

EXECUTIVE SUMMARY
Wingate Oaks Charter School, Inc.
Wingate Oaks Charter School

The conversion charter school application was approved at the November 12, 2014, Regular School Board Meeting, Item L-12. The Wingate Oaks Charter School, Inc. has requested a deferral of its application for one year. A timeline and application of statute and district policy is provided below that outlines the processes thus far.

Pursuant to Section 1002.33(6)(h), Florida Statutes:

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The sponsor has 30 days after approval of the application to provide an initial proposed charter contract to the charter school. The applicant and the sponsor have 40 days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension...

On December 5, 2014, an initial proposed charter contract was provided to the charter school, which contained language pertaining to a mutual maintenance plan for the conversion charter school. Both parties agreed to an extension of contract negotiations.

Additionally, Section 1002.33(18)(a), Florida Statutes provides in part:

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Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district...

District staff and the conversion charter representatives have repeatedly met to negotiate. In October 2014 meetings with district staff began researching the five-year period of maintenance expenses that the Wingate Oaks School has funded for the designated period. As with all other public schools in the district, reasonable maintenance expenses shift each year. An average cost was generated and multiplied by the actual square footage to be utilized by each organization to be housed in the site. Throughout a series of three months of investigative meetings on all maintenance associated with the facility, the district staff continued to inform the charter conversion organization of the progress. In addition to this review, the district included an annual audit process within the calculations to reconcile any over or under charges associated with either organization's use of the facility to be applied to the next year's maintenance program. Throughout this process, actual work orders and associated expenses were shared back and forth. In addition to the actual maintenance of the facility, other school/facility-based costs were researched. Phone lines, bandwidth, internet access, alarm intrusion, security monitoring, monthly pool maintenance (the charter requested full access to the pool) and energy costs all were analyzed and put through a similar review over the previous five year data findings and a proportionate square footage share of the costs were applied to each of the organizations proposed to use the facility. Again, these actual costs will be reviewed annually and a recompense of over and under would be applied to each organization for the next year maintenance program.

The Office of General Counsel (OGC) was also working with staff to review other applicable examples of charter conversion, mutual management or shared space plans. District staff researched and provided OGC with several samples and developed a draft model using an agreement and a memorandum of understanding from the researched examples. After review, the OGC asked that the document be combined into one agreement. District staff complied and the combined agreement was transmitted in February 2015 to the Wingate Oaks Charter Conversion Organization. Outstanding items that were still being worked on were the inventory of the school, the time of day for use of all common areas, including playground, hallways, and cafeteria as well as the hours of operation that the charter conversion wanted included in the plan.

During the negotiating process in May 2015, the Conversion Charter representatives submitted a request to the State Department of Education asking the State to provide mediation services in the negotiating process. In an email for the Charter Conversion Organization, its attorney states, **“There remains the fundamental issue pertaining to what the school district is responsible for and what a charter conversion school’s responsibilities are. It does not appear that you are able to address this critical issue. Until the division of responsibility is resolved, it is hard to see a way forward”**. District staff agreed to participate in mediation proceedings.

Mediation was set for July 7th and 8th before a state appointed mediator, Lois Tepper. After reviewing each party’s mediation summary, the state notified the parties that it did not believe the dispute to be suitable for mediation and cancelled the mediation session. The conversion charter representative was informed that it could request a hearing before the Florida Division of Administrative Hearings (DOAH).

Subsequently, Wingate Oaks Charter School, Inc. has requested a deferral of their contract in order to continue negotiations of the mutual management plan of the facility.

Pursuant to The School Board Policy 1163 which reads in part:

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Rules:

3. Application/Process Review

F. Unless extended pursuant to this policy, an approved applicant shall open its charter school at the beginning of the school district’s next school year following the approval of the charter school application. At the written request of the approved applicant and for good cause shown, the school district may allow the approved applicant to defer the opening of its charter school for a period not to exceed the second school year following the approval of its charter school application. The decision whether to approve the delayed opening of the charter school shall be within the sole discretion of The Board.

The Superintendent does not recommend that The School Board of Broward County approve the deferral request by Wingate Oaks, Charter, Inc. Although The School Board of Broward County, Florida has not previously denied an approved applicant’s request for a deferral for good cause, none of the prior requests concerned the conversion of a district school currently serving students and good cause does not exist in this instance. The conversion charter entity had the ability to open in the existing site for this school year but chose not to accept a reasonable contract tendered to the school by the district. Unlike other charter school applicants; opening of a conversion

charter school will be disruptive to the operation of the subject district school and the Pre-K Early Diagnostic Center; both of which are tasked with servicing our most fragile populations.

The entity has not shown good cause as to why it is unable to open for the 2015-2016 school year other than a lack of acceptance of its obligations for reasonable maintenance expenses. The review of maintenance expenses are real and reasonable. The Superintendent also does not believe that there are any other matters that can be resolved with more time. The district believes it has met the intent of the law.

The impact of a deferral on multiple divisions within the School District as well as the District's fragile learners is described below.

1. The Wingate Oaks site is currently collaboratively shared with the Pre-K Early Diagnostic Center which has seen an increase in its referral rate, subsequently increasing the volume of cases going through the intake process and needing diagnostic and staffing services for our most fragile early learners. During the 2015-2016 school year, 2303 preschool aged children were scheduled for an evaluation. At the start of the 2014-2015 school year, ESE Preschool sites were servicing 1781 students. At the conclusion of the 2014-2015 school year there were 3527 Preschool students with disabilities in program. This is an increase of approximately 400 Preschool children with disabilities being serviced in SBBC ESE Preschool classes from the 2013-2014 school year. Additional allocation of space at this site is essential to meet this ever-growing demand for Child Find activities for the early childhood population. While the student population of the Center school will remain supported by the Wingate Oaks assigned district staff, their enrollment is decreasing. Conversely, the numbers of preschool aged children requiring services through the Early Diagnostic Center are substantially increasing. If this deferral is granted, it will eliminate the opportunity to continue district growth in identifying and servicing the youngest students with special needs in as timely a fashion as possible. In addition, if the deferral is granted it eliminates the opportunity for the ESE Preschool department to open "model" classrooms where not only new teachers can receive quality mentoring support and, at the time of staffing, parents can observe the type of classroom recommended to meet the needs of their children thus eliminating many fears our new parents face.
2. In alignment with applicable law, the District has thoughtfully and thoroughly reviewed operational expenses over a five-year period for the Wingate Oaks site, fairly apportioned maintenance costs for each operating body at the site and has proposed an annual audit of actual costs that will provide recompense for any possible over or under payments to the appropriate organization. While negotiating in good faith with the charter organization, all of this significant work has been unaccepted. A deferral would not alter the charter school's responsibilities.
3. The district remains committed to the students currently attending Wingate Oaks. They are guaranteed the opportunity to remain at Wingate Oaks with full school district support as a district school site until (receive FAPE up to their 22nd birthday or are no longer in need of the intensive services offered in this restricted environment) even though the enrollment has declined from 86 to 57. A deferral would put these students on hold once again for staffing changes, and program design and potential school location.

4. The Food Services Department has been working with both district food service staff and the charter school liaison for the charter conversion. The food and nutrition needs of this population are very critical and specific to the health and welfare of these students. The Food and Nutrition Services Department has not planned for staff, food product, and special needs to meet the school population requirements. The Wingate Oaks Charter School informed the department, they would not be utilizing the District Food and Nutrition Services Department for meals. If granted a deferral, this department's resources would be required to adjust operational needs, reversing decisions to provide meals, to accommodate students as a district school or what a charter organization may be willing/able to provide.

If you need any additional information on this item, please contact Jody Perry, Director, Charter Schools Management/Support Department at 754-321-2135 or Leslie Brown, Chief Portfolio Services Officer at 754-321-2100.