



FIVE FLAGS ACADEMY

*Big Dreams. One Small School.*

The board of 21<sup>st</sup> Century Academy of Pensacola received notice on Friday, May 8 of the Superintendent's intent to ask the Escambia County School Board to terminate the charters of the board's 3 schools, Newpoint Pensacola High School, Newpoint Pensacola Academy and Five Flags Academy. The board of 21<sup>st</sup> Century Academy of Pensacola requests that the Escambia County School Board consider the following response to the recommendation for termination and particularly to remember the following:

- 1) Florida Statute 1002.33(8), Causes for Nonrenewal or Termination of Charter clearly states that "the sponsor shall make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter."
- 2) The three schools recommended by the Superintendent for termination include a consistently A rated school, a C rated school and a school that not been in operation long enough to receive a grade.

While the Superintendent has indicated in the press that the schools have been under investigation since May of 2014, no one had contacted the schools' board to inform them of the formal investigation. The first formal notification of any such investigation came in early April 2015 when a letter was delivered to the school regarding the intent to conduct an on-site investigation. Less than one month later, the schools' board received notification of the Superintendent's recommendation to terminate the charters, in the form of three binders, each well over 300 pages. The Escambia County School District staff have had ample opportunity to communicate with the board about an investigation, including monitoring meetings in January 2015 and March 2015, where the schools' board chair was present, a meeting with the Superintendent in February 2015, where a board member of the schools was present, and the school district's investigator in attendance at the last two 21<sup>st</sup> Century Academy of Pensacola, Inc. board meetings which occurred within the last 45 days. Yet, no one from the district communicated with the board about any on-going investigation or the need for such investigation.

This action to recommend termination is the culmination of a subversive intent by certain employees of the district, to shut down these schools by not communicating and then exaggerating areas of concern that can easily be addressed and corrected. Many of these allegations were enhanced through innuendos, half-truths, and uninformed perceptions by one who desires to shut down the Newpoint schools.

Over the last several months, the schools have attempted to meet with district staff to address any concerns they may have. Representatives of the schools have repeatedly asked the district over the last month and more to discuss any areas of concern openly and clearly so that they can be addressed. The district staff members' repeated refusal to communicate the district's concerns indicates that the district staff did not want to assist collaboratively in resolving any potential issues within the schools. If district staff spent even a few hours to work with the schools and communicate effectively and openly, any outstanding issues would have been addressed. Unfortunately, that has not been the intent of these employees, even though charter schools are district schools and the students attending charter schools are the district's students.

The interactions with the district for the last month and longer have not been in the spirit of helpfulness, but rather in the spirit of hostility and harassment. While the schools have opened its doors to the district, the district has refused to timely comply with the public records request of the school, which the school felt compelled to request due to the lack of information provided by the district after multiple requests for open lines of communication (see Attachment A for one example).

The relationship between the district and a charter school is that the charter school is sponsored by the district. While the district has compliance oversight of the school, they do not run the day to day operations, nor is the charter school required to operate in exactly the same way as the school district. There are several examples that we can provide of instances where the district staff overstepped their bounds in regard to our schools. Instead of partnering with the school, district staff has engaged in continued attempts to build a case against the schools rather than be helpful and supportive. Incredibly, district staff is attempting to terminate an "A" rated school.

Since approximately October, 2014, it has been clear that the relationship between the schools and the district had changed from the previous 3 years, based on the tone and nature of communications to the school. In January 2015 and March 2015, the district had meetings with the school representatives to review areas that needed to be addressed. The school immediately began working to improve these areas, and the documentation from the March meeting indicates that improvements were being made. (See Attachment B)

One step taken by the school to address any identified areas of concern was to hire an external consultant to evaluate the policies and procedures at the school and to assist the school leadership in addressing any areas of concern. When the district learned of the hiring of this external consultant, they attempted to prevent him from providing assistance to the school. This individual has incredible experience in school leadership and administration which will only support the school and its students. The only apparent reason to try to prevent his participation would be because district staff did not want the school to succeed.

The schools' board and the schools' management company had no indication that the district had any level of serious concerns or was conducting an investigation of the school, as has been reported, until the beginning of April, when letters were delivered that indicated district personnel would come to the school for a two day review of records and interviewing staff. The basis of this investigation was a report provided to the district from an employee who provided an unsubstantiated 22-page document of false allegations and misrepresentations against the

school. It is hard to believe that one person's unverified and exaggerated accounts of incidents would be taken as truthful, especially when this individual was not present during many of these incidents. This seems to only reinforce the desire of such individuals to fabricate biased charges against the school. When district staff informed the schools of the individual's allegations, the schools fully cooperated. The schools opened their doors to nine district employees and an investigator from the State Attorney's office for a two-day, on-site review of documents and interviews with staff.

On May 8, 2015, the schools' board was provided with 90 day notice of the intent to terminate the charters of all three schools. It is unconscionable for district staff to first indicate to the board that there are serious concerns at the beginning of April and one month later provide intent to recommend termination of all three charters. In addition to recommending termination of an "A" school, the recommendation for termination includes Five Flags Academy, an elementary school that only opened this school year. No issues have been raised by the district regarding Five Flags prior to this notice of termination. In fact, the district has praised Five Flags in writing for exemplary record keeping (See Attachment C).

It has been clear for some time that Newpoint schools have become the pawn in political posturing, possibly played for personal gain or media hype, and quite possibly by those who do not support the concept of charter schools being a legitimate educational choice for students. As far as the criminal investigation, let the State Attorney reveal his findings prior to speculating on what they might be.

We do not mean to imply that our staff or students are perfect, just as is the case in any school. However, when staff or students make mistakes, the school has addressed these incidents. In fact, we challenge the district and the public to find one Escambia County district school that has not had errors made by staff or inappropriate actions taken by students. The important point is that when mistakes are made, they are corrected, and steps are taken to prevent them from occurring again.

Below are the reasons provided by the district for the recommended termination and the schools' board's response:

**1. Attendance – the school failed to maintain accurate attendance records.**

**Newpoint Pensacola High School and Academy** – the school can document many instances of challenges with accessing the district's system in order to be able to enter the attendance in a timely manner. We have attempted to work with the district. The allegation that we do not keep accurate records is misleading. While there may be a need to improve record-keeping, any failure to do so has been partially the district's fault due to the Student Information System.

**Five Flags Academy** – no one has ever indicated any issues with Five Flags attendance records.

**2. Student Records – the school failed to maintain student records.**

**Newpoint Pensacola High School and Academy** – During a site visit, district staff could not locate some student files quickly enough. The files were maintained, however,

some files were not organized properly. This issue was addressed, the files were organized, and the district staff indicated a dramatic improvement during a subsequent visit. However, the documentation provided with the intent to terminate includes falsehoods about the status of the student records.

**Five Flags Academy** – this is the specific area where Five Flags was praised by the district for their exemplary record keeping. (Attachment C)

**3. Discipline – the school failed to maintain a safe learning environment at all times**

**Newpoint Pensacola High School and Academy** – this allegation is related to an accusation of not entering discipline referrals into the district system in a timely manner. The school can document many instances of challenges with accessing the district's system in order to be able to enter the discipline referrals in a timely manner. The discipline was ultimately filed. The district also had concerns about students over 18 signing themselves in and out. As soon as this issue was raised, it was addressed and corrected.

**Five Flags Academy** – no issues related to a safe learning environment have ever been raised at Five Flags.

**4. Expulsion – the school did not follow the guidelines for expulsion**

**Newpoint Pensacola High School** – the documentation provided by the district for this item was not related to expulsion but rather to a student dismissed from the school for an incident with drugs. The school's right to dismiss a student is included in the charter application which was reviewed and approved by district staff in the charter application process. Ironically, the district claims that the schools are not maintaining a safe environment, but when disciplinary actions are taken to maintain a safe learning environment, they find fault with it.

**Newpoint Pensacola Academy** – no students at Newpoint Pensacola Academy have been dismissed or recommended for expulsion.

**Five Flags Academy** – no students at Five Flags have been dismissed or recommended for expulsion

**5. Academic Accountability – the school failed to make progress toward the achievement of the goals of the School Improvement Plan**

**Newpoint Pensacola High School** – The school has always been an A rated school. No School Improvement Plan has been required by the district. No documentation has been provided to support a false allegation that the school changed grades to get an A. In fact, there is no correlation between the school grade and classroom grades for Newpoint. The implication is that the graduation rate is included in the school grade and this was the basis for alleged grade changing. A quick check of the school grading components will document the fact that due to the small size of the graduating class, graduation rates were not included in the school's grade. Newpoint Pensacola has never had graduation rates included in its school grade calculation.

**Newpoint Pensacola Academy** – in its first year of operation (4 years ago), the middle school earned an F grade. At that time, the school implemented a School Improvement Plan approved by the Escambia County School Board and reported monthly to the Escambia County School Board on progress on the School Improvement Plan. During

the second year of operation and since then, the middle school has earned a C grade. Therefore, the School Improvement Plan from 4 years ago was effective and the school obviously made progress.

**Five Flags Academy** – Five Flags is in its first year of operation. No School Improvement Plan was required and the school has not even received a grade to base progress on.

**6. Specialized Services and Provision of Services – the school failed to provide services and accommodations to students with disabilities.**

**Newpoint Pensacola High School and Academy** – The schools have always worked closely with the district ESE staff to ensure that we are in compliance with the rules and regulations related to ESE students. The district serves as the LEA in all issues related to IDEA compliance. The documentation provided by the district with the intent to terminate includes some inaccurate information in regard to the ESE teacher's schedule and availability to provide services. However, the Compliance Monitoring Review document from March, 2015, included in the district's documentation, indicates all areas related to ESE services are in compliance (Attachment B).

**Five Flags Academy** – this issue has never been raised as a concern at Five Flags.

**7. Education Management Organization Agreement – The contract between the school and the EMO shall require that the EMO operate the school in accordance with the terms stipulated in the school's charter.**

**Newpoint Pensacola High School, Academy and Five Flags** –

At any time the EMO has been aware of any issues or concerns, they have been addressed swiftly and appropriately.

Prior to this school year, EMO representatives were copied on emails from the district to the school administration which allowed the EMO to closely monitor compliance and any concerns that might be raised. At the beginning of this school year, the EMO representatives were no longer copied on emails. This seems a deliberate act to be able to say that the EMO was not assisting. In March 2015, the EMO representatives specifically asked to be copied on emails to the school leadership. In addition, it was only in January 2015 that anyone from the EMO was contacted about any concerns. Immediately after the EMO was contacted, action was taken to address the concerns raised.

Immediately after the EMO was notified of two issues, one related to an employee's background check and another related to an inappropriate video being shown in a class, the parties involved were removed from campus.

**8. The school provided employment to person(s) whose criminal background check disqualified this person from employment in a charter school.**

**Newpoint Pensacola High School and Academy and Five Flags** – This allegation is in relation to one person, a custodian hired this school year. He was fingerprinted and went through the normal procedure for background checks. The school administration received an email that did not indicate that the person was not cleared, but indicated that additional information was needed. This email was inadvertently overlooked by the

school administrator. This was an error on his part, which he admitted. When it was determined that the employee's background check was not clear, immediate action was taken to remove the person from campus. The issue that required more information in his background check was an incident from more than 15 years ago which was not an offense that would be implied to cause him to be a threat to students' safety .

Once we were aware of this oversight, we took immediate action to remove the employee from campus and worked with the district to develop a procedural plan to assure that this will not occur again.

**9. Background check – same as number 8**

**10. The school failed to deliver instructional programs or curricula identified in the charter school application**

**Newpoint Pensacola High School, Newpoint Pensacola Academy, Five Flags Academy**

– The curriculum indicated in the charter application is the curriculum being used at each school. There is ample documentation of this fact and multiple on-site visits by district staff where the curriculum implementation was evident. This issue has never been raised at any of the schools prior to including it here in the notification of the intent to terminate.

**11. School failed to comply with all applicable federal state and local laws, rules or regulations**

This is a loosely redundant listing of other items on this list. The schools' board requests an expanded listing of the other items, if such exist, regarding failure to follow federal, state, and local laws

**12. The School failed to obtain all necessary licenses, permits, zoning, use approval, facility certification and other approvals**

**Newpoint Pensacola High School and Academy** – this item is only related to a delay in payment for a Food Hygiene permit which was addressed and corrected. However, it is important to note that after this year's initial inspection from the Health Department, shortly thereafter, the Health Department returned for another inspection. During the inspection, one of the Health Department staff asked the other why they were at the school again. The second staff member stated that they were there a second time as a "favor" to one of the district staff. This individual will testify to this fact if necessary. This interaction highlights the actions of the district in attempting to find anything possible wrong at Newpoint Pensacola.

**Five Flags** – this allegation is not true for Five Flags Academy

**13. The school failed to provide Exceptional Student Education Programs – same as number 6**

**14. The school failed to secure the health, safety and welfare of the students. – previously addressed in numbers 3, 8 and 12.**

In addition to the issues addressed in numbers 3, 8 and 12 above, the other issue referenced in number 14 is an inappropriate video shown by a teacher at Newpoint Pensacola Academy. While the school Director took action, the action was not as thorough as was warranted. As soon as the EMO was notified of the situation, swift action was taken to remove the teacher from campus and to begin a thorough investigation. During the investigation, the teacher resigned prior to being terminated. The Department of Children and Families was contacted, and they conducted an investigation, and the teacher was referred to Professional Practices with the Department of Education.

We cannot stress enough that we will fight for our hardworking students, their parents and our teaching staff. While we prefer a non-adversarial relationship with all district staff members, even those who struggle accepting that charter schools are authorized under Florida Law, and desire a professional relationship with the district staff in order to foster the education of all students, we will not be intimidated by those who refuse to work collaboratively with us. Charter schools offer a different educational model – however, different does not mean deficient. Newpoint charter schools fill the needs of particular students that other public schools are unable to meet.

We fully understand that the Escambia County School Board has not been fully informed by district staff. This has compounded and exacerbated some minor issues into pseudo newsworthy media hype. If you should decide to terminate any of our schools, we will avail ourselves of all our legal remedies, including requesting a formal hearing under 1002.33(8), Florida Statutes. However, we are confident that once you learn the truth about these schools and the current direction the schools are now taking, you will not vote to terminate these schools or the students' hopes of success in our learning environment.