

**LOUDOUN COUNTY PUBLIC SCHOOLS**  
21000 Education Court  
Ashburn, Virginia 20148

SCHOOL BOARD MEMBER

March 5, 2013

Mr. David M. Foster  
President  
Virginia Board of Education  
P.O. Box 2120  
Richmond, Virginia 23218

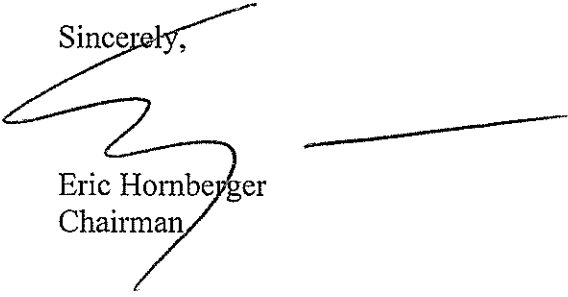
Dear Mr. Foster:

Kindly find enclosed the Loudoun County School Board decision letter to the charter school applicant for the Loudoun Math & IT Academy charter school denying the application and providing the reasons and rationale in accordance Section 22.1-212.10 of the Code of Virginia. After the extensive review, which is detailed in the enclosures, the School Board voted (8-1) to deny the charter school application.

A video of the individual comments expressed by each of the School Board members during the debate on this application can also be found at [www.lcps.org](http://www.lcps.org) by clicking on the "webcast" link on the right side of the webpage and scrolling down and clicking on the "Agenda and Archives" link.

A copy the application as amended and voted upon by the School Board along with the Staff Report are enclosed as well.

Sincerely,



Eric Hornberger  
Chairman

Enclosure

1. Letter to Applicant
2. Letter to Superintendent of Public Instruction
3. Application, as amended
4. Staff Report

cc: Dr. Ali Gokce  
Virginia Superintendent of Public Instruction



**LOUDOUN COUNTY PUBLIC SCHOOLS**  
21000 Education Court  
Ashburn, Virginia 20148

SCHOOL BOARD MEMBER

March 5, 2013

Ali Gokce, PhD  
Northern Virginia Education Foundation  
P.O. Box 651206  
Potomac Falls, Virginia 20165

Dear Dr. Gokce:

The charter school application submitted by your organization to establish the Loudoun Math & IT Academy (LMITA) was filed locally on August 14, 2012, after its initial review and approval by the State Board of Education on July 26, 2012. At its regular business meeting on February 26, 2013, after an extensive six-month period of its review, the Loudoun County School Board voted (8-1) to deny the charter school application for the Loudoun Math & IT Academy primarily for the following reasons:

- An adequate amount of public support, particularly among parents, teachers and/or students for the formation of this particular school, as referenced in Section 22.1-212.8(B)(3) of the Code of Virginia, was deemed to be lacking;
- The proposed budget was not considered to be economically sound, after repeated efforts at its revision, as referenced in Section 22.1-212.8(B)(7) of the Code of Virginia ;
- The application demonstrated deficiencies in detail with the proposed curriculum;
- The proposal for the composition of the school's management committee did not evidence the sufficient representation of the community and needed depth of experience to instill the necessary confidence and effective oversight of the successful operations of the proposed school.

For more information, you can find a video of the individual comments expressed by each of the School Board members during the debate on this application at [www.lcps.org](http://www.lcps.org) by clicking on the "webcast" link on the right side of the webpage and scrolling down and clicking on the "Agenda and Archives" link.

The Loudoun County School Board reached this decision on your application after it was given due consideration. This due consideration came through a three-part review process over a period of six months in accordance with our School Board Policy and Regulation 5-65 (Charter Schools) in which numerous opportunities for public comment and dialog with the applicant was given.

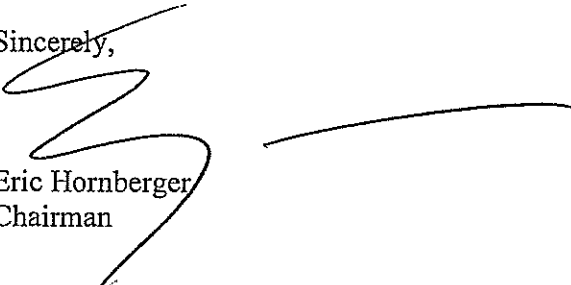
The first part of this review involved careful review and evaluation of the application by School Board staff. On October 23, 2012, a written report by the Deputy Superintendent was presented to the School Board in which a number of deficiencies were noted.

The second part of this review involved a Select Committee of the Board, comprised of three School Board members, two of whom represent the geographic area in which the school was proposed to be located. The Select Committee's review included the holding of six public meetings in which numerous opportunities for public comment were provided, as well as opportunities for dialog with members of the proposed charter school's management committee. The Select Committee verbally reported its findings and recommendation of denial (2-1) on January 8, 2013.

The third and final part of this review process took place before the full School Board. It involved two formal public hearings (preceded by the statutory public notice) and four work sessions in which the applicant dialoged directly with the School Board. This third and final process culminated with a formal vote by the School Board on February 26, 2013 to deny the application by an 8-1 vote.

As was expressed throughout the process and particularly during its final deliberation on February 26, 2013, the Loudoun County School Board appreciates your interest and desire to open a charter school in Loudoun County. It also values the awareness it brought to both the Board and public alike of the need for greater educational opportunities in the area of STEM education, and specialized areas of Information Technology in particular, for the students we are responsible to serve.

Sincerely,



Eric Hornberger  
Chairman

Enclosures

1. Letter to Virginia Board of Education
2. Letter to Superintendent of Public Instruction
3. Application, as amended
4. Staff Report

cc: Virginia Board of Education  
Virginia Superintendent of Public Instruction



## LOUDOUN COUNTY PUBLIC SCHOOLS

21000 Education Court  
Ashburn, Virginia 20148

SCHOOL BOARD MEMBER

March 5, 2013

Dr. Patricia I. Wright  
Superintendent of Public Instruction  
Virginia Department of Education  
P.O. Box 2120  
Richmond, Virginia 23218

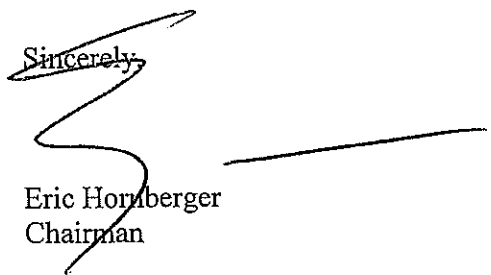
Dear Dr. Wright:

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Eric Hornberger  
Chairman

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cc: Dr. Ali Gokce

# Loudoun Math and IT Academy Application Review

## Introduction

The Northern Virginia Education Foundation presented its application for the Loudoun Math & IT Academy (LMITA) at the August 14, 2012, School Board meeting following a state-level review that culminated in the State Board of Education approval of the statutory criteria on July 26, 2012. In accordance with State law and the recommendation of the State Board of Education, the School Board will next make an independent judgment as to the application. To that end, the School Board established a three-phase review process of which this report concludes the first phase. The second phase is made up of a three-member School Board committee followed by the final phase in which the School Board will review the application and determine if a charter school should be approved and a contract negotiated.

The LCPS staff review committee for the first phase is as follows:

### Staff Review Committee Team Members

Ned D. Waterhouse, Deputy Superintendent  
Sharon D. Ackerman, Assistant Superintendent, Department of Instruction  
Mary V. Kealy, Ed.D., Assistant Superintendent, Department of Pupil Services  
E. Leigh Burden, Assistant Superintendent for Business & Financial Services  
Jeffrey K. Platenberg, Assistant Superintendent, Department of Support Services  
Larry W. Hopson, Director of Staffing, Department of Personnel Services

### Additional Team Member

Stephen L. DeVita, Division Counsel

In addition to the submitted application, the applicant's responses to State Board of Education staff comments were also considered and LMITA was asked to integrate those responses into its pending application with the School Board. The applicant was also asked to submit all parent support letters and surveys for consideration. On October 3, 2012, the review team held discussions with the following representatives of the LMITA concerning the pending application:

Sharon Inetas  
Fatih Kandil  
Ali Gokce, Ph.D.  
Mustafa E. Sahin, Ph.D.

The LCPS Staff Report contains an analysis of each of the seventeen (17) components required in the Virginia Charter School legislation (§ 22.1-212.8. Charter application). Because of the significance of special education programs, the high potential for legal liability and the ever increasing need for special

## Loudoun Math and IT Academy Application Review

services for the success of students, the Staff broke this out this aspect as a separate component from the Educational Plan. For each of the components, the following information is presented:

1. A short summary of the LMITA proposal
2. Staff's Comments

*Component 1: The mission statement of the public charter school must be consistent with the principles of the Standards of Quality*

### MISSION

The Loudoun Math & IT Academy (LMITA) is proposed to be a science, technology, engineering and mathematics public charter school that aims to serve grades 6 through 12 with an emphasis on mathematics and information technologies which is modeled after the Chesapeake Science Point Charter School (CSP). (Pgs. 7 and 10) The application indicates LMITA will be aligned with the Virginia Standards of Quality to develop the skills that are necessary for academic excellence and social growth, gains in habit of mind for innovation and careers in IT fields. (Pg. 10) A single public charter school is proposed for grades 6 through 12 with a phased-in enrollment maximum of 192 students the first year to a maximum capacity of 672 students by the sixth year of operation. (Pg. 47)

### COMMENTS:

The LMITA mission statement as set forth in its application is consistent with the intent of the Virginia Standards of Quality by intending to prepare all of its students for productive and satisfying lives, through their successful pursuit of post-secondary education. We assume the applicant intends to graduate students from high school, however, the application, as presented, does not demonstrate compliance with the detailed provisions of the Standards of Quality. For example, the curriculum will not allow students sufficient credits in the required areas to graduate from high school.

The applicant frequently references the CSP Charter School which is currently embroiled in litigation with Anne Arundel County Public Schools regarding funding and whose renewal approval was made contingent upon several conditions, according to the AACPS Press Release, dated June 6, 2012. CSP is required to do the following:

- Use the school system's student data management system for scheduling, grading, attendance, report cards and online parent access.
- Use the school system's Magnet Tracking System, including an external contractor to conduct any enrollment lottery.
- Hire highly qualified teachers (HQT) in core academic subject areas when identified by Human Resources or obtain Human Resources agreement to hire a teacher who is not HQT when a teacher who is HQT has been identified by Human Resources.
- Re-constitute the governing board of the school to allow for parents to elect the majority of members on the governing board.

## Loudoun Math and IT Academy Application Review

CSP has also been subject to certain audit recommendations by Ribis, Jones and Maresca, CPA, dated February 29, 2012.

*Component 2: The goals and educational objectives to be achieved by the public charter school are stated, and meet or exceed the Standards of Learning.*

### SEVEN GOALS

The application proposes seven goals that promise students will pass SOLs, reduce the achievement gap among subgroups, increase critical thinking and project-based learning in math, science and technology, meet or exceed LCPS performance on PSAT, SAT, ACT and AP, readiness for higher education or entry level IT skills and certifications, increase parental, business and college involvement, and provide a safe and healthy learning environment. (Pgs. 12-14) The application also states that a goal of LMITA is to replicate the CSP success story while adapting the CSP concept to better fit the needs of Loudoun County students with more emphasis on information technologies. (Pg. 8)

### COMMENTS:

While these goals are commendable, the application, as presented, is lacking in details of how these goals will be accomplished, what the objective baselines and measurable objective metrics will be and their related standards for achievement. For example, participation in various fairs and competitions is cited as a goal but no objective metrics as to the success level to be achieved or number student participants are provided. There is no way to know if the applicant has achieved critical thinking, for example, without knowing how many fairs and how many students participated along with some description of the level of difficulty associated with each fair. No way to measure success on this goal is provided in the application, as presented. There is no description of how critical thinking, inquiry, and project-based learning will be included in the delivery of instruction.

An improved application will include detailed curricula (e.g. scope and sequencing guide, lesson plans, pacing guides and other documents such as proposed textbooks or ebooks) in order to better understand the proposed instructional program of the Charter School.

*Component 3: Evidence that an adequate number of parents, teachers, pupils, or any combination thereof, support the formation of a public charter school.*

### ADEQUACY OF PARENTAL, TEACHER AND PUPIL SUPPORT

The applicant has submitted to the School Board certain evidence of letters of support from business and government leaders. The application to the School Board on August 14, 2012, contains 6 letters of support from elected representatives dated from mid-2011 and 6 support letters from the business community also dated from mid-August 2011. It is not clear if any of these individuals are parents of LCPS students. The submitted application did not clearly contain any letters of support from parents, teachers or pupils.

The applicant's response to the State Board of Education's comments indicates that it did conduct a survey of the community of which 340 responses were received. (Pg. 4 of Response to State Board of Education Staff Comments) Of the 340 responses, the applicant stated that 134 indicated they had

## Loudoun Math and IT Academy Application Review

children and were in favor of the charter school option in Loudoun County. While 40 surveys were attached to the application submitted to the State Board of Education, none were submitted to the School Board as part of the August 14, 2012, application. About 40 surveys, however, were previously submitted to the School Board prior to August 14, 2012, in which respondents expressed general support for a 6-12 middle and high school with a science, math, and technology focus and a willingness generally to send their children to such a Charter School.

At the School Board meetings of August 14, September 11 and September 25, more than 20 individuals spoke in opposition to LMITA based variously upon its alleged involvement with the Gulan Movement, allegations regarding the operation of similar schools connected with the Gulan Movement, alleged irregularities in the processing of visas for Turkish-born staff and other concerns. Among the items provided to the School Board at its September 11, 2012, meeting, was a Washington Post article, under Valerie Strauss's *The Answer Sheet* column entitled *Largest charter network in U.S.: Schools tied to Turkey*, dated March 27, 2012, in which Sharon Higgins wrote about the Gulan Movement and its connection to U.S. schools. In addition, the Anne Arundel County Public Schools issues were summarized in a Washington Post article entitled *Math-sciences charter proposed for Loudoun, modeled on school with Turkish connection*, dated July 8, 2012, by Emma Brown.

### **COMMENTS:**

While support from business and government leaders is commendable -- the law requires evidence that an adequate number of parents, pupils or teachers, or a combination, support the formation of the Charter School. The surveys available to us indicate an interest in charter schools.

An improved application will contain support letters from parents demonstrating interest in this particular charter school. Since likely enrollment impacts the reliability of budget estimates, a reasonable estimate of the number likely to enroll will help determine if this school should be formed.

*Component 4: A statement of the need for a public charter school in a school division or relevant school divisions in the case of a regional public charter school, or in a geographic area within a school division or relevant school divisions, as the case may be.*

### **STATEMENT OF NEED:**

As written, the application relies on the general support submitted from government leaders and the business community which "justifies the need for a school such as LMITA in the area." (Pg. 8) The applicant points to the limited enrollment available at the LCPS Academy of Science (AOS) or the C. S. Monroe Technology Center (MTC) and adds that "[o]ur preliminary research shows that there is an immediate need for a middle and high school in the Dulles district." (Pg. 8)

### **COMMENTS:**

What research data were examined as part of the needs assessment? A review of the actual preliminary research conducted by LMITA would be helpful to understanding the need the applicant is trying to address. The application variously indicates that its focus is on students who are unable to gain entrance to AOS or MTC, but then indicates that it is trying to address the immediate needs of the Dulles district.



## Loudoun Math and IT Academy Application Review

For example, the applicant proposes an “open enrollment school” process (Pg. 8), but that does not ensure that students who are not admitted to the AOS or MTC will be successful in gaining admission to the LMITA.

Moreover, such an “open enrollment school” for students across Loudoun County will not provide significant relief to the “immediate need for a middle and high school in the Dulles-North District” as the application implies. (Pgs. 8 and 62)

State law allows the Charter School to have a tailored admission policy to meet the specific mission and focus of the school provided it does not unlawfully discriminate. The application instead incorporates an “open enrollment” policy.

The applicant may wish to identify and support with data the need it is trying to address and then consider a tailored admissions policy, if appropriate, that is open to all Loudoun County residents in light of its stated focus. Federal charter school grant programs, however, may have some restrictions on admissions policies that the applicant should first investigate prior to proposing an admissions policy or a weighted lottery.

*Component 5: A description of the public charter school's educational program, pupil performance standards, and curriculum, which must meet or exceed any applicable Standards of Quality; any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the Standards of Learning assessments prescribed by § 22.1-253.13:3; the timeline for achievement of such standards; and the procedures for taking corrective action in the event that pupil performance at the public charter school falls below such standards.*

### **EDUCATIONAL PROGRAM**

The application does not offer enough detail about curriculum to describe in any detail or assess the instructional program. The responses to the State Board of Education’s Staff Review Comments do not offer much more specificity. There is also no indication of the areas in which the applicant may be seeking a waiver of components of the instructional program. The applicant’s response to budgetary questions from the State Board of Education Staff Review Comments indicates that curriculum development will be outsourced prior to opening and that budgeted staff will not be participating in curriculum development. (Pg. 24 of Response to State Board of Education Staff Comments)

### **COMMENTS:**

The application, as presented, lacks sufficient course content details to allow an assessment of whether students will be able to meet the credit requirements for high school graduation. For example, the curriculum for “Civics and Citizenship” is not described at all even though it is offered repeatedly in grades 8 through 12. This course also may not be able to be awarded a full credit several years in a row.

The manner in which high school students will accrue credits for graduation is not clear. The application also does not anticipate the upcoming change in diploma names and criteria. (Pg. 38) For example, LMITA lists a "high school standard course sequence" with a Standard Diploma, and an Advanced Technical Diploma. Beginning the 2013 - 14 school year, VDOE has eliminated Technical

## Loudoun Math and IT Academy Application Review

Diplomas. Moreover, the Advanced Diploma is listed as requiring only two years of a language in the application. To obtain a VDOE Advanced Diploma, a student must have at least 3 years of one language. (Many of Virginia state colleges prefer at least 4 years of a given language.)

The accrual of high school credits is unclear. The LMITA high school advanced course sequence (Pg. 39) shows a Fall and Spring semester, with a student earning 1.0 credit each semester. Carnegie units of credit require 140 hours of seat time to equal 1.0 credit. Thus, the credit earned should be .5 for each semester unless classes are meeting 2x the length of time as our present school schedule. The application has not proposed extended school days or extra days, but instead indicates that it will use the LCPS annual calendar (Pg. 48)

The courses under IT electives are the only classes with any description of the content. These classes may not qualify for a full 1.0 Carnegie credit as individually listed. There are no full curriculum descriptions or syllabus offered for any classes.

The applicant's response during its State Board of Education approval process indicated that it would follow LCPS middle school and high school programs of studies for required courses, including physical education (Pgs. 2 and 3 of Response) but the application, as presented to LCPS, does not appear to do so.

The sequence (pages 39 -40) for science, although labeled "advanced course sequence" will not fulfill the VDOE's science requirements for the Advanced Diploma. A student must take 4 years of a science, 3 years of which must come from Earth Science, Biology, Chemistry, or Physics. The 12th grade Cybersecurity will not meet that requirement, as presented.

Beginning in 2013-14, all students must successfully complete one virtual course (for Standard and Advanced Diplomas) and earn a board-approved career and technical education credential to graduate with a Standard Diploma. Are these requirements addressed?

Are courses such as "Law and Society" and "The Global Village" credited courses that meet VDOE requirements toward graduation? Insufficient information is provided in the application to make this determination.

An improved application will provide detailed course curricula along with a clear explanation of the scope and sequencing of all courses. A pacing guide containing this information will also be helpful in determining student progress in each course in the event students transfer to other schools prior to graduation from LMITA.

In addition, based on the program offerings and sequence of courses indicated on pages 37-38, students would be unable to meet the VDOE requirements for an advanced studies diploma. An online course would need to be included in the program of studies to allow students to meet the requirements for a standard diploma.

## Loudoun Math and IT Academy Application Review

### **ENGLISH LANGUAGE LEARNERS (ELL) AND GIFTED STUDENTS**

The application makes no reference to including on the inaugural staff professionals with credentials in ELL or Gifted Education. For the first year it is likely that the number of students arriving already eligible or subsequently found eligible for these services would not require a full-time teacher for either program. The charter school may need to purchase from LCPS the appropriate number of professional staff hours per week to serve ELL and Gifted students. An alternative would be for the charter school to hire teachers with license endorsements in both a content area and Gifted or ELL.

The application proposes a re-screening by the Charter School of students who have already been found by LCPS to be eligible for the gifted program. (Pg. 53) Thereafter, the student will still be observed during the first half of the academic year. (Pg. 54)

#### **COMMENTS:**

The application, as presented, does not demonstrate depth of knowledge about procedures for identifying or providing services to ELL and gifted students. This portion of the application is vague; the implementation of the services for ELL and gifted students may not meet the Standards of Quality or Standards of Accreditation. There is no reference to credentialed ELL staff in the proposed staffing chart.

Students found eligible for the Gifted program must receive services when identified. The eligibility process is comprehensive in nature and no further observations for half a year would be necessary contrary to the applicant's proposal on pages 53 and 54. There is no reference to services from a credentialed gifted teacher in the proposed staffing chart.

Consequently, a "Memorandum of Understanding" would need to be developed between LMITA and LCPS to establish procedures regarding identification and placement of students in the ELL and Gifted Programs, as well as professional development for the general classroom teachers in how to effectively work with ELL and gifted students.

### **UNIFORMS**

LMITA plans to implement a uniform and dress code policy. (Pg. 14)

#### **COMMENTS:**

LCPS does not currently have a uniform policy. State law requires the School Board to promulgate a uniform policy in accordance with Virginia Board of Education uniform guidelines before schools implement uniforms. Therefore, the application is currently inadequate to support a uniform policy. LMITA would need to initiate a policy for uniforms with the School Board prior to implementation.

### **EXTRACURRICULAR ACTIVITIES**

Academic extracurricular activities, clubs and tutoring reflective of the school's mission will be offered after school. (Pg. 74) The applicant's response to State comments suggests the Charter School is offering "cooperative games, individual and dual sports, time sports, rhythmic activities, physical testing, lifetime fitness and recreational activities." (Pg. 3 of Response)

## Loudoun Math and IT Academy Application Review

### COMMENTS:

It is not clear from the application if the Charter School is offering sports. If the applicant is not offering any athletic or sporting activities for students, then the enrollment applications and pre-applications provided to parents should provide notice that athletic and sporting extracurricular activity is not available and LCPS should be given copies of the forms in advance. The applicant should describe how the physical education requirements will be addressed and whether their proposed facility has been appropriately planned for such activities. At this point, there does not appear to have been any facility or site drawings depicting either athletic fields or a gymnasium.

*Component 6: Plan to provide special education and related services.*

### SPECIAL EDUCATION

Once the lottery process is complete, the applicant proposes to request information from LCPS regarding which students have special needs, that are gifted and talented, or that are English language learners (ELL). (Pg. 49) As for special needs children, LMITA proposes to conduct its own comprehensive assessment to identify special education students (Pg. 50) and Individual Educational Plan (IEP) team meetings in conformance with LCPS policies and procedures. It proposes to conduct IEPs with at least one general education teacher, one Special Education teacher, the Executive Director and parents but makes no mention of the school's principal. (Pg. 51) Other than designating one special education teacher as the liaison with LCPS, the application provides no other details of how it will meet federal and state mandates other than to say it "will work with LCPS". (Pg. 50) The application promises to employ qualified staff for each service required by the IEPs of special needs children. (Pg. 51)

### COMMENTS:

The weaknesses in the application lie in the admissions process and ability to offer the level of services that may be required. In June, 2012 the federal Government Accounting Office (GAO) issued a report related to charter schools and students with disabilities. The findings showed that overall charter schools across the nation enrolled a smaller percentage of students with disabilities than public schools. For the 2009-2010 school year charter school enrollment for students with disabilities was at eight percent, while public schools across the nation were at 11 percent.

In the event LMITA would not offer a continuum of services to include students with disabilities who receive up to level 2 services (15-30 special education service hours), LMITA and (ultimately) LCPS could be found to be engaging in discriminatory admission practices and be subject to liability. While charter schools may not be required to provide highly specialized services to low incidence populations of students (i.e. autism or intellectual disability), they would need to offer level 1 and 2 services, at a minimum, if admitted students required these services in their Individualized Education Programs (IEP). The per-pupil funding allocation that LMITA would receive would include Level 2 service costs.

Charter schools are under the same statutory requirements for IDEA (2004) and Section 504 of the Rehabilitation Act (1973) as are LCPS public schools. These requirements include provision of a free and appropriate public education (FAPE) for students with disabilities in their least restrictive

## Loudoun Math and IT Academy Application Review

environment (LRE). Further findings (GAO, 2012) indicated that charter schools reported they faced challenges serving students with disabilities due to insufficient resources. LMITA impliedly proposes to serve students with disabilities primarily in the general education setting (p.62). Given the regulations in both NCLB (2002) and IDEA (2004), as well as in the Virginia Department of Education Regulations, all teachers serving students with disabilities who are considered the teacher of record would need to have dual licensure (special education and content license). NCLB requires all teachers of core academic subjects to be “highly qualified.” The federal law defines a highly qualified teacher as a teacher who is fully licensed by the state, has at least a bachelor’s degree and has demonstrated competency in each subject taught. In addition, “Highly qualified special education teacher” means a teacher has met the requirements as specified in 34 CFR 300.18 for special education teachers in general, for special education teachers teaching core academic subjects, for special education teachers teaching to alternate achievement standards, or for special education teachers teaching multiple subjects as it applies to their teaching assignment. (34 CFR 300.18) Also See: 8 Virginia Administrative Code Section 20-81-40.2.

Given the staffing configuration presented by LMITA it will be too costly to use co-teaching (one general and one special education teacher in the classroom) to satisfy the highly qualified licensure regulation. Dually licensed staff can also be difficult for school districts to recruit. Highly specialized related services staff such as school psychologists, social workers, speech-language pathologists, occupational and physical therapists, and audiologists are not only difficult to recruit, but also expensive to hire on a contractual basis.

It is also concerning that the proposed “one special education teacher” would be able to serve an estimated 20 (10%) special education students of varying disabilities and age ranges and still be responsible for liaison with LCPS for training, meetings, and interpretation of state and federal regulations and other compliance issues. This is not realistic given the depth and breadth of these responsibilities and will lead to non-compliance in many areas resulting in significant legal issues.

In sum, there is the potential for noncompliance with the requirements to provide both a continuum of services (specifically for Level 2), and dually licensed, highly qualified staff. There is a further concern of an unanticipated and high budgetary impact on LMITA for the provision of related services, including transportation, possible compensatory services and legal fees which LMITA will need to reimburse to LCPS.

Consequently, we recommend the provision of special needs services by LCPS on a cost neutral basis for LCPS to the Charter School and that a “Memorandum of Understanding” be developed between LMITA and LCPS to establish all procedures regarding placement of students with IEPs, review of IEPs, reimbursement mechanisms, funding and transfer or assignment of staff for special education students. The existing LCPS IEP team should determine if placement is appropriate at LMITA once a student has been accepted.

In addition to following the plan outlined above, LMITA will need to:

- Follow LCPS policies and procedures for identification and eligibility of students who require special education such as: Child Study Team, Local Screening, Reevaluations and Eligibility in accordance with federal and state regulations and guidelines.

## Loudoun Math and IT Academy Application Review

- Include students with disabilities and provide the least restrictive environment possible.
- Provide:
  - Accommodation in the general education classroom with no supports
  - Accommodation in the general education classroom with monitor/consult special education support
  - Accommodation in the general education classroom with direct special education services in a general education setting on a regularly scheduled or intermittent basis
- On an intermittent basis, provide students services in a special education setting

Seek to hire certified special education teachers with emphasis on recruiting professionals with dual certification in a core content area. The current proposal to hire one special education teacher is inadequate to meet these recommended conditions.

*Component 7: A description of the lottery process to be used to determine enrollment. A lottery process shall also be developed for the establishment of a waiting list for such students for whom space is unavailable and, if appropriate, a tailored admission policy that meets the specific mission or focus of the public charter school and is consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, in effect for any of the relevant school divisions.*

### **ADMISSIONS AND ENROLLMENT LOTTERY**

LMITA will have an enrollment process open to all LCPS resident students (Pgs. 8 and 10) and a lottery will be held if the number pre-applications (Pg. 61) exceeds the number of available seats (Pg. 11) by the registration deadline. (Pg. 61) A public lottery will be held and attended by a notary public, a parent and an administrator. (Pg. 61) All applicants will have an equal opportunity. Within one week after the lottery, winners must confirm their intent to enroll and will be invited to register. (Pg. 61)

The lottery process will be developed to create a waiting list for students for whom space is unavailable (Pg. 61) When the school reaches its maximum number of seats, a waiting list will be formed for the applications in the order received and this list will also be prioritized through a lottery process for student applications submitted by the registration deadline. (Pg. 61). All remaining students will apparently be placed on a (second?) waiting list and accepted in the order seats become available. (Pg. 62) After the application deadline, applications will be accepted on a rolling basis during the school year.

A pre-lottery priority status will be granted to siblings of already admitted students, continuing students, children of current employees and children of founding board members of the Charter School. (Pg. 62)

## Loudoun Math and IT Academy Application Review

### COMMENTS:

This school is a county-wide open enrollment school and is not proposed to have an attendance zone or any other admissions policy or restrictions other than approved capacity and age and grade requirements--although the application's executive summary indicates the school provides a choice for students unable to be accepted to the Academy of Science (AOS) or Monroe Technology Center (Monroe) and the school is intended to have a math and IT focus. (Pgs. 2 and 8)

While the applicant is not required to have an admissions policy, the school may not attract students with an aptitude in Math or IT. The absence of a "...tailored admission policy that meets the specific mission or focus of the public charter school...", as permitted by Virginia law, could risk the ability of the proposed Charter School to enroll a student population consisting of students who were unable to be selected for AOS or Monroe. On the other hand, it has come to our attention that Federal charter school grants may have some restrictions on focused admissions policies which the applicant should investigate further. We understand the applicant will apply for Federal charter school start-up grants.

The application is a bit confusing in that it also states that there is an immediate need for a middle and high school in the Dulles district (Pg. 8). The student population intended to be served is not clear. Once intent is clarified, an improved application will consider whether a tailored admissions policy is possible and desired.

In addition, as a public school of the School Division, this Charter School would normally require LCPS students, whose regular school of assignment is elsewhere, to obtain special permission under School Board Policy 8-20 (School Assignment). The applicant must request a waiver of this policy from the School Board for students wishing to attend LMITA.

It should also be noted, however, that given the Charter School employee priority, no other LCPS employee would have a priority in LCPS schools under current changes being considered for 8-20. In addition, the applicant should also request a waiver from School Board Policy 2-32 which requires attendance at the student's regular school of assignment (home school) unless an exception applies.

The explanation of the lottery process in the application is confusing and requires clarification. During discussions, the applicant explained that the lotteries would be for each grade and that when more than 96 applications (less reserved seats for employee, founders, and management committee children) are received there would be a lottery. For example, if 100 applications are received by a set deadline, then all 100 would be placed in a lottery for the 96 seats. The four non-selected applicants would be ranked by the lottery as 1, 2, 3 and 4, in this example, and admitted in that order as seats became available. Any applications received after the deadline would be ranked 5, 6 and so on and would be admitted in the order received. The following year would be similar except that admitted students would be reserved seats in the next grade level. This process is not clearly stated in the application.

In addition, the Charter School should insure that it does not discriminate against special needs students by soliciting information about disabilities prior to the full enrollment of the child. Moreover, as part of any charter contract, Charter School should provide copies of its registration, application and pre-application forms to LCPS for approval to insure no student disability information is elicited prior to the time the student has won the lottery and been fully enrolled in the school.

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Given the high emotions that prevailed during charter school lotteries in other school districts, it would be advisable to require the Charter School to retain a CPA firm at its expense to video record and certify the procedures used during the lottery and to provide a copy of the video and certification to the School Board following all lotteries.

While Federal charter school planning grants allow for pre-lottery priority to be given as requested by the applicant, the Code of Virginia is more restrictive. Specifically, the siblings of admitted students, the children of employees and the children of founders would have to also be residing in Loudoun County per the Code of Virginia.

*Component 8: Evidence that the plan for the public charter school is economically sound for both the public charter school and the school division; a proposed budget for the term of the charter; and a description of the manner in which an annual audit of the financial and administrative operations of the public charter school, including any services provided by the school division is to be conducted.*

### **FUNDING**

The applicant proposes three funding sources:

- 1) An LCPS per pupil amount that would increase automatically by 3% annually on a first-year base amount of \$11,083;
- 2) Federal resources; and
- 3) Fundraising.

### **COMMENTS:**

Virginia law states to the extent constitutionally valid, a School Board may establish by agreement the conditions for funding the Charter School and that the per pupil funding shall be commensurate with the average school-based costs of educating the students in the existing schools unless the costs of operating the Charter School are less. The proportionate share of state and federal resources for special education programs and categorical aid programs shall be directed to the Charter School serving those programs.

### **Budget Deficit**

The Fiscal Year (FY) 13-14 LMITA budget assumes a budget deficit. LCPS must prepare a balanced budget; LMITA should as well.

### **Contingency Funds**

An assumption of “contingency funds” has been included in the expenditure projections. LCPS carries no contingency funds in its budget; therefore support for a “contingency fund” or unassigned expenditures for LMITA is unlikely.



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### **Per Pupil Tuition**

The LMITA major component (83%) of local revenue presented is derived from the FY 12 LCPS cost per pupil amount.

The cost per pupil amount identified by LMITA is calculated using a methodology determined by the WABE group. The calculation excludes adult education, summer school, selected ear-marked grants, CIP, CAPP and Food Services.

Also the LCPS published cost per pupil does not reflect the “average school-based costs of educating a student” as referenced in the Commonwealth’s Charter School funding requirements. The LCPS cost per pupil reflects total costs (except those identified above), both school-based and non-school based.

Additionally, although somewhat vague, the application implies that the employees of the Charter School will remain as LCPS employees. If that is the case, then the funding formula would need to include this consideration during the course of negotiations.

### **Fund Raising**

The amount of fundraising revenue seems reasonable for the size of the school based on enrollment projections, but no evidence of any financial commitments have been provided with the application. Because fund raising is dependent on many external factors, specifically personal and regional economic situations, we urge caution with identifying this revenue stream to support recurring operational expenditures.

### **Special Ed., ELL, FRM**

Based on LCPS enrollment statistics for these specific student populations and the amount of federal funding LCPS receives, the LMITA estimate of \$212,793 seems extremely high. Additional information is required to provide a response as to the economic soundness of this assumption.

### **Charter School Startup Grant**

Additional information is required to respond to the reasonableness of this section of the proposal:

- Federal guidelines related to eligibility

- Assurances the LCPS may be required support

- Budget proposal for the Grant application (should be consistent with Charter School Application Budget)

### **Additional Considerations**

When considering operational responsibilities, access to the following administrative systems should be considered as well, specifically Financial Systems (FAMIS/Oracle) and School Activity Fund (Blue Bear).

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Many support functions are identified to be provided by LCPS. One of these is technology support and maintenance. The LMITA non-salary budget identifies Smartboards as the LMITA preference; the LCPS preference is Promethean boards, but our technology staff members can support Smartboards.

The School Board should charge an administrative oversight fee for serving as the charter school sponsor and for conducting the ongoing monitoring and follow-up services. Customary authorizer fees range from 1.5% to 5% in other States.

### Construction

The applicant has provided no information on the construction cost estimates for its facility. There are many variables that could increase the cost to construct. Since the Charter School is a public school, the Virginia Board of Education has certain specific building requirements for public schools (VDOE Public School Guidelines). In addition, the Division Superintendent will be asked to submit a determination on whether the construction meets with the State requirements. Moreover, the Loudoun County Schools Capital Facility Guidelines (adopted by both the Board of Supervisors and the School Board) also addresses the construction of public schools. Without a complete set of construction documents from the applicant, it is not possible to reasonably formulate a cost estimate for construction or to determine if compliance with State parameters has occurred or if the plans are feasible for the Charter School. Waivers from these local and State guidelines may be necessary.

*Component 9: A plan for the displacement of pupils, teachers, and other employees who will not attend or be employed in the public charter school, in instances of the conversion of an existing public school to a public charter school, and for the placement of public charter school pupils, teachers, and employees upon termination or revocation of the charter.*

### **DISPLACEMENT**

The applicant's executive director will serve as point of contact for all closing activities including, not limited to, student transfers, student records and the settlement of financial obligations. (Pg. 68) The Charter School will send notice to parents within 10 business days of official revocation or non-renewal. (Pg. 68) Students will be directed to transfer to their home schools. Records will be provide to the parent and the new school within 30 business days of official revocation or non-renewal. A list of students transferring to other LCPS schools will be sent to the School Division. (Pg. 69) Employees will be reassigned to other LCPS in accordance with State law. (Pg. 69) Assets will be used to liquidate debts except that assets will be disposed of as follows: 1) return donated materials and property according to the terms of the donation, 2) return any grant or categorical funds to their source according to the grant, State and Federal law, and 3) submit a final expenditure report for entitlement grants. (Pg. 69) An independent final audit will be conducted within six months after closure.

### **COMMENTS:**

This audit, as well as the annual audit, should be done at Charter School expense by a qualified independent auditor selected with School Board agreement and all audits should be performed in accordance with generally accepted accounting principles (GAAP). The Charter School should also complete any and all pending Medicaid billing documentation needed for reimbursement. Reassignment

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of LCPS from the Charter School should be in accordance with all School Board personnel policies and regulations.

*Component 10: A description of the management and operation of the public charter school, including the nature and extent of parental, professional educator, and community involvement in the management and operation of the public charter school.*

### **FOOD SERVICE**

The applicant anticipates working with LCPS for a fee. The LMITA application includes the free and reduced lunch program in accordance with State and Federal laws and regulations. (Pg. 73)

### **COMMENTS:**

The application does not address breakfast and does not provide budgeting for the transport truck and hot/cold units that would be needed or for the three staff personnel that would be needed to serve the food and operate the cash register. There is no food service staff in the applicant's budget. In addition, no plans or specifications for the facility's kitchen and cafeteria have been provided to determine if adequate space exists. In addition, there is no budget for food in the application. Most likely, a la carte items would need to be sold too to offset the cost of meals in addition to federal reimbursements. The following rough preliminary estimate of LCPS costs to prepare, transport and serve breakfast and lunch for the first year of operation only is as follows:

Purchase of 1 transport truck (\$45,000)

Fuel & Maintenance (\$ 2,500 for first year)

Driver's Time (included in Food Service Workers below)

Food Service Workers (3) \$27,700 per staff member including the fringe benefits for a total of \$83,100

Serving Line Equipment including Hot/Cold Units to be installed at school: \$50,000

Cost of Food: (will fluctuate depending on the number of students served)

### **FACILITY PLANNING**

The applicant anticipates opening the school in Fall 2013 (Pg. 2) and submitted a letter, dated August 18, 2011, and a map from Buchanan Partners, the developer of the mixed use Arcola Center (situated between Evergreen Mills Road and Route 50) in which a 30,000 sq. ft. facility expandable to 70,000 sq.ft. is envisioned in the Business Park portion which is currently zoned PD-IP (Planned Development Industrial Park).

### **COMMENTS:**

While we are not sure that a Commission Permit would be necessary, a special exception (SPEX) would be required for a public school in PD-IP prior to the construction of the facility for a school. Following the initial 30-day pre-filing review period, a typical SPEX takes from 6 to 8 months for final approval. The Buchanan Partners letter indicates that they have obtained Site Plan approval for Arcola Center and they have obtained three commercial building permits for the Business Park portion of the site. Our review of County records indicates that the permits are for shell commercial buildings and that

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occupancy permits have not been issued. No commercial buildings have been constructed in the Business Park to date.

An amended site plan would appear to not be necessary to place a school at the site unless the layout of the site or roads would change due to such issues as bus loops, athletic fields, required setbacks and “kiss n go” locations for drop offs of students. We have concerns that at a minimum, bus loops may be required to insure student safety necessitating an amended site plan. Assuming, however, no amended site plan is needed, the SPEX would take a minimum of six months unless expedited. Construction then would follow for another three to four months. We would estimate that if the SPEX was submitted at the time of School Board approval of the Charter School application (currently estimated for Jan-Feb 2013), the school may have trouble reaching an occupancy- ready state to open for the start of school in the Fall 2013. (Recall also that a period of time is needed for the negotiation of the charter school contract following any conditional Board approval.)

Moreover, the proposed site falls within the Washington Dulles Airport Impact Overlay District for which certain high noise and over flight standards (65 and 60 Ldn) apply under Loudoun County’s Revised General Plan (RGP) which was adopted by the Board of Supervisors in 2001 and the Loudoun County 1993 Revised Zoning Ordinances. We compared the Overlay map to the map provided by the applicant, and, it appears that the site falls within the highest noise zone depicted in the Overlay map. This is further supported by a Zoning Concept Plan Amendment filed by the owner on February 15, 2012, for the purpose of accelerating the delivery of 248 nearby affordable rental apartment units and to adjust a property line with an adjacent owner. The RGP does not prohibit construction of residential and other noise sensitive structures but does discourage them and does provide for certain notice and remediation efforts. We are not sure noise remediation is possible in the metal shell buildings contemplated in the site plan.

In addition, the application indicates it will comply with the Virginia Public Procurement Act. (Pg. 90) Based upon existing Virginia Attorney General Opinions, the applicant will therefore be required to comply with public bidding for construction contracts requirement unless it agrees with the Developer to exercise no control or direction over the construction of the building whatsoever. The requirement to comply with the Virginia Public Procurement Act, however, can be deleted so long as the School Board would be in agreement with the elimination.

Moreover, the applicant proposes a mixed use of school buses and parent transportation. (Pg. 88) As such, the site planning for the school will need to include planning for traffic flow inclusive of appropriate and safe school bus embarkation and debarkation points along with parent “kiss n go” locations. It should be noted that we have not conducted a full site analysis at this point, but such an analysis should be accomplished prior to School Board approval.

Since the Charter School is a public school, the Virginia Board of Education has certain specific building requirements for public schools (VDOE Public School Guidelines). In addition, the Division Superintendent will be asked to submit a determination on whether the construction meets with the State requirements. The Loudoun County Schools Capital Facility Guidelines (adopted by both the Board of Supervisors and the School Board) also addresses the construction of public schools. Without a complete set of construction and land use approval documents from the applicant, it is not possible to reasonably formulate a definite timeline for school opening, a cost estimate for construction or to

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determine if compliance with State and local parameters has occurred. It may be necessary to seek waivers from some or all of these local and State guidelines.

The proposed curriculum schedule proposes to meet State-required Physical Education requirements (Pgs. 15 and 16), but the site plans do not provide for outdoor activity. Neither athletic fields nor gymnasiums are shown on current County site plans or in the application. The Charter School's response to State comments indicated that it would offer "cooperative games, individual and dual sports, time sports, rhythmic activities, physical testing, lifetime fitness and recreational activities." (Pg. 3 of Response)

The site is owned by Arcola, Limited Liability Corporation, c/o Buchanan Partners, Gaithersburg, MD.

### **MANAGEMENT COMMITTEE**

The applicant refers to the management committee as the "Governing Board" and represents that the initial membership on the Governing Board would be the following:

Ali Gokce  
Fatih Kandil  
Ali Bicak  
Mustafa E. Sahin  
Sinan Yildirim

Once in operation, LMITA will add two additional Board members: The Executive Director and one current LMITA parent. (Pgs. 71 and 72) Mr. Kandil resides in Sterling and has two children attending LCPS. It is not clear if they are of the age to attend LMITA or not. (Pg. 6)

### **COMMENTS:**

Virginia law requires the Charter School to be administered and managed by a "management committee" made up of parents of students enrolled in the school, teachers and administrators working in the school, and representatives of any community sponsors. While the application describes the role each of these individuals will have as members of the "Governing Board" (Pgs. 72 and 73), the staffing plan contained in the applicant's modified budget does not appear to provide for any teaching or administrative positions for these persons. To the extent these individuals do not have children or do not have children that would be enrolled in LMITA, it would not appear that they could qualify to be members of the management committee. The Charter School's "management committee," which is a legal requirement for the operation and management of the school, should not be confused with the "Governing Board" of the Northern Virginia Education Foundation which is the non-profit corporation applying for the Charter School and which is proposed to be granted the charter for the school.

We recommend that a majority of the membership of the "Governing Board"/management committee be elected by a vote conducted by a reputable accounting firm of the parents enrolled in the school and that the remaining membership be formed by individuals who meet the requirements of the law. We also recommend that the Charter School obtain School Board approval prior to retaining any vendor to provide comprehensive management services so as to insure that the management committee remains in

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full control of the Charter School. As an additional safeguard, the By-laws of the management committee, once adopted, should be submitted to the School Board or its designee. While the applicant did submit a copy of the corporate documents for the Northern Virginia Education Foundation, these are not relevant. The management committee is the entity that will handle the management and operation of the school. The School Board should have a copy of the proposed By-laws to be used or developed by the management committee for its operation.

*Component 11: An explanation of the relationship that will exist between the proposed public charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees.*

### **HUMAN RESOURCES**

LMITA wants all of its employees, except one, to be LCPS employees, but LMITA indicates it will conduct the selection and hiring process. (Pgs. 51, 71, 72 and 84) The applicant stated during discussions that the Executive Director will not be an LCPS employee, but rather will be employed by the Northern Virginia Education Foundation. The Charter School management committee or its designee will create all job descriptions, conduct all job interviews, verify all licensing requirements and refer all eligible candidates to LCPS for contract negotiation. (Pg. 84) The Charter School will make the offer of employment to the candidate and will only hire teachers with a minimum of two years classroom experience. (Pgs. 78 and 79) First consideration is given to interested LCPS employees volunteering for re-assignment. (Pg. 79) LMITA will develop its own hiring plan and procedures and only if there is a conflict will LCPS regulations supersede. LMITA wants to make use of LCPS substitute teacher pool. (Pg. 75) LMITA agrees to fund payroll and benefits for the employees. (Pg. 75) If the school would close, displaced employees will be reassigned to other LCPS schools. (Pg. 69) The biographies of teachers will be posted online. (Pg. 84)

LMITA desires to use LCPS resources for its recruitment, advertising, hiring procedures and protocols, payroll and benefits processing services, background checks and other security measures. (Pg. 75) LMITA plans to negotiate with LCPS for these human resources and payroll services. (Pg. 75)

### **COMMENTS:**

1. The Code of Virginia provides that the School Board will make the status decision regarding whether or not the employees are Charter School or LCPS employees. If these will be LCPS employees, then these persons could eventually end up in other LCPS schools in the future. As such, LCPS should be involved in and make the final decision to hire with input from the Charter School. The LMITA protocol should follow the same process for our current LCPS schools. Post the position and qualify the applicants for that posting. Applicants who have not been qualified should not be interviewed. Based upon the current proposed school opening date, LMITA would not be part of the LCPS transfer process for the 2013-2014 school year. Would we hold a special transfer process for LMITA and would this require School Board approval? By requiring the LMITA hiring protocol to conform to the LCPS process, we insure fairness for job candidates and also insure the new employee (or voluntary transfer) is properly licensed, that the TB test was conducted and that background checks were conducted—none of which can be the subject of a blanket waiver. In addition, LCPS involvement will insure proper enrollment in benefits programs, attendance at new employee orientation and will help avoid the

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immigration issues. It should be noted that current practice does not support LCPS sponsorship of new H-1B visas for new employees. If this will be different for LMITA then waiver from the LCPS practice is needed as well as a means by which LMITA will bear all of the associated liabilities including government fees, costs and legal expenses.

2. If the individuals are LCPS employees, then the Charter School will need comply with all of the School Board policies including those related to personnel issues such as employee grievances and discipline matters. The impact is that the Division Superintendent and School Board will retain ultimate responsibility for LCPS employees serving at LMITA. These services have administrative costs associated with the time spent on processing the variety of personnel matters.

3. Costs for human resources, payroll and employee administrative personnel are items that could be borne by the Charter School and deducted from any payments due to the Charter School as a method of payment. Hidden costs such OPEB and VRS also need to be calculated into the deduction. All of this needs to be negotiated with the Charter School.

4. If the School Board decides these individuals will not be LCPS employees, then the Charter School will still need to comply with the law including the requirement for background checks. Who will perform these LCPS or LMITA?

5. The School Board would need to grant a waiver if LMITA intends to use its own hiring plan and procedures.

6. It appears that the proposed Dean positions are more on par with the LCPS assistant principal position, not the LCPS Dean position. In Appendix F, page 4, LMITA quotes a Dean's salary taken from the LCPS Administrative Pay Scale. LCPS deans, however, are paid on the Licensed Pay Scale and are not 12 month employees. It should also be noted that on the same page in Appendix F, LMITA quotes a principal's salary as Level 5 on the administrative scale. This is the salary level for a LCPS Middle School principal. The complexities of the school or enrollment would not appear to justify a Level 5 salary.

7. The applicant proposes a two-year minimum experience level for teachers. LMITA proposes giving first consideration to LCPS employees. Allowing teachers in their first two years with LCPS to transfer to the Charter School would be contrary to the practice ensuring that probationary teachers are evaluated by the same principal for three years of probation to ensure that only the competent receive tenure. The details of such a transfer would need to be address with the Charter School.

8. The applicant also proposes using the LCPS substitute pool. Will LMITA follow the LCPS substitute protocol, agree to use the Smart Find Express database and bear the associated costs?

9. It is indicated on page 75 that "all current and future criminal background checks and other security measures taken at other LCPS public schools will be provided to LMITA". It should be made clear that all pre-employment background checks are confidential and will remain with LCPS.

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10. The Internal Revenue Code provides favorable tax treatment to government pension plans such as the Virginia Retirement System (VRS). The Internal Revenue Service held a hearing in July 2012 and solicited public comments about the definition of the term “government plan” under the Code as it relates to charter school employees. The inclusion of ineligible employees in a governmental plan could disqualify the plan from favorable tax treatment thus subjecting the plan and its members to current taxation of plan earnings. We contacted VRS and were informally advised by legal counsel for VRS that LCPS employees working in a charter school would be VRS eligible without jeopardizing the status of the plan based upon the existing law and regulations. Non-LCPS employees would likely not be covered by VRS, but VRS has not directly confronted that issue yet.

*Component 12: An agreement between the parties regarding their respective legal liability and applicable insurance coverage.*

### LIABILITY AND INSURANCE

The applicant proposes to indemnify and hold LCPS harmless on all claims, loss, damages and costs of any kind as a result of the operation of the Charter School. (Pg. 87) LMITA proposes to obtain liability insurance that is below customary coverage amounts for a public school. The applicant will obtain its own workers’ compensation coverage but would prefer to be on the LCPS workers’ compensation policy. (Pg. 86)

### COMMENTS:

The liability insurance coverage is addressed in the applicant’s response to the State Board of Education and it calls for the following: \$500,000 for property and casualty; \$1,000,000 for Directors and Officers; and, \$1,000,000 for General Liability. The Charter School’s insurance coverage and amounts should be equal to or greater than the current LCPS policies. Adding the Charter School to the LCPS workers’ compensation coverage would place LCPS at a disadvantage in claim prevention in that LCPS would not be responsible for the day-to-day operation of the school and would not be in a position to prevent accidents or take remedial measures but would incur the claims experience for the Charter School. This is particularly important since the applicant does not provide for Site Visits by LCPS. In addition, ancillary costs of hiring a third party administrator and legal representation are not address by the applicant. Therefore, the Charter School should obtain its own coverage for workers’ compensation and provide for its own ancillary costs. It would be difficult to separate out all of the costs associated with an LMITA claim and then charge that back to LMITA.

We recommend that the Charter School maintain adequate and current policies in the amounts equal to or greater than LCPS coverages that address each of the following areas:

- Comprehensive or Commercial General Liability
- Worker’s Compensation
- Property Insurance (for leased facilities) to address business interruption and casualty needs including fire and other hazards with replacement costs coverage for all assets
- Comprehensive or Business Automobile Liability; and
- Crime Insurance
- Professional or Directors Liability (Errors & Omissions)



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The Certificates of Insurance listed above should be provided to the School Board as a requirement of any agreement as part of the Annual Pre-Opening Requirements that should also be a part of any contract.

In addition, the members of the management committee and any and all fiscal officers of the Charter School should be bonded in an amount not less than double the annual gross projected income to the Charter School with a surety acceptable to the School Board which is conditioned upon the faithful performance of all official duties required of the management committee and any and all fiscal officers and which shall be payable to the Loudoun County School Board. A dishonesty bond does not satisfy these requirements unless it contains endorsements covering all of the official duties.

***Component 13: A description of how the public charter school plans to meet the transportation needs of its pupils.***

### **TRANSPORTATION**

The applicant indicates it will “work with” LCPS in order to provide the best transportation option to its students, will contract with a private vendor for bus services for students who cannot commute on LCPS buses (Pg. 21) and will comply with State law on the transportation of students with disabilities. (Pgs. 75 and 88) The applicant budgets \$96,000 for transportation costs for its first year of operation which equals \$500 per pupil assuming maximum enrollment while on another page of the budget estimates the per pupil cost for transportation to be \$788.

### **COMMENTS:**

It is projected that in its first year of operation, there will be approximately 192 sixth and seventh graders from across Loudoun County who will attend the Loudoun Math & Instructional Technology Academy. Currently, the Academy of Science (AOS) program at Dominion High School and the Thomas Jefferson High School for Science and Technology in Fairfax County transport children from across the County. The AOS students are bused to their “home” high school and are transported to Dominion High School after 9:00 a.m. and transported back to their “home” high school before 3:50 p.m. so the students can ride their regular school bus home. The 204 Thomas Jefferson students are picked up at 13 regional bus stops (five buses) and transported to Fairfax. Some of these students board a school bus as early as 6:00 a.m. and return home as late as 5:00 p.m.

After reviewing the charter school application, there are questions and concerns related to transportation services that need to be addressed:

- ***Will bus service be provided by the Loudoun County Public Schools Transportation Department and, if so, will bus service be under the direction of the LCPS Director of Transportation following LCPS policy and the operating procedures of Loudoun County Public Schools?***

The application states that “*LMITA will work with Loudoun County Public Schools in order to provide the best transportation option to its students.*” It also states that, “*For students who cannot commute with LCPS buses, LMITA will contract with a local bus company to provide transportation.*”

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We are not sure what this means. Will LCPS Transportation Department include these students in its routing as an additional school and, if so, will the routing, timing of school opening, etc. be under the direction of the Director of Transportation and follow LCPS policy and procedures as other LCPS schools?

- *How will transportation services for students with disabilities be addressed?*

The application states that, “*LMITA will comply with Section 22.1-221 of the Code of Virginia on Transportation of children with disabilities attending public or private special education programs.*”

This does not address how this service will be provided. Will this service be provided by LCPS Transportation Department under the operating procedures followed by Loudoun County Public Schools?

- *If bus service is under the direction of LCPS’, LMITA will require to reimburse LCPS for a Lead Driver for supervision of bus drivers in addition to other reimbursed costs, accident investigation, driver evaluations, driver mandated in-service training, scheduling of driver physicals and drug testing, etc.*
- *Will LMITA offer sports that will require transportation services? If so, what sports will be offered? If transportation services will be requested, it is important to know what sports (what seasons) will buses be needed. Types of sports also affects types of buses required due to storage (equipment) needs.*
- *Will LMITA offer band or chorus? If so, will they request the same types of transportation vehicles as other high schools?*
- *The application mentions that there will be after school tutoring every school day. Will buses and drivers be requested for these activities?*
- *After these questions are answered, the Department of Transportation will have to determine if additional buses and/or drivers will be needed. In addition, if additional buses or miles are added to the current operation, additional mechanics and maintenance space are also considerations for the operation.*
- *LMITA has budgeted \$96,000 (Appendix F) for transportation services for the first year of operation. This amount is not adequate given even the most conservative estimate.*

In short, the Charter School and LCPS would need to negotiate a Memorandum of Agreement to resolve these issues and other issues and agree upon reimbursement for services. Excluding field trips, activity runs, athletics etc., a more realistic first year budget amount would \$225,000. Alternatively, the Charter School can outsource transportation to a private vendor.

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*Component 14: Assurances that the public charter school (i) is nonreligious in its programs, admission policies, employment practices, and all other operations and (ii) does not charge tuition.*

### ASSURANCES

The application makes the assurance that the school will be nonreligious in its admission policies, employment practices, instruction and all other operations.

The school will be tuition-free as required by law, but proposes significant reliance on the volunteerism of parents with the creation of Parent Task Forces. (Pg. 18 and 19) Citing the Chesapeake Science Point model, LMITA proposes introducing all families to 45 identified tasks to be accomplished by parents to, in part, “reduce the load and the bureaucracy”. (Pg. 19) LMITA plans to “enlist parents’ help” in several areas as one means for making the Charter School “a cost efficient solution without compromising the quality.” (Pg. 21)

### COMMENTS:

While parent involvement is commendable, the law prohibits tuition or, arguably, any form of compelled volunteerism that could be construed as a substitute for tuition. The applicant should provide additional assurances that it will not directly or indirectly compel parents to volunteer as a condition of initial or continued enrollment.

*Component 15: In the case of a residential charter school for at-risk students, a description of (i) the residential program, facilities, and staffing; (ii) any parental education and after-care initiatives; (iii) the funding sources for the residential and other services provided; and (iv) any counseling or other social services to be provided and their coordination with any current state or local initiatives.*

### RESIDENTIAL PROGRAM FACILITY

Not applicable.

### COMMENTS:

Not applicable.

*Component 16: Disclosure of any ownership or financial interest in the public charter school, by the charter applicant and the governing body, administrators, and other personnel of the proposed public charter school, and a requirement that the successful applicant and the governing body, administrators, and other personnel of the public charter school shall have a continuing duty to disclose such interests during the term of any charter.*

### DISCLOSURE

The applicant agrees to annually file statement of financial disclosure and ownership and the LMITA “Governing Board” will follow the LCPS policy in this regard. (Pg. 89) There is no current ownership or financial interest between the applicant and/or members of the management committee with vendors.

## Loudoun Math and IT Academy Application Review

In the event of such relationship, a disclosure will be filed and the individual will exclude himself from any decision regarding that service (Pg. 89).

### **COMMENTS:**

The State and Local Government Conflict of Interest Act also prohibits school employees from having a contract (other than an employment) contract with their public employers except in limited circumstances. If the Charter School employees are deemed LCPS employees, then the Charter School employees cannot have an interest in any contracts with the Charter School or with LCPS. If the Charter School employees are not deemed LCPS employees, then they cannot have an interest in a contract with the Charter School (other than an employment contract). Similarly, members of the management committee cannot also have a personal, financial or ownership interest, as defined by law, in the vendors, construction companies or lenders with whom they may enter agreements. Prior to entering any agreement with an entity in whom one or more members of the management committee and/or Northern Virginia Education Foundation or its directors and officers have a personal interest, the Charter School shall provide a full disclosure of all documentation to the School Board.

*Component 17: Inclusion of the State Board of Education review results in the charter school's application.*

### **STATE BOARD OF EDUCATION REVIEW**

The application did not incorporate the State Board of Education Staff comments or responses, but the applicant agreed to do so when requested.

**COMMENTS:** The results of the State Board of Education Staff comments and responses have not been incorporated into the application as of the writing of this report but were considered by staff.