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d/b/a Jefferson Academy of Advanced Learning

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 PREHEARING STATEMENT** 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 Prehearing Statement.

I. GENERAL DESCRIPTION OF THE CASE

Jefferson Academy of Advanced Learning (hereinafter "Jefferson Academy") is an Arizona charter school operating pursuant to a charter contract between Founding Fathers Academies, Inc., an Arizona non-profit corporation and the Arizona State Board for Charter Schools. Jefferson Academy, located in Show Low, Arizona, first opened its doors in 2003 and is currently serving approximately 150 students in grades K-12.

In September, Jefferson Academy was given notice that it was required to submit a Demonstration of Significant Progress ("DSP") to the Arizona Board for Charter Schools ("Board") in response to Jefferson Academy's recent assignment of an achievement profile letter grade of F by the Arizona Department of Education ("ADE"). Jefferson Academy timely submitted the DSP, and a follow up meeting was scheduled wherein three members of the Board Staff performed a site visit. Subsequent to the visit, additional information for the DSP was timely filed. A secondary review performed by the staff resulted in a "Not Acceptable" rating and the Board served Jefferson Academy with a Notice of Intent to Revoke Charter.

While Jefferson Academy timely filed the DSP with the Board, cooperation and guidance on behalf of the Board was lacking, leaving representatives of Jefferson Academy confused and needing clarification. The Board asserts in the Notice of Intent to Revoke Charter that Jefferson Academy failed to adequately demonstrate sufficient progress toward the academic performance expectations of the Board. Representatives of Jefferson Academy believe that evidence of sufficient progress can be demonstrated.

Jefferson Academy provides special education services for approximately 27% of its population and has a poverty rate of 70% based on students that receive free and reduced lunch. Many of the students attending Jefferson Academy have sought out the school as a final alternative to receive the educational support that they need to find a path of success. Jefferson Academy has risen to the challenge in providing individualized and diverse instruction as a means of promoting individual student growth and an underlying sense of accomplishment that many of the students were unable to achieve at neighboring schools. In its efforts to meet these challenges, Jefferson Academy has become known as a possible school of last resort for students and as a result has accumulated a population wherein many

students require special education services or are far below grade level. The challenges have been met head on through diverse education programs and individualization of curriculum, all aligned with the Arizona state standards.

Individual student growth is significant, but lost and overlooked through the eyes of a diagnostic matrix applied systematically to all schools. Jefferson Academy is not a "standard" school and does not provide educational services to "standard" students. Individual student growth is being achieved and a more detailed "eye" toward the individual student progress being made is necessary to see the true value behind all that Jefferson Academy is accomplishing.

II. LAW, RULES AND POLICY IN SUPPORT OF JEFFERSON ACADEMY'S POSITION

Since the inception of Charter schools Act in Arizona in 1994, the underlying purpose has been to provide parents with academic choices for their children and to provide a learning environment to improve student achievement. In developing the infrastructure to support charter schools, an accountability matrix was developed and put in place to monitor the achievement of such programs. Like all standardized evaluations, the accountability matrix relies heavily on easily collectible data "so as not to unnecessarily burden the charter holders with requirements to submit additional information for the purpose of evaluating the academic performance of the charter holder." (Arizona State Board for Charter Schools Academic Performance Framework and Guidance, pg 2). Although this form of data collection is efficient in providing information to the Board related to the large number of charter schools in the state, it does not provide a practical look at the individual schools and the services each provides.

The establishment of charter schools is premised on the idea of providing a learning environment that will improve pupil achievement (A.R.S. §15-181). Jefferson Academy is providing a learning environment that is improving individual pupil achievement and enhancing the lives of many students who had all but given up on finding academic success. An in depth evaluation of Jefferson Academy will reveal that Jefferson Academy has made sufficient progress toward the Board's academic performance expectations. In support of Jefferson Academy's assertion it states as follows:

A. FOR THE 2012-2013 SCHOOL YEAR, THE SCHOOL WAS ASSIGNED AN ACHIEVEMENT PROFILE LETTER GRADE OF "F"

1. The Arizona Department of Education assigns a letter grade to each school each year as a means of rating the school's performance.
2. The letter grade calculation is comprised 50% of a Composite Score and 50% Growth Score.
3. The Composite Score is determined by the percent of students passing the AIMS and AIMS A assessments.
4. The Growth Score is based on growth from one year to the next in the academic areas of Reading and Math.
5. Using the AIMS as a major component of assessment inaccurately reflects the individual student progress being made at Jefferson Academy.

B. THE BOARD'S ACADEMIC PERFORMANCE EXPECTATIONS ARE UNJUSTLY WEIGHTED TOWARD PERFORMANCE ON STANDARDIZED TESTS

6. The Board uses the Academic Performance Framework and Guidance ("APFG") as a means of assessing accountability of charter holder performance.
7. The purpose of the APFG is to "communicate the State Board for Charter Schools' ("Board") academic expectations for ensuring that all charter holders in its portfolio are providing a

learning environment where measurable improvement in pupil achievement can be demonstrated." (APFG page 2).

8. The framework of the APFG is comprised of four (4) indicators that are designed to evaluate each charter school's academic performance and are as follows:

   a. Student progress over time (Growth): This indicator specifically questions how much students are learning. As noted in the APFG at page 7, many charter schools enroll students that are one or more years below in grade level. Furthermore, it states that "Charter Schools may require more than a year to bring students up to grade level if they start out far behind, but should be accountable for and credited with academic growth within any school year." (APFG pages 7-8).

   b. Student achievement (Proficiency): This indicator looks at the percentage of students meeting standards for proficiency on state assessments. Once again, performance on tests is used for data collection rather than assess achievement based on individual student learning.

   c. A-F Letter Grade State Accountability System: As admitted in the APFG, the entire academic framework includes many of the same metrics that are used as part of the A-F Letter Grade State Accountability System. (APFG at page 4).

   d. Post-Secondary Readiness (for High Schools): This indicator focuses on post high school college and employment preparedness. In addition to graduation rates, ACT equivalencies are used as a means of data collection.

9. Three of the four indicators used as part of the Board's assessment use results of standardized tests.

10. Jefferson Academy's student population embodies the example given in the student growth indicator wherein individual performance must be assessed to determine success because students start so far below grade level. With this type of student population, significant growth may not be realized simply by looking at standardized test scores. The evaluation rating is based on whether the student has improved by a full proficiency level, and while the students are making progress, their low starting point often prohibits them from showing improvement on such a large scale.
11. The redundancy of components used within the indicators exacerbates low standardized test scores rather than looking at individual achievement.
12. Many of the students enrolled at Jefferson Academy came to the school because they were multiple grade levels behind academically.
13. Using standardized test scores as a means of tracking school performance does not accurately reflect the individual student growth that is being achieved and is an unjust means of assessment for Jefferson Academy.

C. JEFFERSON ACADEMY CAN DEMONSTRATE SUFFICIENT PROGRESS TOWARD THE BOARD'S ACADEMIC PERFORMANCE EXPECTATIONS

14. Jefferson Academy was presented with a "F" rating from the Department of Education and subsequently was told to submit a Demonstration of Sufficient Progress ("DSP").
15. Jefferson Academy timely submitted a DSP and Board staff scheduled an on-sight visit.
16. During the on-site visit, Board staff did not look around the school or observe classrooms.
17. During the site visit, Jefferson Academy asked the Board staff to clarify what additional substantive information Jefferson Academy representatives could provide to the Board. The

response by Board staff was to give them "stuff" that showed their efforts. No further clarification was provided

18. In response to the poor rating, Jefferson Academy implemented programs including as follows:

    A. A+ Curriculum (Aligned to state standards)

    B. Pearson Curriculum (Aligned to state standards)

    C. Teacher in-services and a professional development plan concentrated on increasing student proficiency in Math and Reading

    D. Student monitoring system

19. Data collected since the implementation of the above programs can demonstrate sufficient progress toward student growth and academic performance expectations.

III. ANTICIPATED WITNESSES:

A. Sandy Stewart: Jefferson Academy charter representative will testify as to the operation of Jefferson Academy, relationships with parents, teachers, and students, contact with staff of State Board, and other matters relative to allegations in Notice of Intent to Revoke.

B. Michael Maloney: Creator of "Teach Your Children Well" reading curriculum. Will testify as to the "Maloney Method: Teach Your Children Well", the Maloney Method teaching model, strategies and research surrounding its development. He will also testify as to the measurability of learning outcomes using the Maloney Method and the benefits for teachers and schools that use the program.

C. Joey Reidland: Special Education Director at Jefferson Academy will testify as to the number of special education students that attend Jefferson Academy, the school procedures for special education qualification, special education teaching strategies used at the school and implementation of IEPs during general assessments as well as standardized assessments.

D. Kami Tate: Principal and Curriculum Coordinator at Jefferson Academy will testify as to assessments and the application of the state standards, as well as providing an appropriate learning environment.

E. Samantha Duncan: will testify as to their students, her efforts toward student achievement, professional development, and other relevant testimony addressing the issue.

F. Rie Davis: 1-2 grade teacher will testify as to her students, their efforts toward student achievement, professional development, and other relevant testimony addressing the issue.

G. Sheena Martz: 2-3 teacher will testify as to her students, their efforts toward student achievement, professional development, and other relevant testimony addressing the issue.

H. Kerry Pettit: 3-4 teacher will testify as to his students, their efforts toward student achievement, professional development, and other relevant testimony addressing the issue.

I. Samantha Torrez: 4-5 teacher will testify as to her students, their efforts toward student achievement, professional development, and other relevant testimony addressing the issue.

J. Janice Stewart: 6-8 teacher will testify as to her students, their efforts toward student achievement, professional development, and other relevant testimony addressing the issue.

K. Loren Merrill: parent of students with disabilities and teacher at a local high school will testify as to the reasons why he moved his children from the district school to Jefferson Academy, the successes his children have experienced at Jefferson Academy, the educational environment, and the quality of professionals working at the school and possible comparisons to the school where he teaches.

L. Kevin Eoff: parent of two graduates of Jefferson Academy and Professor at Palo Verde College will testify why he chose Jefferson Academy, the educational environment in the area, their observations with respect to their children and his, experience with his children and suffers on Academy's success and achievements.

M. Kathleen Winans: parent who moved from Chandler, Az to Show Low specifically for enrollment of her child at Jefferson Academy will testify why she chose Jefferson Academy, the educational environment in the area, her observations with respect to her child.

N. Jennifer Scott: parent with two children at Jefferson Academy will testify why she chose Jefferson Academy, the educational environment in the area, her observations with respect to her children and their success and achievement.

O. Bridgette Blake: parent of three children at Jefferson Academy will testify why she chose Jefferson Academy, the educational environment in the area, her observations with respect to her children.

P. Hilda Loveless: parent of a child with Mosaic Down Syndrome will testify why she chose Jefferson Academy, the educational environment in the area, her observations with respect to her children and how Founding Fathers dealt with her child.

Q. Dr. Verna Bennett, M.D.: parent of autistic child and area Pediatrician will testify why she and her husband chose Jefferson Academy, the educational environment in the area, her observations with respect to her children, and why she recommends Jefferson Academy to parents within the community who have children with Autism.

R. Representative from Pearson Curriculum: will testify as to its curriculum application, accountability areas for student achievement and its application at Jefferson Academy.

S. Representative from A+ Curriculum: will testify as to its curriculum application, accountability areas for student achievement and its application at Jefferson Academy.

T. Various community members not yet identified: will testify as to Jefferson Academy's reputation as a learning environment in the area. Some will testify as to their knowledge of referrals to this school.

U. Certain students of Jefferson Academy not yet identified: will testify as to their experience in the Jefferson Academy learning environment, their experiences in the learning process and their total achievement.

V. Witnesses who may be called by the State Board.

W. Jefferson Academy reserves the right to supplement this witness list in the event new relevant witnesses are discovered.

IV. ANTICIPATED EXHIBITS:

A. Yearly and weekly lesson plans for grades K-8

B. High School Students ECAP (Education and Career Action Plan)

C. K-12 Math Curriculum alignment to Arizona State Standards

D. K-12 Reading Curriculum alignment to Arizona State Standards

E. K-12 Math and Reading Pacing Guides

F. Curriculum of Reading Specialist

G. Schedules and description of student services provided

H. Cost analysis of providing services

I. Financial analysis of revenue and cost

J. Student mobility data

K. Student poverty data

L. School attrition history/data

M. General Education – Special Education student ratio comparison of Jefferson Academy compared to other Arizona schools.

N. Detailed description of Professional Development Activities

O. Teacher Mentoring and Monitoring System comparison to Standard Teacher Observation practices.

P. Arizona State Board for Charter Schools Academic Performance Framework and Guidance (Revised January 13, 2014).

Q. Actual progress analysis of student achievement.

R. Jefferson Academy reserves the right to supplement this Exhibit List upon discovery of additional relevant documents.

Respectfully submitted this 7th day of February, 2014.

The Condos Law Office, PLC

_/s/ Leonidas G. Condos_____
Leonidas G. Condos, Attorney for
Founding Fathers Academies, Inc. d/b/a
Jefferson Academy of Advanced Learning

COPY of the foregoing document filed electronically
This 7th day of February, 2014 with:

Office of Administrative Hearings
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COPY of the foregoing document mailed electronically
and/or via regular mail this 6th day of February, 2014 to:

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By: /s/ Leonidas G. Condos