look at data, evaluate it and break it down into specific components.

45. Ms. Tate also testified regarding a RTI Math Science Partnership Program that she received credit for through Northern Arizona University. This course provided additional training in looking at student work to break down the specific skills that the student was lacking. Ms. Tate testified that all of the K-5 teachers at Founding Fathers attended the course and that implementation of the strategies learned from the Course were evident in students' work samples and portfolios.

46. Ms. Tate testified regarding an Arizona K-12 Academic Standards four-day course was taken by all of the teachers at the School. The course taught how to break down the standards and

provided strategies to work with students to probe for information. She stated that when the teachers returned to school from trainings or seminars, each teacher gave a presentation on what they learned at the meeting. Additionally, part of the training included working with students to implement the testing strategies and to write a plan for working with the students.

47. Ms. Tate testified as to the use of Fridays, when school was not in session (being a four-day schedule) as a time for teacher meetings. An agenda would be prepared for the meeting and followed at the meeting. A set of norms and expectations for the meetings was established by the teachers as a group. Teachers take notes for themselves, some more detailed than others.

48. Ms. Tate and Ms. Stewart noted that starting around 2010 the school started to see a large influx of special education students thought to be referred to the school by a local pediatrician because of the special emphasis that School gave to students with special needs and because of the individualized learning plans established for students.

49. Ms. Tate and Ms. Stewart detailed the intake process that occurs when students first enter Founding Fathers to determine current skill level and placement.

50. Ms. Tate testified regarding the use of AIMSWeb scores and benchmarks. She further defined the use of Tier 1, Tier 2 and Tier 3 as determining the level of intervention that should be used to assist the students in achieving success with the benchmarks. AIMSWeb provides for progress monitoring of student achievement.

51. Ms. Tate explained how often the AIMSWeb probes are given and how the data is tracked and implemented to increase student proficiency and scores.

52. Ms. Tate testified that she was present at the on-site meeting when the charter board members went to Founding Fathers as a follow up to the insufficient Demonstration of Sufficient Progress

(DSP). Ms. Tate answered all questions asked of her during that meeting and provided all documents requested by the Charter Board team. Ms. Tate verified that the documents listed on the DSP were provided to the Charter Board team.

53. Ms. Tate testified regarding the purchase of SuccessNet, Envision Math and the Prentice Hall series as new math curriculum for the school and its implementation.

54. Mr. Kevin Oeff, a professor of history and political science at Palo Verde College in Blythe, CA and an adjunct instructor of history at Arizona Western in Parker, AZ, testified that he had two children that attended Jefferson Academy. He stated that his son is autistic and the smaller class size at the school was very beneficial for his son's success. Mr. Oeff affirmatively stated that Jefferson Academy provided a good alternative for the community, parents, and students with all learning abilities.

55. Mr. Oeff testified that his daughter left another local school during her senior year to attend Jefferson Academy due to the dual enrollment option allowing college credit that Jefferson Academy provided.

56. Mrs. Chloe Reidhead, a parent who is the Director of Cosmetology at Northland Pioneer College in Show Low, AZ also testified about her daughter who is a senior at Jefferson Academy. She stated that her daughter is obtaining her associate's degree through NAVIT while attending Jefferson Academy as part of the dual enrollment program.

57. Mrs. Reidhead's provided testimony that her daughter had initially attended a local district school but switched to Jefferson Academy because she was being bullied, was below grade level and was not getting advanced to the next grade. When she was tested for entry into Jefferson Academy, it was determined that she had a third grade math level and could hardly read.

58. Mrs. Reidhead testified that the school started her daughter at an academic level that was appropriate to where she was achieving competency and built her from that starting point. She also stated that although her daughter missed passing the AIMS test by one point, she had passed the ASSET or COMPASS test which are administered prior to college entrance.

59. Mrs. Reidhead testified that even though she had knowledge that Jefferson Academy received an "F" from the Arizona Department of Education for the 2013 school year, she kept her daughter in the school because of the results that her daughter was experiencing.

60. Mr. Joey Reidhead has his master's degree in education administration and works at Jefferson Academy as Principal of the high school and the special education department chair. He testified regarding the set-up of the high school stating that the students are tested for placement and then access the curriculum through the A Plus program (a self-paced computer program), a Common Core aligned curriculum. Students work with teachers in break out groups to supplement areas they are struggling with on the computer based program.

61. Mr. Reidhead testified regarding the multiple assessment tools that are used to determine student placement and progress. Additionally, each student is placed on an Individualized Learning Plan (ILP) to track progress and communicate with parents. Jefferson Academy also uses the ECAP put out by the State Department of Education to track progress toward graduation.

62. Mr. Reidhead testified that during the site visit by the Board staff members, specifically told him not to make copies of every child's report. Instead, they watched as Mr. Reidhead showed them the A Plus system and the reports that could be generated by the program.

63. Dr. Vera Meier-Bennett is the pediatrician in Show Low, Arizona who refers the majority of her patents with difficulties to the School. She testified that she has undergone additional extensive

training in the area of autism and Asperger's primarily because she has a child with Asperger's/Autism.

64. Dr. Bennett testified about how she came to enroll her son at Jefferson Academy which had been recommended to her following her move to Show Low. She met with representatives of Jefferson Academy and believed in their methodology (to teach the child) and liked the single classroom setting for all children.

65. Dr. Bennett testified that since enrollment at Jefferson Academy, her son has made great strides; he does homework on his own; planned his own birthday party sending out invitations (without assistance from Dr. Bennett), and is now working at the local animal shelter.

66. Dr. Bennett testified that based on the teaching style used at Jefferson Academy, she recommends Jefferson Academy for students with special needs because she knows from her personal experience that Jefferson Academy will teach to the individual child, especially those that are more autistic and other disabilities.

67. Ms. Samantha Torrez obtained her bachelor's in education at Northern Arizona University and her master's degree at Grand Canyon University in special education. She currently teaches fourth grade at Jefferson Academy. The composition of her class consists of 15 students, 4 of which are students receiving special education services under an IEP.

68. Ms. Torrez testified regarding the placement procedure that is used at Jefferson Academy, students are given a placement assessment in math, writing and reading. Data from those results are used to determine what skills students are lacking and where they need remediation.

69. Ms. Torrez testified about the process followed at the school to implement the state-standard aligned curriculum and the assessment system used to collect and analyze data, impacting

instruction. Following daily instruction, students are given a short quiz to determine if they need to be retaught the material or they have mastered it. This impacts instruction immediately in the type of homework the students receive. On a weekly basis, the students are given probes that are aligned with the curriculum. The results are analyzed and instruction for the individual students is modified and adjusted based on the test results.

70. Ms. Torrez explained the AIMSWeb test results for her students. She explained the individual student scores that were graphed and submitted as an exhibit to show the growth in reading and math made by individual students in her class. All students were showing some growth.

71. Ms. Torrez testified that the Arizona State Standards are met and taught at both the fourth and fifth grade level in her classroom

72. Ms. Torrez testified to the general procedure regarding items addressed at the Friday teacher meetings. She testified that the school schedule changed two years ago to include Friday as a day for professional meetings. There is an agenda that is followed. Data is analyzed and teachers mentor each other to come up with ideas that will help individual students that are struggling. The following week there are follow-up discussions to ascertain the effectiveness of the suggested strategies.

73. Mrs. Kerry Pettit obtained her bachelor's in history and has taught for over 15 years. She currently teaches third/fourth grade at Jefferson Academy. The composition of her class consists of 15 students, 5 of which are students receiving special education services under an IEP.

74. Mrs. Pettit testified regarding the placement procedure that is used at Jefferson Academy. Students are given a placement assessment in math, writing and reading. Data from those results is used to determine what skills students are lacking and need remediation.

75. Mrs. Pettit testified about the process followed at the school to implement the state-standard aligned curriculum and the assessment system used to collect and analyze data, impacting instruction. Per the school procedure, students are given a short quiz to determine if they need to be retaught the material. This impacts instruction immediately in the type of homework the student receives. On a weekly basis, the students are given probes that are aligned with the curriculum. The results are analyzed and instruction for the individual students is modified and adjusted based on the test results.

76. Mrs. Pettit testified explaining the AIMSWeb test results for her students. She explained the individual student scores that were graphed to show the growth in reading and math made by individual students in her class. All students were showing some growth.

77. Mrs. Pettit testified that the Arizona State Standards are met and taught at both the third and fourth grade level in her classroom

78. Mrs. Pettit testified to the general procedure of and items addressed at the Friday meetings. She testified that the school schedule changed two years ago to include Friday as being a day for professional meetings. There is an agenda that is followed. Data is analyzed and teachers mentor each other to come up with ideas that will help individual students that are struggling. The following week there are follow-up discussions to ascertain the effectiveness of the suggested strategies.

79. Mrs. Pettit also testified that she is a parent of two students that currently attend Jefferson Academy. Mrs. Pettit testified that the environment at Jefferson is one that is accepting of all students, bullying is not tolerated.

80. Ms. Kathleen Winans is a parent of a student that attends Jefferson Academy. She testified that she moved her daughter to Show Low from Chandler, AZ specifically for placement in Jefferson Academy after feeling that the Chandler schools had given up on educating her daughter. Her daughter was being ostracized because of the her placement in a "recycling club" emptying trash cans due to her disabilities rather than an academically oriented class. She was suicidal.

81. Ms. Winans testified about the progress that her daughter had made at Jefferson Academy in the last two years. She was reading at a kindergarten grade level equivalency in performance when she entered Jefferson Academy and in two years has progressed to a 3.5 grade level. Her daughter has made friends and had a social network. Her self-esteem has improved, and she can now text and email her mother. She now has the desire to go to school.

82. Ms. Ariel Winans is currently a senior at Jefferson Academy. Ms. Winans testified regarding her experience in the Chandler Schools. She testified about being much happier and feeling much better about herself now that she attends Jefferson Academy. She stated that the teachers were all very helpful and showed a desire to help her learn and in turn she was doing better in school.

83. Mrs. Janice Stewart is a co-founder of Jefferson Academy, serves as President of the governing board, consults with teachers, and teaches sixth, seventh and eighth grade. Mrs. Stewart has her bachelor's degree in elementary education. Mrs. Stewart is the mother of ten children, eight of which have special education needs. Of those children, six are autistic. Mrs. Stewart's class consists of 35 students, 11 of which currently have qualified for special education services.

84. Mrs. Stewart testified about the intake and placement procedure that she developed and that is implemented throughout the school. Students are tested to determine strengths and weaknesses

and then all students are placed on an Individual Learning Plan (ILP) to track progress, goals and communication with parents.

85. Mrs. Stewart testified about the necessity to learn about the child and focus on the child, rather than looking at it as a problem that can be fixed.

86. Mrs. Stewart testified that the school is known for its ability to provide services and education for students with disabilities. Furthermore, the students have expressed feeling safe, comfortable and open to learning due to the support that the students receive from the staff at Jefferson Academy.

87. Mrs. Stewart testified explaining the AIMSWeb test results for her students. She explained the individual student scores that were graphed to show the growth in reading and math made by individual students in her class. All students were showing some growth.

88. Mrs. Stewart testified about the Friday meetings that are held for the staff. She relayed that the communication between the teachers and finding a common method for discussions has improved. The meetings are very valuable in providing an opportunity to analyze data to determine effective methodologies that are being used or changes that need to be made to improve student scores.

89. Mrs. Stewart testified that there is a protocol in place for teacher observations upon request and feedback is provided to the teachers either verbally or by text.

90. Mrs. Stewart testified about the daily classroom procedures for assessing student knowledge of the concepts that are taught. She also testified about the implementation of the Common Core Standards for lessons throughout the day, how it is embedded within the routine. A yearly plan

for implementation of the Common Core Standards is required of all of the teachers at Jefferson Academy.

91. Mrs. Stewart testified about the process for implementing the state standards. She explained that all students are taught the lowest level of skill in math and then the older students are split out into groups and given instruction at the higher level. This method assists with filling in gaps and provides instruction for the state standards at all of the appropriate grade levels.

92. Mrs. Stewart testified that Jefferson Academy continues to have parents enrolling their children for the upcoming school year, despite having been given the information that the school may be forced to close. Parents have expressed a need for the type of teaching and assistance that is given at Jefferson Academy.

93. Ms. Sheena Gia-Martz (Sheena Martz) has her Bachelor of Science degree from the University of Arizona. She has taught at Jefferson Academy for six years and is currently the second and third grade teacher. Ms. Martz has thirteen students, four of which are identified as requiring special education services.

94. Ms. Martz testified regarding the placement procedure that is used at Jefferson Academy. Students are given a placement assessment in math, writing and reading. Data from those results is used to determine what skills students are lacking and need remediation. An Individual Learning Plan (ILP) is created to track progress and document meetings with the parents.

95. Ms. Martz testified about the process followed at the school to implement the state-standard aligned curriculum and the assessment system used to collect and analyze data, impacting instruction. Per the school procedure, students are given a short quiz to determine if they need to be retaught the material. This impacts instruction immediately in the type of homework the

student receives. On a weekly basis, the students are given probes that are aligned with the curriculum. The results are analyzed and instruction for the individual students is modified and adjusted based on the test results.

96. Ms. Martz explained the AIMSWeb test results for her students. She explained the individual student scores that were graphed to show the growth in reading and math made by individual students in her class. All students were showing some growth.

97. Ms. Martz testified that the Arizona State Standards are met and taught at both the second and third grade level in her classroom. She also stated that she prepared lesson plans, as was required by the school, which were aligned with the state standards.

98. Ms. Martz testified as to the general procedure of and items addressed at the Friday meetings. She testified that the school schedule changed two years ago to include Friday as being a day for professional meetings. There is an agenda that is followed. Data is analyzed and teachers mentor each other to come up with ideas that will help individual students that are struggling. The following week there are follow-up discussions to ascertain the effectiveness of the suggested strategies.

99. Mr. Sandy Stewart is the Executive Director of Jefferson Academy and the charter holder. He relayed the history of Jefferson Academy and the role he played in developing the school.

100. Mr. Stewart testified about the progression and implementation of the performance management plan over the past three years in Jefferson Academy's efforts to meet the Charter Board's expectations and improve student achievement. He stated that the school purchased and implemented a new math program in an attempt to address the low math test scores which had been received by students on the AIMS test. The new math program included use of AIMSWeb

probes on a weekly basis to provide frequent data to analyze student progress. Jefferson Academy also purchased Pearson as a curriculum. The full Pearson program was not received by Jefferson Academy until approximately October, so implementation was started as soon as the materials were received.

101. Mr. Stewart testified that Jefferson Academy changed its schedule two years ago to a four day school week so that Fridays could be used for professional development with the teachers to address areas of weakness and concern.

102. Mr. Stewart testified that upon the latest request from the Charter Board staff for a demonstration of sufficient progress (DSP), documents in numerous areas was timely submitted. Charter Board staff conducted an on-site visit at Jefferson Academy and met with Mr. Stewart regarding their belief that the DSP was insufficient. During the visit, specific questions were not asked of Mr. Stewart or any of the school representatives regarding any deficiency. Instead, the Charter Board staff merely asked for production/verification of the documents that had already been submitted. This was done.

103. Another parent, Mrs. Rebecca Anne Walker is the Director of Practice Management for Summit Healthcare Medical Associates. She resides in Show Low, Arizona and has three children enrolled at Jefferson Academy. Mrs. Walker testified that she transferred her children to Jefferson Academy so that they could receive the tailored education that would meet their needs. Prior to changing schools, her sons were underperforming educationally and struggling socially. Now, her sons are achieving close to grade level and have become more socially appropriate.

104. Mrs. Walker testified that the staff at Jefferson Academy work to individualize the instruction to the child, to understand emotional responses and react according to the needs of the child.

CONCLUSIONS OF LAW

1. Charter schools were established under ARS § 15-181 *et. seq.* to provide a learning environment that will improve pupil achievement, to provide additional academic choices for parents and pupils and to serve as alternatives to traditional public schools.

2. The Arizona State Board for Charter Schools ("Board") is authorized to issue charters ("contracts") for the purpose of establishing charter schools in Arizona.

3. Founding Fathers Academies, Inc., an Arizona non-profit organization ("Charter Holder") entered into a charter contract with the Board to operate Jefferson Academy of Advanced Learning ("School").

4. According to A.R.S. §15-183(E), in relevant part, a charter school is to ensure compliance with federal, state and local rules, regulations and statutes relating to health, safety, civil rights and insurance, ensure that it is nonsectarian in its programs, admission policies and employment practices and other operations, ensure that it provides a comprehensive program of instruction, except that the school may offer this curriculum with an emphasis on a specific learning philosophy or style or certain subject areas, ensure tht it designs a method to measure pupil progress toward the pupil outcomes adopted by the state board of education including participation in the AIMS testand nationally standardized norm-referenced achievement tests as designated by the state board, ensure compliance with all federal and stte laws relating to the education of children with disabilities in the same manner as a school district .

5. Pursuant to A.R.S. §15-183(E)(5) a charter school is exempt from all statutes and rules relating to schools, governing boards and school districts. Pursuant to A.R.S. 15-182(E)(1) the State

Board for Charter Schools shall exercise general supervision over charter schools sponsored by the board and recommend legislation pertaining to charter schools to the legislature.

6. Pursuant to A.R.S. 15-182(E)(3) the State Board for Charter Schools shall determine the policy of the board and the work undertaken by it.

7. Pursuant to A.R.S. 15-182(E)(4) the State Board for Charter Schools shall delegate to the Superintendent of Public Instruction the execution of board policies.

8. Pursuant to A.R.S. §15-183(G)(4) at least sixty days before the effective date of a proosed revocation, the Arizona State Board for Charter Schools shall give written notice to the operator of the charter schhol of its intent to revoke the charter. The notice shall incorporate a statement of reasons for the proposed revocation of the charter. The State Board for Charter Schools shall allow the charter school at least sixty days to correct the problems associated with the reasons for the proposed revocation of the charter. The State board for Charter Schools shall allow the charter school at least sixty days to correct the problems.

9. Pursuant to A.R.S. §41-1092.07(G)(2) and A.A.C. R2-19-119(B), the Board has the burden of proof in this matter. The standard of proof is a preponderance of the evidence.[7]

10. The Arizona Department of Education compiles an annual achievement profile for each public school and school district.[8]

11. Pursuant to A.R.S. § 15-241(H), the achievement profile used to determine a school and school district classification uses a letter grade system as follows: (i) A school or school district assigned a letter grade of A shall demonstrate an excellent level of performance; (ii) A school or school district assigned a letter grade of B shall demonstrate an above average level of

[7] *See* A.A.C. R2-19-119(A).
[8] *See* A.R.S. § 15-241(A).

performance; (iii) A school or school district assigned a letter grade of C shall demonstrate average level of performance; (iv) A school or school district assigned a letter grade of D shall demonstrate below average level of performance; and (v) A school or school district assigned a letter grade of F shall demonstrate a failing level of performance. A.R.S. § 15-241(U) provides that if a charter school is assigned a failing level of performance, then the charter school's sponsor must either take action to restore the charter school to acceptable performance or revoke the charter school's charter.

12. The State Board for Charter Schools could have delegated the policy of restoring the charter school to acceptable performance to the Superintendent of Public Instruction as had been done before the letter grades with the implementation of a new performance plan.

13. Pursuant to A.R.S. § 15-183(I)(3), a sponsor may revoke a charter at any time if the charter school breaches one or more provisions of its charter or if the sponsor determines that the charter holder has failed to meet or make sufficient progress toward the academic expectations set forth in the performance framework.

14. A.R.S. § 15-183(R) provides that a charter school's sponsor must ground its action in evidence of the charter holder's performance in accordance with the performance framework adopted by the sponsor.

15. The staff of the Board denied the School and Charter Holder its due process rights by not informing the School of any specific deficiencies in determined in the staff's subjective analysis of the documents produced and the evidence presented prior to the December 9, 2013 hearing.

16. The staff of the Board denied the School and Charter Holder its due process right by not providing a copy of all documentation which the staff presented to the Board for the December 9, 2014 hearing so that the Charter Holder had actual knowledge of the items that were being asserted as being insufficient allowing the Charter Holder and the School to have sufficient time to present answers to the allegations and recommendations of the staff.

17. The weight of credible evidence established that the School and Charter Holder demonstrated the implementation of a system supported by analysis of data to evaluate and revise curriculum aligned to the Arizona College and Career Ready Standards ("Standards") that contributes to increased student growth in Math and Reading both School-wide and for the lowest performing students. The School and Charter Holder demonstrated evidence of ongoing evaluation and revision of the implemented curriculum and analysis of data.

18. The School and Charter Holder demonstrated the implementation of a comprehensive assessment system for Math and Reading based on clearly defined performance measures aligned with the curriculum and instructional methodology that includes data analysis and instructional decisions based on results collected from multiple assessments that contributes to increased student growth in Math and Reading both School-wide and for the lowest performing students.

19. The School and Charter Holder demonstrated an analysis of data and evidence of instructional planning or realignment of instruction based on analysis of data.

20. The School and Charter Holder demonstrated the implementation of a professional development plan that included specifically scheduled weekly meetings, follow-up to issues discussed and

monitoring strategies supported by analysis of data and specific to professional development topics that contribute to increased student growth in Math and Reading.

21. The School and Charter Holder demonstrated follow-up to professional development, including classroom observations for monitoring of instructional practices related to professional development topics and implementation of Math and Reading Strategies taught during training sessions.

22. The School and Charter Holder demonstrated a school-wide implementation of a system supported by analysis of data to evaluate and revise curriculum aligned to the Standards that contributes to increased student proficiency on the state assessment in Math and Reading or to increase student proficiency to expected performance levels on the state assessment in Math and Reading for subgroups.

23. The School and Charter Holder provided evidence of ongoing evaluation and revision of the implemented curriculum and analysis of data.

24. The School and Charter Holder demonstrated the consistent weekly implementation of AIMSWeb, a comprehensive assessment system for Math and Reading based on clearly defined performance measures aligned with the curriculum and instructional methodology that includes data analysis and instructional decisions based on results collected from multiple assessments that contribute to increased student proficiency to expected performance levels in Math and Reading for subgroups.

25. The School and Charter Holder demonstrated its weekly analysis of data for evidence of instructional planning and realignment of instruction based on analysis of data.

26. The School and Charter Holder demonstrated the implementation of a professional development plan aligned with teacher learning needs that contributes to increased student proficiency in Math and Reading that included follow-up and monitoring strategies supported by analysis of specific professional development topics that contribute to increased student proficiency.

27. The School and Charter Holder demonstrated follow-up to professional development including attendance of specific training in math education techniques, teacher work groups and inter-staff implementation discussions related to professional development topics to ensure effective implementation and increase student proficiency.

28. The School and Charter Holder demonstrated that it was providing a learning environment that improves pupil achievement.

29. The School and Charter Holder demonstrated that it was providing additional academic choices for parents and pupils.

30. The School and Charter Holder demonstrated that it was providing an alternative to the traditional public schools in the area.

RECOMMENDED ORDER

Based on the foregoing, it is recommended that the charter contract issued to Charter Holder to operate the School not be revoked.

Done this ____ day of June, 2014.

_____

Hon. Administrative Law Judge
Tammy L. Eigenheer