



April 9, 2013

Mr. Joel Medley
Director, Office of Charter Schools
North Carolina Department of Public Instruction
301 N. Wilmington Street
Raleigh NC 27601-2825

Re: Impact Statement Regarding Wilson Preparatory Academy

Dear Mr. Medley:

On behalf of the Wilson County Schools, we appreciate the opportunity to respond to the impact on the Wilson County Schools of approving the Wilson Preparatory Academy's ("WPA") application to open a charter school in 2014. Our response begins by questioning whether the proposed charter school satisfies the statutory purpose of charter schools. This introductory section is followed by our concerns regarding the WPA's plan to meet the needs of exceptional children and the resultant impact on the Wilson County Schools. The impact statement concludes with documented evidence of the cumulative financial impact on the Wilson County Schools and the effect on providing a sound basic education to all our students.

I. Statutory Purposes of Charter School Legislation

N.C. Gen. Stat. § 115C-238.29A sets forth six purposes of the charter school legislation:

to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently of existing schools, as a method to accomplish all of the following:

- (1) Improve student learning;
- (2) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as at risk of academic failure or academically gifted;
- (3) Encourage the use of different and innovative teaching methods;
- (4) Create new professional opportunities for teachers, including the opportunities to be responsible for the learning program at the school site;

- (5) Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system; and
- (6) Hold the schools established under this Part accountable for meeting measurable student achievement results, and provide the schools with a method to change from rule-based to performance-based accountability systems.

Charter school applicants are required to address how the proposed charter school's program "implements at least one or more of the purposes in G.S. 115C-238.29A." See N.C. Gen. Stat. §115C-238.29B(b)(1).

WPA asserts that it meets all six of the legislative purposes but only directly addresses two of the six: (1) Hold schools accountable for meeting measurable student achievement results and (2) Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system. (Application pp. 7-8) In the section that follows, the Wilson County Schools demonstrates, with clear, objective data, that it currently has established programs in place designed to meet the same purposes advanced by WPA in its charter application. By addressing each of the statutory purposes in turn, we demonstrate that the WPA clearly fails to meet the statutory purpose of offering parents and students an innovative or expanded choice in the types of educational opportunities available within the public school system.

Goal 1: "Improve Student Learning"

WPA's application does not specifically address this goal; instead, the application refers the reader to the Education Plan to deduce the answer. WPA asserts that it will use "best teaching practices along with research-based curriculum" which will enable it reach the two identified components of "Goal 1 – Improved Student Learning: (a) 90% or more of WPA students will pass EOGs and EOCs annually. (b) All students will make one year of academic growth or more in each academic year. Students performing below grade level will perform on grade level within three (3) years of participating in the Wilson Preparatory Academy program." (Application p. 9) These goals are suitable and have been achieved by many school districts in North Carolina. However, the means for achieving them as identified by WPA are similar, if not identical, to those employed already by the Wilson County Schools. If WPA intends to employ the same strategies currently in use in the WCS, how will WPA "improve student learning"?

The Education Plan describes in broad terms much of what WPA purports to do: “improve the ability of each student to think logically, present thoughts persuasively and translate mastery of curriculum content to applied post-secondary pathways. . . . leverag[e] student’s natural intellectual development with digital teaching and learning tools and innovative, accountable, data-driven instructional models.” (Application p. 13) Again, these general goals sound impressive, but how will they be accomplished? The Wilson County Schools is already implementing the strategies listed in the application—academic remediation, curriculum acceleration, project learning, etc.—so how will WPA achieve a different (better) result? How will WPA actually improve student learning?

Goal 2: “Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as at risk of academic failure or academically gifted”

Throughout the application, WPA consistently asserts that all students, regardless of their ability, will participate in expanded learning opportunities (“ELO”). These ELOs include: job shadowing, student government, one-on-one tutoring conducted during and after school, etc. The verb chosen by the legislature to begin Goal 2 is “increase.” The Wilson County Schools currently offers all these same ELOs. Every student in the Wilson County Schools has the opportunity to participate in multiple ELOs. Merely offering the same ELOs in a different building with no documented “increase” in the type, quantity, or quality of these opportunities does not satisfy this statutory purpose of charter schools.

Goal 3: “Encourage the use of different and innovative teaching methods”

The introduction to the Education Plan portion of the application includes this statement in the directions: “The State Board of Education shall give priority consideration to the applicants who demonstrate potential for significant, meaningful innovation in education.” (Application p. 13) As evidenced in the discussion above, there are no “different or innovative teaching methods” advanced in the application. The application requires applicants to include a “sample course scope and sequence for one core subject (specific to the school’s purpose)” (emphasis added). In response, WPA decided to merely “cut and paste” the scope and sequence from the Department of Public Instruction’s website for the Common Core Reading Standards.

The charter application does not specifically identify any “different and innovative teaching methods” compared to what already exists for Wilson County Schools students. There are charter schools throughout our state that offer different and innovative teaching methods (e.g., Montessori, Renaissance learning, Arts-based, Classical, etc.), but WPA identifies no specific innovation or alternative approach in its application. The application asserts the intent to

develop students' critical thinking and technological competencies, as well as offer applied learning experiences and value and ethics-based character education. The information provided in support of each of these assertions is heavy on generality and light on details, as discussed below.

1. *Develop students' critical thinking competency*

WPA intends to "immerse" students in "critical thinking competency standards." (Application p. 11). Had WPA shared the scope and sequence of these standards, reviewers would be able to visualize the "different" or "innovative" nature of the intended instruction. Without additional information, the Wilson County Schools can only respond to what is outlined in the application—portfolios, projects, and presentations encompassing critical thinking outcomes. These strategies are currently implemented in all our classrooms.

2. *Develop students' technological competency*

The following sentence from WPA's application reflects the vagueness that permeates WPA's answers to any question of substance: "Students will engage in differentiated learning with relevant technology as determined by lesson plans and student displays/presentations." (Application p. 11). From this description, it is impossible to assess the programmatic planning of WPA and how it intends to achieve this curricular goal with a different or innovative method. In contrast, the Wilson County Schools offers specific examples of its most recent efforts, to aid the CSAC and State Board members in assessing the "innovative" nature of the methods to be employed by WPA.

The Wilson County Schools actively develops students' technological competency. Six years ago, the 1:1 laptop initiative began in our high schools. This year, every middle school student in the Wilson County Schools received an iPad to use for classroom projects, in lieu of a textbook for some classes, to access classroom and other digital resources, and to facilitate greater communication outside of regular school hours with teachers and classmates regarding class assignments and projects. This incredible investment in technology was made to prepare our students, especially our most impoverished, to actively compete in the global marketplace.

Our teachers are constantly experimenting with different and innovative ways to incorporate this technology into every lesson in every classrooms—including the classrooms serving our most profoundly disabled students. Just during the past year, our teachers have written grants to receive robotic kits for science class, partnered with a local agency to build a robot to clean up an environmental spill, and developed a work-based learning program that allows students to intern in local business with the possibility of employment upon graduation.

The Wilson County Schools is on the forefront of schools in North Carolina in our efforts to develop our students' technological competence.

3. *Value and Ethics-Based Character Education*

Per WPA's application, "[a]ll grade levels will utilize a moral-focus curriculum." (Application p. 12). It would have been instructive to include the scope and sequence of the moral-focus curriculum, to enable evaluation of the curriculum and how it differs from the award-winning character education program currently utilized by the Wilson County Schools. Similarly, providing examples of the "organized, thematic character education, which emphasizes embraced values and traits and will be integrated across all curriculum areas," would allow for proper analysis and review of the application's content. By choosing instead to describe the educational program in vague and circular terms, WPA evades the thorough, probing review called for by the application process. The Wilson County Schools has tried to understand exactly what the WPA intends to offer its students that will differ from the academic programming or experiential learning presently offered by the Wilson County Schools -- and the answer appears to be nothing.

The Wilson County Schools was recently recognized for its character-based education.

Goal 4: "Create new professional opportunities for teachers, including the opportunities to be responsible for the learning program at the school site"

The core components of the professional development plan according to WPA's charter application include: (1) professional development plans; (2) designated staff development days each year; (3) participation in NC FALCON and other resources provided by WPA and DPI; and (4) ongoing staff development related to the Common Core. (Application p. 39) Just what constitutes "new" professional opportunities for teachers is unclear from the stated core components of WPA's professional development plan. The application states that teachers will be given planning periods "for the purposes of collaboration across grade levels and vertical alignment of instruction." (Application p.40) These professional development opportunities already exist for all public school teachers in North Carolina, and grade level collaboration and vertical alignment of the curriculum have long been considered "best practices" by educators. There is no reference to opportunities for teachers "to be responsible for the learning program at the school site."

The Wilson County Schools offers extensive professional development opportunities to its teachers. In addition, there are active professional learning communities at every school site. Teachers meet weekly to discuss available student data, mark student progress, and adapt

instruction accordingly. Uninterrupted time is set aside monthly for curriculum planning meetings. Periodically, interdisciplinary teams at the high school meet to discuss common curricular goals and ensure a cohesive approach to achieving them. Faculty members are encouraged to develop programs and ideas to enrich and supplement the common core for all students. By collaboratively developing its face to face core curriculum and monitoring student progress, the Wilson County Schools teachers and administrators recognize the needs of individual students and student groups and adjust the instruction and support programs accordingly.

Goal 5: “Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system”

The Educational Plan submitted by WPS in its charter application does not indicate that it will provide parents and students with expanded choices in the type of educational opportunities available within the public school system. As outlined above, the Wilson County Schools offers character education, develops the technological and critical thinking competencies of its students, and focuses on applied learning opportunities. WPA intends to create community partnership-based learning opportunities for students, but the Wilson County Schools already has established partnerships within the community. Students already have the opportunity to participate in job shadowing programs, internships, career fairs, etc. WPA’s application repeatedly references “small class size” but the budget only accounts for sixteen (16) core content teachers (Application p. 49). This roughly equates to 23:1 student to teacher ratio in the first year; essentially the same as the Wilson County Schools which averages 24:1 in the same grade levels.

Wilson County parents already have educational choices from two large charter schools – Sallie B. Howard Charter School and Rocky Mount Preparatory School. Whereas Sallie B. Howard offers an alternative educational focus on the performing and visual arts, for all intents and purposes WPA will merely attempt to replicate the current educational programming offered by the Wilson County Schools. Offering the same types of educational opportunities that are already available within the public school system, without evidence that learning will improve, does not carry out a statutory purpose. The Educational Program advanced by WPA’s charter application mimics—but to a lesser degree—the educational program currently offered by the Wilson County Schools.

Goal 6: “Hold the schools established under this Part accountable for meeting measurable student achievement results, and provide the schools with a method to change from rule-based to performance-based accountability systems.”

As the accountability model has evolved over the past decade, performance-based accountability is now integral to all public schools. It is a key standard in the new teacher evaluation instrument. Student data is driving classroom reform in many ways as teachers adapt to meet the documented instructional needs of their students. While charter schools (and LEAs) must satisfy this sixth legislative purpose, it is not a basis to approve a new charter school unless the LEA is deficient in this regard. WPA has advanced no evidence in this regard. In fact, to the contrary the Wilson County Schools performance on state standardized testing has markedly improved over the past three years.

After reviewing the evidence of the Wilson County Schools established programs and opportunities afforded to its teachers, students, and parents, we believe the appropriate response to our question—Does the expansion request satisfy the statutory purpose of charter schools?—is “No.” Recognizing there is arguably no statutory rationale to approve the charter application, we move to our concerns regarding WPA’s plan to serve exceptional children and the resultant impact on the Wilson County Schools.

II. WPA’s Identified Plan for Serving Exceptional Children

1. Statutory Obligation of Charter Schools to Offer a “Full Continuum of Alternative Placements”

In North Carolina, charter schools are public schools and, as such, are endowed with the same responsibilities to serve students with disabilities as any LEA. See N.C. Gen. Stat. § 115C-238.29E(a). Each LEA (i.e., each charter school) is responsible for offering a full continuum of alternative placements to meet the needs of children with disabilities for special education and related services. 34 C.F.R. 300.115. The regulations and North Carolina’s policies further clarify that a full continuum of alternative placements “must: (1) Include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions; and (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.” (emphasis added)

2. WPA’s Identified Plan for Serving Exceptional Children

The charter application specifically asks for each applicant to “[d]escribe the educational programs, strategies, and additional supports the school will provide to ensure a full continuum of services for students with disabilities.” This particular portion of the charter application form was enhanced during the recent revisions, based on the experience of the CSAC members in

recognizing that many applicants did not appreciate the potential breadth of the obligation under the IDEA. Furthermore, CSAC members indicated the need to ensure that the proposed budgets reflected a proper understanding of this obligation. It is far from clear that WPA fully comprehends this obligation.

The first sentence in this portion of WPA's application states: "WPA will hire special education teachers as needed to work both as inclusion teachers in the classroom setting and consultants to classroom teachers to help them best meet the needs of the exceptional students." (Application p. 19) The following paragraph further illustrates WPA's misunderstanding of its obligation:

"Planning for the needs of a variety of learning styles in the classroom will also facilitate meeting the needs of exceptional students while still giving them the many advantages of being in the mainstream classroom settings. WPA will hire an Exceptional Children Coordinator who will be licensed in special education for grades K-12. They will consult with schools, daycares and churches on the topic of incorporating all children into the regular education setting." (emphasis added)

Although the subsequent paragraphs in the application reference serving children "according to their needs" and "contract[ing] to provide related services ranging from deaf-blind, traumatic brain injury, visual impairments, adapted physical education, assistive technology and occupational therapy," there is no evidence of this intent in the practical realities of the budgeted expenditures. Furthermore, the statement that the charter school intends to contract for deaf-blind and traumatic brain injury services reveals the applicant's minimal understanding of related services.

The budget incorporates one Exceptional Children Coordinator as well as \$30,000 (total) in contracted personnel for speech and psychological services to serve a targeted enrollment of 360 students. Although the description of the role of the Exceptional Children Coordinator does not include the provision of services, but rather supervisory functions, the budget does not reflect the anticipated need of hiring any teachers. If a severely disabled child enrolls in WPA who requires a separate setting and full-time 1:1 assistant in addition to a trained, highly qualified Exceptional Children teacher, where are the demonstrated resources to serve this child?

3. Resultant Impact on the Wilson County Schools

If WPA is not prepared to serve these students appropriately, the parents have one of two options: (1) initiate a due process proceeding against the charter school and demand the child receive the FAPE to which she or he is entitled, or (2) return to the Wilson County Schools. The

data available on the Department of Instruction website indicates that most parents choose the second option. The enrollment of students with severe disabilities (e.g., Deaf-Blind, Deaf, Hearing Impaired, Intellectual Disability Severe, Multiple Disabilities, and Traumatic Brain Injury) is markedly less at charter schools than those served by traditional LEAs. For example, using the April 2012 Headcount as a snapshot, of the 795 students in the state identified with a severe intellectual disability (“IDSE”), only two (2) are served in a charter school; zero (0) of North Carolina’s 190 deaf students are served by charter schools; and charter schools serve zero (0) students identified as deaf-blind.

Like charter schools, traditional LEAs receive federal and state allotments to serve EC students based on the April and December EC headcounts submitted annually. Last year, that amount averaged \$5,404.73 per student served (based on the December 2011 headcount). However, providing the services necessary for a severely disabled student far exceeds the amount received as compensation—especially when one considers providing transportation, therapy services, and providing additional personnel to work with the student. When there is a mix and balance of the EC students served within a county, there is an economy of scale that affords a system the flexibility to allocate EC funds not used for one student to help meet the costly needs of another. When this balance is upset by students with less severe disabilities enrolling in a charter school, thus diverting the EC funding to the charter school, the economy of scale no longer exists and the school system is required to use additional local funding to meet the needs of its students. Last year, the Wilson County Schools was forced to reallocate funds from other programs to provide the required “Free Appropriate Public Education” owed to all of its EC students.

The financial impact of this upset in balance between severe and mild disabilities served by charter schools versus traditional LEAs is substantial and should be considered when determining the impact of granting additional charters in school systems with existing charter schools that are already absorbing this disparity in funding and services

III. Financial Impact of Proposed Expansion

Wilson County School already has two large charter schools drawing from the population of school age children in the county: Sallie B. Howard and Rocky Mount Preparatory. The impact of these two charter schools, plus an indeterminable number of students who may enroll in the North Carolina Connections Academy Virtual Charter School, already creates a significant financial impact on the Wilson County Schools. If approved, WPA intends to grow to 720 students in the first ten (10) years with all of the students coming from Wilson County. (Application p. 47)

Under the charter school legislation, state or local funding provided to WPA for students from Wilson County results in a dollar-for-dollar reduction in funding that otherwise would be provided to the Wilson County Schools. N.C. Gen. Stat. §115C-238.29H. If WPA is approved, during its first year the Wilson County Schools will lose almost nine percent (9%) of its funding from students enrolled in charter schools. This percentage will increase incrementally based on the school's projected growth to more than eleven percent (11%). Any family, business, or organization that has ever been faced with a ten percent (10%) budget cut recognizes the inherent challenges to making such cuts. The population base in Wilson is not growing, so the Wilson County Schools' "pool" of potential students remains fairly stagnant.

The State Board of Education ("SBE") has yet to define a "tipping point" for when the cumulative impact of approving a new charter school or an expansion request for an existing charter is too much for the LEA to absorb. With each charter school that opens in our county, especially charter schools of close to one thousand students, the resultant impact is substantial. This impact will only be exacerbated if the SBE grants approval to a statewide virtual public charter school.

Because many of the Wilson County Schools' costs are fixed or relatively inelastic with respect to student population, any material reduction of students (and correlated funding) undeniably affects the Wilson County Schools' ability to serve its remaining students. The precise impact this loss of funding will have on the Wilson County Schools' ability to provide a sound basic education presents a complex question—as evidenced by the duration of the Leandro litigation and the many unanswered questions which still remain under Leandro. Certainly Judge Manning's findings indicate a statewide concern over meeting all students' needs, thus any substantial cut in funding poses risks of a constitutional magnitude. We contend that losing 9 – 11% of our funding in any given year is substantial, and impacts our ability to provide a sound basic education to all students.

IV. Conclusion

As originally stated, we appreciate the opportunity to respond to WPA's application to operate a charter school in Wilson County and the time spent by the Office of Charter Schools, the Charter School Advisory Council, and the State Board of Education in considering the impact of the request on the Wilson County Schools.

The consideration of whether the charter application satisfies the statutory purpose of charter schools is an essential first step. WPA's charter application does not satisfy any of the

Mr. Joel Medley
April 9, 2013
Page 11 of 11

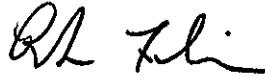
statutory purposes of charter school legislation. This initial failure is only compounded by concerns regarding the WPA's plan to meet the needs of exceptional children and the resultant impact on the Wilson County Schools. Finally, we ask the SBE to consider the cumulative financial impact on the Wilson County Schools of granting a charter to WPA and the inevitable effect on the Wilson County Schools' ability to provide a sound basic education to all our students.

Thank you for your thoughtful consideration of this matter.

Sincerely,



Sean W. Bulson
Superintendent
Wilson County Schools



Robin Flinn
Chair
Wilson County Board of Education

cc: Members, Wilson County Board of Education
William Cobey, Chairman, State Board of Education
Dr. June St. Clair Atkinson, State Superintendent
Philip Price, Chief Financial Officer, NC Department of Public Instruction