



Memo

To: Amos Brown

From: Jason Kloth, Deputy Mayor of Education & Brandon Brown, Director of Charter Schools

Date: August 28, 2014

Re: Response to Ms. Roe's Comments on *Afternoons with Amos*

CLAIM: Ms. Roe never received a written warning that charter revocation was a possibility if Flanner House Elementary did not meet performance standards.

Flanner House Elementary's charter renewal agreement, which Ms. Roe signed in 2009, states that "the Charter may be revoked by the Mayor at any time before the expiration of the term if the Charter Schools Director determines that one (1) of the following has occurred:

- The Organizer fails to fulfill any of its obligations in the Charter;
- The Organizer violates any of its representations in the Charter;
- The Organizer fails to comply with any of the terms and conditions set forth in the Charter;
- The Organizer fails to commence Charter School operations or have students in attendance at the Charter School in accordance with Section 7;
- The Organizer fails to meet the educational goals of the Charter School set forth in the Application, the Accountability Plan, or the Charter;
- The Organizer fails to comply with the U.S. Constitution, the Indiana Constitution, or applicable law;
- The Organizer fails to use the accounting principles required under applicable law;
- The Organizer does not develop an Accountability Plan that is acceptable to the Charter Schools Director within the specified time frame set forth in Paragraph 4.4;
- The Charter Schools Director believes the health or safety of students attending the Charter School may be in jeopardy; or
- The Organizer files for bankruptcy or becomes insolvent."

Ms. Roe received a formal Notice of Deficiency on October 8, 2012. Excerpts from that letter are below.

- "Issuing this notice is a serious step and not one that the Mayor takes lightly. Each Mayor-sponsored charter school is required to achieve the goals set forth within its charter agreement, as well as the standards set forth by the Mayor's Performance Framework, which serves as the accountability plan for all schools authorized by the Mayor."
- "A failure to respond to the notice and/or improve student outcomes may result in further interventions, including but not limited to having the charter placed on probationary status or receiving a formal *Intent to Revoke the Charter* from the Mayor."
- "Based on the results from the 2011-2012 academic year, FHE has failed to meet performance standards established in both the accountability plan and charter agreement. Specifically, based on preliminary calculations by the Indiana Department of Education, data suggests that FHE:
 - Failed to achieve an acceptable rating under the state's A-F accountability system.
 - Failed to meet the acceptable pass rate for I-READ assessment.



- Demonstrated ISTEP+ proficiency rates below the average rate of performance of the State, County, and other Mayor-sponsored charter schools.”

As part of the Notice of Deficiency, Flanner House Elementary was required to complete a board-approved School Improvement Plan that addressed how the school would increase student proficiency and growth. Due to the invalidation of all ISTEP+ scores from the 2012-2013 and 2013-2014 school years, the school failed to meet the standards set forth in the board-approved School Improvement Plan.

CLAIM: Ms. Roe never saw accountability reports from multiple years.

School leadership receives a draft copy of their school’s accountability report every year a week before it is published, and Flanner House Elementary is no different. The school leader and/or board chair have the ability to provide factual feedback prior to our office posting the final report online. After the feedback window closes, the Mayor’s Office publishes the finalized reports to the Office of Education Innovation’s website.

Last year’s accountability report was emailed to the principal and other school administrators on March 5, 2013. This year’s accountability report was emailed to the principal and Ms. Roe on May 5, 2014. Our office received no response from Ms. Roe to this year’s email.

CLAIM: Ms. Roe was not aware that the testing violations were of concern until last week.

Ms. Roe has been aware of our office’s concerns regarding Flanner House Elementary’s ISTEP testing since early October, 2013. Below is an overview of confirmed correspondence specific to this topic. Phone calls and additional meetings are not included.

- October 3, 2013: Email conversation between Ms. Roe and the Director of Charter Schools to schedule a meeting regarding ISTEP testing concerns.
- October 9, 2013: Meeting between Ms. Roe and the Director of Charter Schools regarding ISTEP testing concerns.
- October 31, 2013: Ms. Roe was copied on an email to the school’s principal regarding the Mayor’s Office’s request for documentation related to the 2013 ISTEP and our office’s upcoming visit to the school.
- March 19, 2014: Ms. Roe is copied on an email to the school’s principal regarding the Mayor’s Office’s request for documentation related to the 2014 ISTEP.
- Ongoing: At multiple board meetings, Ms. Roe and her fellow board members asked the Mayor’s Office for updates on the testing investigation. The Mayor’s Office continued to express the seriousness of the investigation and relayed to the board that we were waiting for the IDOE to complete the investigation.
- August 11, 2014: The Director of Charter Schools and Academic Analyst attended the Flanner House Elementary board meeting. The Director of Charter Schools warned the board that, depending on the results of the IDOE investigation, sanctions could range from placing the school on a Performance Improvement Plan to issuing the school a Notice of Charter Revocation.
- August 18, 2014: The Director of Charter Schools and two other members of the Mayor’s Office met with Ms. Roe at the Indiana Department of Education. Ms. Roe was presented with a document explaining



that the Mayor's Office retained the authority to revoke the school's charter due to the ISTEP testing investigation and other concerns with the school's performance.

CLAIM: Flanner House Elementary's 2012-13 Accountability Report is not available on the OEI website.

Flanner House Elementary's 2012-2013 accountability report was removed from the Office of Education Innovation's website once the IDOE finalized the testing investigation so that the report could be updated to reflect the results of the investigation (i.e., invalidated ISTEP scores). The accountability report has now been re-posted to the website in its updated form.

CLAIM: The board was never told that governance – and missing quorum – was an issue.

2011-2012 Accountability Report

- ***3.1 Governance: Does Not Meet Standard.*** Flanner House Elementary "does not always ensure strict adherence to the Open Door Law including timely posting of board meetings or canceled meetings. The school must work to update and submit compliance documents in a timely manner while also maintaining clear and concise board minutes."

2012-2013 Accountability Report

- ***3.1 Governance: Does Not Meet Standard.*** "Documentation was consistently late or incomplete... Documentation was often unclear or not concise... the majority of [board meeting] minutes were unavailable due to the cancellation of meetings. When minutes were available, they were often lengthy and critical information was not easily identifiable. The concerns regarding organizational and governance obligations were significant and there was no evidence of a credible plan to address concerns mentioned in the 2011-12 Accountability Report."

On May 17, 2013, the Governance Analyst from the Mayor's Office emailed Ms. Roe expressing our concerns with the board's repeated failure to meet quorum.

On June 7, 2013, the Director of Charter Schools and Governance Analyst met with Ms. Roe and the school's principal to discuss our concerns relating to the Flanner House Elementary board.

CLAIM: The staff was not aware that students would be interviewed.

The IDOE requested that the representatives from the Mayor's Office speak with Flanner House Elementary students stemming from the Spring 2014 testing irregularities. After discussing with legal counsel, the Director of Charter Schools and Academic Analyst asked the school's principal if they could speak with small groups of students during their visit to the school. The principal did not hesitate to allow this.

Throughout the morning, teachers escorted small groups of students (usually 3-4) to speak with the Director of Charter Schools and Academic Analyst. Multiple adults were in the room at all times, and students were only asked general questions such as, "How do you think you did on the ISTEP?" or "What things did you do to prepare for the ISTEP this year?"



As Flanner House Elementary's charter authorizer, representatives from the Mayor's Office are in schools regularly to visit classrooms, speak with students and teachers, and meet with administration. Speaking with students as part of our oversight process is not out of the ordinary, and the school's administration has never voiced a concern until now.