

24

Oak Cliff

APPLICATION

Receipt by TEA _____	Date of Committee Review: _____
_____ Approved _____ Not Approved	Date of SBOE Review: _____
_____	Beginning Date of Operation: _____

Application for Approval of an  
Open-Enrollment Charter

**Instructions:** The open-enrollment charter proposal must be submitted in contractual form including, in the order of the items below, these same components. Attach the following after the answers to the questions below: (1) signed facilities agreement, (2) evidence of parental/community support for the proposed charter, and (3) documentation of non-profit status.

Submit two copies of the completed application with attachments to the Texas Education Agency, Document Control Center, 1701 North Congress Ave., Austin, Texas 78701. For assistance, contact the Division of Charter Schools at (512) 463-9575.

Chief Operating Officer  
Of Proposed Charter: Timothy O'Keeffe Title: Chairman of the Board of Trustees

Name of Sponsoring Entity: Dallas Advantage Charter School, Inc.

The applicant is an "eligible entity" under the following category (check one):

- \_\_\_\_\_ an institution of higher education (TEC 61.003);
- \* a tax-exempt organization [501(c)(3)];
- \_\_\_\_\_ a private/independent institution of higher education (TEC 61.003);
- \_\_\_\_\_ a governmental entity.

Sponsor Address: 14332 Montford Drive #11302 City: Dallas

Zip: 75240 Phone Number: (972) 919-8822/(972) 726-7192 FAX: \_\_\_\_\_

Type of charter sought:  an open-enrollment charter  
(check only one) TEC 12.1011(a)(1)

\_\_\_\_\_ an open-enrollment charter under  
TEC 12.1011 (a)(2) (75% rule) (applicants for this  
charter must complete additional question #10  
and  
Sign the additional assurance found on page 30.)

Name of proposed charter school: Dallas Advantage Charter School

Date of proposed opening: August 1999

TEA DOCUMENT CONTROL CENTER JUL 24 1999

GOVERNING STRUCTURE

*Administrative Structure*

The founding coalition believes that the roles of board, management, and staff in any well managed organization are distinct:

- The board reviews and sets overarching policies, approves an annual budget, and hires and fires management
- Management negotiates and manages contracts, supervises staff, and runs daily operations
- Staff members are responsible for directly carrying out the mission of the organization

*Board of Trustees*

At the Dallas Advantage Charter School, the Board of Trustees will:

- Exercise final legal responsibility for the School and its performance
- Provide leadership for the project in the community
- Promote awareness of the School's new educational opportunities among the city's families, local civic and political leaders, and the media
- Define the School's mission and set broad policy
- Adopt the School's strategic plan
- Oversee the contracts held by the School, including the contract with Advantage Schools
- Participate in school development activities.

The Board will contract out in their entirety the business operations and the academic program of the School to Advantage Schools, Inc. Advantage Schools will, therefore, be responsible for the daily operations of the School, leaving the Board free to focus on the broader responsibilities listed above. The Board will be free to terminate Advantage's contract—and contract with a different provider—if Advantage fails to perform.

The Board of Trustees of the Dallas Advantage Charter School will be composed of four members, as follows:

- Carol Spencer  
928 Hideaway Place  
DeSoto, Texas 75115  
(972) 860-8250 or (972) 223-2884

# THE DALLAS ADVANTAGE CHARTER SCHOOL

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- Timothy J. O'Keeffe  
14332 Montford Drive #11302  
Dallas, Texas 75240  
(972) 919-8822 or (972) 726-7192
- The Honorable Mike Krusee  
Texas House of Representatives  
Post Office Box 2910  
Austin, Texas 78768-2910  
(512) 463-1469
- A parent of a student attending the School (to be added to the Board after the School's opening)

All correspondence regarding the Dallas Advantage Charter School should be addressed to Mr. O'Keeffe, who will serve as Chairman of the Board.

The Board members were chosen because of their unyielding commitment to education reform and their leadership in the Dallas community. Each has played an integral role in defining the School's mission and ensuring that the School's design meets the unique needs of the community. The Board is diverse and will remain so throughout the School's development. Over the next several months, additional individuals will likely be added to the Board. Each will be civic-minded; representative of the community at large; and interested in improving the quality of public education opportunities for all children, particularly those of modest means and those whose needs are not being met by the traditional system. Prospective Board members must possess a firm belief in the value of choice, competition, and local management of public schools. A criminal background check of all Board members will be conducted prior to final approval.

Biographical summaries of the aforementioned Board members are provided in Appendix E. A copy of the Board's application for incorporation in Texas is provided in Appendix D; the organization will file for nonprofit status with the IRS once it is incorporated and well in advance of the opening of the School in 1999.

The Board will function under standard bylaws established in accordance with federal and state statutes pertaining to the governance of charter schools. All meetings of the School's Board of Trustees will be open to the public, with participation from parents, students, and staff welcomed and desired.

### *Management*

Advantage Schools will be responsible for obtaining financing for and overseeing the renovation of the School building; recruiting and managing School staff; developing and implementing the academic curriculum; and contracting for food services, any necessary

APPLICATION

Charter Site Address: 3045 North Buckner Boulevard, Dallas, Texas\*\*

Zip: \_\_\_\_\_ Phone Number: \_\_\_\_\_ FAX: \_\_\_\_\_

Correspondence Address: \_\_\_\_\_

City: \_\_\_\_\_ ZIP: \_\_\_\_\_

Grade	Initial Est.	Maximum
Levels: <u>K-5</u>	Enrollment: <u>540</u>	Enrollment: <u>1170 (K-12)</u>

The charter will primarily serve an area that is geographically:  urban  
 suburban  
 rural

The proposed charter will be located in State Board District 057905 (number).

In succinct terms describe the proposed school including grade levels offered, student populations served, educational focus and any other essential characteristics. For example, "The Seventh Avenue Charter School is designed to recover students who have dropped out of high school and prepare them through vocational training to be productive contributors to society."

Using honed curricula, proven through research, and a state-of-the-art intranet technology, the Dallas Advantage Charter School will offer the city's children a free, world-class academic education. The School will open in August 1999, serving children in grades K-5, and it will expand by one grade each year; when fully developed, it will provide a comprehensive K-12 program. The School will demonstrate that the city's socially and economically diverse student body can achieve International Baccalaureate status or a technical skill certification upon high school completion.

Indicate the approximate percentage of each student population in as many categories as are applicable:

0 pre-kindergarten 7% special education        migrant

75% economically disadvantaged 28% limited English proficiency

18% gifted        recovered dropouts        at risk of dropping out

       pregnant or parent students        other \_\_\_\_\_

\*The Dallas Advantage Charter School has submitted documents for incorporation in Texas (see Appendix D). Once this application is approved and well in advance of the School's opening in 1999, the corporation will file for nonprofit status with the IRS.

\*\*Negotiations are currently underway with the owners of this property. Lease negotiations will be finalized after the charter is granted. Upon completing lease negotiations for the chosen site, the Board of Trustees will submit the terms of the acquisition and detailed conceptual plans for the facility to the State Board of Education and the Texas Education Agency for review.

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## VISION AND GOALS

The Dallas Advantage Charter School will open as a K-5 school in August 1999, and expand by one grade each year thereafter. When fully developed, the School will provide a comprehensive K-12 program designed to enable its socially and economically diverse student body to achieve International Baccalaureate status or a technical skill certification upon high school completion.

The School will provide a challenging core curriculum for all students, using the Direct Instruction approach in its elementary reading, language, and mathematics curricula. The Direct Instruction curriculum consists of polished lesson plans that have been implemented successfully and refined for over thirty years. This distinctive and proven curriculum uses a mastery-based approach that ensures competence before students proceed to new material, but without delaying students who are ready to advance more quickly. Similarly, the School's curricula in science, history, foreign language, music, art, and physical fitness will be based on coherent and ambitious standards for what students need to learn from the earliest grades.

The School will select its faculty and staff from among the very best in the profession, and provide them with the tools necessary to succeed: extensive professional development; the freedom to focus on helping children learn; and access to state-of-the-art educational resources, including the latest textbooks and multimedia technology, and personal and classroom computers linked to the Internet.

Frequent and regular assessment will enable teachers, School leaders, parents, and management to ensure that students are meeting rigorous standards for learning. It will also help in guiding and improving instruction and monitoring and reporting progress.

Complementing the School's rigorous academic program will be a structured, orderly environment, shaped in large measure by its character education program. All members of the School community will adhere to the School's Code of Civility, which will state clearly all expectations and school-wide rules concerning conduct as well as the consequences of breaking the rules. The Code will play a crucial role in the creation of a rich culture and strong sense of fellowship within the Dallas Advantage Charter School. Toward this end, students will also be asked to wear simple uniforms, which will permit them to focus their attentions on academics and on those aspects of their personalities that are truly important.

The overarching goals of the Dallas Advantage Charter School are to:

- Demonstrate the heights of academic achievement that urban students can routinely attain when the advantages of charter school governance are coupled with ambitious new academic standards and increased parent involvement
- Offer Dallas families rich new choices in public education within the city

- Create new professional settings for teachers that permit them to succeed, free from debilitating work rules, financial constraints, and excess regulation

The School has established ten broad academic learning goals, which in turn correspond to clear, grade-by-grade academic standards in the core subjects of reading, language, mathematics, science, history, and geography. In broad terms, each student will demonstrate:

- Reading in English with comprehension
- Clear, elegant, and effective communication in the English language, written and spoken
- The ability to use basic and more advanced mathematics to conceptualize and to solve problems in an academic environment, in the workplace, and in other everyday settings
- An understanding of the natural world and its workings
- Knowledge of the lives and accomplishments of important individuals from American, other Western, and non-Western civilizations
- An understanding of the United States and other Western and non-Western civilizations, and how they have changed over time
- Logical thinking, analysis, and systematic investigation
- Cultural literacy and factual knowledge that are important or useful in our society
- Basic proficiency in a language other than English, as well as a general understanding of the history and culture of other nations that use the language
- Informed aesthetic appreciation and judgment

For each of the ten broad learning goals, the School's curriculum establishes precise learning objectives, described in greater detail in the Curriculum Section. The School will also have highly detailed standards for student promotion at each grade level.

The Dallas Advantage Charter School is committed to attaining, at minimum, the following achievement benchmarks with students enrolled since kindergarten:

- 90 percent of students performing at or above the NAEP's "Basic" level in reading, writing, mathematics, science, history, and geography, and at least 35 percent performing at or above the NAEP's "Proficient" level
- Mathematics and science performance comparable with top-scoring nations in Asia and Europe
- Average School scores significantly above the district and state averages on the Texas Assessment of Academic Skills (TAAS)

Students will also develop the following non-academic strengths:

- Work-force related, cross-cutting skills, including identifying and acquiring needed

information; working with others to accomplish tasks; managing limited resources; developing and using complex systems; employing a variety of tools and technologies; sharing products and skills with others

- The basic moral virtues, including kindness, integrity, courage, self-respect, responsibility, and true friendship
- An ability to communicate through the arts, and an appreciation of beauty
- A good sense of humor
- Respect for the rights and duties of citizenship
- Creativity in addressing challenges and opportunities
- Physical fitness
- Self-discipline and perseverance
- High attendance and respect for learning and the school community

To ensure that these ambitious goals are achieved, the founders are planning to contract with Advantage Schools, Inc. for the provision of educational management services. Among other things, Advantage will be responsible for obtaining financing for and overseeing the renovation of the School building; recruiting and managing School leadership, faculty, and staff; developing and implementing the academic curriculum; and contracting for food services, any necessary transportation, and building management. The company offers extensive experience and expertise in these areas, having opened two charter schools in September 1997, both of which are performing on-target academically and financially. Advantage is preparing to open six additional schools in the fall of 1998.

With its rich educational resources, safe and orderly environment, high expectations for all students, ambitious goals for student achievement, and the consistent application of proven instructional practices, the Dallas Advantage Charter School will offer the city's families a fundamentally different choice in K-12 public education. In so doing, the founders aspire to revitalize public education in Dallas and set the standard and the pace for school reform throughout the state.



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transportation, and building management.

Ultimate authority for the adoption of broad rules and policies rests with the School's Board of Trustees. As the School's education management provider, Advantage Schools will use its experience in charter school operations to make recommendations and propose policies for the Board's action and to adopt policies and rules that are appropriately within the realm of management. A management contract between the Board and Advantage Schools will describe which decisions will rest with management and which will rest with the Board. The contract will also make it clear that final authority for the School rests with the Board. In addition, the Board will formally approve the School's Code of Civility, which will serve as a student and staff handbook, prior to the School's opening.

Founded in 1996, Advantage opened its first two schools in September 1997, in Rocky Mount, North Carolina, and Phoenix, Arizona; both are performing on-target academically and financially. Over 1,000 students, primarily low-income children, are benefiting from the rigorous education provided by Advantage. After just one year, parents report remarkable gains in the children's academic performance, conduct, and self-confidence. Advantage is preparing for the opening this fall of six more schools, based on the same model, enrollment, and partnership structure as those proposed for the Dallas Advantage Charter School. The new schools will open in Chicago, Illinois; Malden, Massachusetts; Worcester, Massachusetts; Kalamazoo, Michigan; Jersey City, New Jersey; and San Antonio, Texas.

Advantage was founded by individuals at the front line of the charter school movement. Chairman of the Board William S. Edgerly, former chairman of State Street Bank, is a nationally recognized leader in urban school reform, and President Steven Wilson drafted the Massachusetts charter school law. Theodor Rebarber, Chief Education Officer, authored the federal charter school law for the District of Columbia and was formerly with The Edison Project. Having helped develop the Direct Instruction curriculum and teaching methodology, Dr. Kathleen Madigan is well known for her expertise in the school-wide implementation of DI. Full resumes of the principals of Advantage Schools are included in Appendix F.

Advantage Schools also brings to the partnership the unique strength of its Education Advisory Council, composed of the following leading national educators, researchers, and policymakers:

- Chester E. Finn, Jr.—Fellow at the Hudson Institute; Co-Chair of the Educational Excellence Network; Project Director of Charter Schools in Action; Professor of Education at Vanderbilt University; former founding partner of The Edison Project; former Assistant Secretary for Research and Improvement, U.S. Department of Education

- Howard Fuller—Distinguished Professor of Education at Marquette University and Founder of the Institute for the Transformation of Learning at Marquette University; former Superintendent of the Milwaukee Public Schools
- Diane Ravitch—Senior Fellow at New York University; former Senior Fellow at Brookings Institute; former Assistant Secretary for Research and Improvement and Counselor to the Secretary, U.S. Department of Education
- Abigail Thernstrom—Senior Fellow at the Manhattan Institute and Adjunct Professor at the School of Education, Boston University; member of the Massachusetts Board of Education; board member, Center for Equal Opportunity.

Advantage's Advisory Council is available to provide expert guidance on the design and implementation of charter schools managed by Advantage Schools. Each member of the Council has demonstrated an unwavering commitment to educational excellence and is a nationally recognized leader in education reform. Advantage is also working with leading national corporations and business groups. Such business entities can play an especially important role in developing a credible workforce career path that students may eventually choose at the end of tenth grade, and in ensuring that earlier curricula prepare students well for such a choice.

#### *School Leadership, Faculty, and Staff*

The School Director, Professional Development Coordinator, and Business Manager will be responsible for implementing the school design and ensuring that all financial and academic targets are met. Detailed descriptions of these leadership positions are provided in the Qualifications of Professional Staff Section.

The School's lead teachers will serve on a Leadership Team that will identify and attempt to resolve school-wide instructional issues in conjunction with the School Director and Professional Development Coordinator.

#### *Parent Involvement*

The Dallas Advantage Charter School will foster parental involvement by treating parents, in its every action, as its customers—individuals who have chosen the School for their children and can remove them at any time. In the School's professional development programs, faculty and staff will be trained to view parents in this light and to treat each parent with appreciation and respect. This approach will stand in sharp contrast to that of many traditional schools. Indeed, as a result of the virtual monopoly on K-12 education held by regular public schools, many have become deaf to the voices of their constituents. As a school of choice, the Dallas Advantage Charter School cannot afford such apathy. It will strive continuously to develop cooperative and productive relationships with parents to fulfill the needs of all students.

The School will routinely gauge, both formally and informally, the reactions and concerns of parents, and use this information to improve the school's programs and operations.

An annual survey will be conducted, and the School Director and managers will consult regularly with parents to ensure that they are pleased with the progress their children are making and to act if they are not. Regular parent/teacher conferences will facilitate open communication between parents and teachers regarding students' progress. Teachers will also communicate frequently with parents via e-mail, notes, and phone calls.

To help ensure that all members of the School community, including parents, have access to the latest information, the School's intranet will be used to post the following:

- schedules of meetings of the Board of Trustees and the Parent Advisory Council
- lunch menus and calendars
- messages from School leaders and managers
- information concerning student groups and clubs
- classroom displays for projects and daily work
- curriculum goals, resources, and assessments

Parents will be able to access the intranet via remote access dial-up. Using special passwords, they will be able to check on the subject-by-subject progress of their children at any time. Even parents without access to a personal computer will benefit from the School's innovative use of technology, as their requests for information will be handled efficiently and expeditiously. Under the traditional record-keeping system, parents seeking information about their children's progress in a given area might have to wait days while the necessary reports and comments from the appropriate teachers and specialists are compiled. At the Dallas Advantage Charter School, this data will be available in the time it takes a teacher or school leader to log on, point the mouse, and click.

In addition, a newsletter will be sent to parents each month, including reports on the activities of each classroom and other matters of interest, and announcements of upcoming events.

Furthermore, parents will play a valued role in ensuring the success of the Dallas Advantage Charter School. First and foremost, parents will be expected to support the academic learning of their children by maintaining high expectations for both the children and the School. Parent conferences and annual reports on the School will facilitate this process. At the beginning of the school year, parents will be asked to sign a compact indicating their commitment to helping fulfill the School's primary mission—rigorous academic learning. In signing the compact, parents will pledge to maintain high expectations for their children and the school; demonstrate consistent interest in their children's progress at the School; support their children's best efforts; model the ten character virtues described in the Code of Civility (described below); and support and work with school staff to promote their children's learning. Each compact will be co-signed by the child and the School Director.

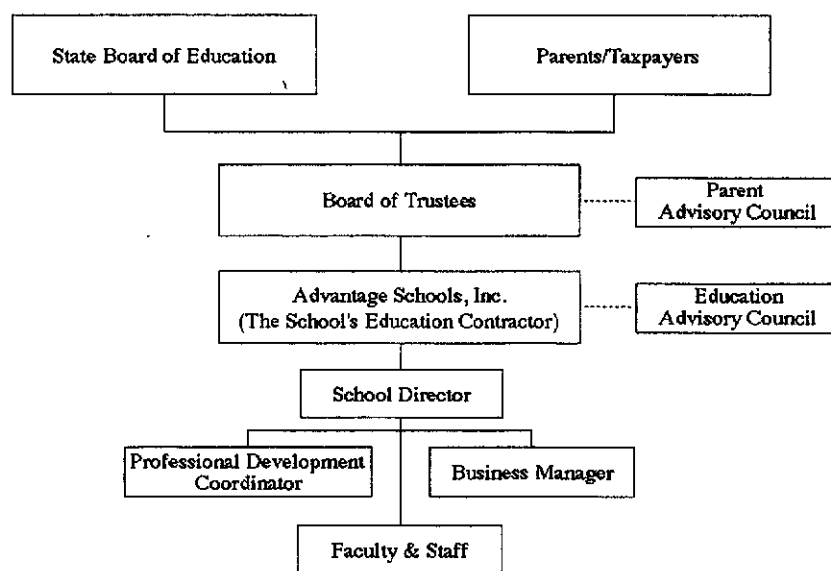
Second, parents will participate in such structured academic activities as assisting their children in preparing regular written compositions. Third, many parents will volunteer for school activities through an organized parent volunteer program. Fourth, through the Parent Advisory Council, parents will provide ongoing input on the operation of the School, playing an especially critical role in supporting the implementation of the School's disciplinary policies and assisting the School's efforts to reinforce sound character traits. Parents of children at the School will meet once a year to elect members to serve on the Parent Advisory Council; any parent will be eligible for election. The Council will meet periodically throughout the year. Finally, at least one parent representative will serve as a member of the School's Board of Trustees, and all meetings of the Board will be open to the public, with participation from parents welcomed and desired.

*Community Participation*

The School's founders and Advantage Schools will actively seek to develop partnerships with local businesses, community-based and government social-service providers, nonprofit educational advocacy groups, and other organizations serving youth to extend the opportunities for learning and enrich the educational experiences of the School's students. As in Advantage's other schools, local business people and leaders of nonprofit groups will open doors for the School's staff and students to a rich array of community, cultural, and social organizations. Such individuals will also be contacted as possible sources of donated materials, equipment, and tutoring and mentoring services.

Following is an organization chart for the Dallas Advantage Charter School.

**ORGANIZATION CHART**



## EDUCATIONAL PROGRAM

### *Curriculum*

The Dallas Advantage Charter School will provide its student body with a rigorous and supportive academic program designed to prepare students from all backgrounds for success in a world-class college preparatory or workforce/vocational skills curriculum in the School's senior high school. All curricular requirements described in Texas Education Code §28.002 (Texas Essential Knowledge and Skills) will be met. The School will use the Direct Instruction approach in its elementary mathematics and English curricula to ensure that students master the fundamental skills necessary for success in later grades. When the School is fully implemented, students will select one of two curricular career paths for the eleventh and twelfth grades—college preparatory or workforce/vocational skills—depending on their career goals.

In the earlier grades, the School will provide a challenging core curriculum for all students, based on practices proven through the best available research to be effective in attaining positive student outcomes. Every child will be assessed prior to entering a classroom, and instructional groupings in the critical areas of reading, writing, and mathematics will be created based on students' demonstrated competency in these areas. Small-group instruction in kindergarten and first grade will consist of 6-12 students in reading and 12-15 in math. Instructional groups will average 22 or fewer students in reading and math in the upper elementary grades.

At the core of the School's elementary curriculum will be Direct Instruction (DI), a highly structured program for reading, language/writing, and mathematics. DI consists of polished lessons that have been implemented successfully and refined for over thirty years. The lessons will be presented in a structured sequence, with each building on concepts and skills developed previously in the series. The curriculum will teach basic skills, as well as more complex analytic strategies and competencies, *explicitly*, instead of assuming students can develop such capacities with only limited adult guidance. Clear and specific academic objectives will delineate targeted learning, with students proceeding to new material after demonstrating mastery of a particular set of skills and knowledge.

This approach will ensure competence before students proceed, without delaying students who are ready to advance more quickly. Instructional groupings will be adjusted regularly depending on students' individual progress. Those performing below target will receive instruction that allows them to fill any learning gaps quickly and then accelerate. Likewise, students who have already mastered the subject matter will be free to advance.

To encourage student engagement and to enable teachers to monitor student progress efficiently, the primary method of instruction will involve a brisk pace and frequent student responses, punctuated by individual student responses. The amount of productive interaction

between the teacher and students will be maximized, with students providing 8-12 responses per minute, or 240-360 in a half-hour lesson. Students' mistakes will be corrected so that they may learn from them and advance.

In *Reading*, students will learn to read quickly and accurately in Levels I and II through a widely acclaimed phonics method that features step-by-step instruction for all decoding skills. The focus will shift to comprehension in Levels III and IV, with students learning how to read for information in physics, geography, astronomy and history. In Levels V and VI, students will read from a wide range of classic and contemporary literature, including complete novels such as *Tom Sawyer* and *The Wizard of Oz*, short stories, poems, factual articles, biographies, and plays. Students will learn how to analyze characters, settings, plots, and themes. They will also learn writing and reference skills necessary for effective studying.

In *Language and Writing*, students will learn higher-order thinking skills from the earliest levels. Lessons will build around vibrant, exciting stories, teaching students to listen carefully, recognize logical categories, complete deductions, use clues to answer questions, understand story grammars, identify faulty arguments, and reach logical conclusions. The program will systematically teach students to organize their thoughts into words, first through verbal activities such as storytelling, and later on paper. In the middle levels, students will develop consistent procedures for writing, editing, and revising their work. By the upper levels, students will be able to look critically at their own work, as a reader would, to enhance clarity and eliminate confusion.

In *Spelling*, students will learn how to spell strategically, not just to memorize a list of words. In addition to the standard approach of remembering whole words, students will learn two strategies to spell words that they have never seen before. The *phonemic* strategy will teach students sound-symbol relationships to spell words by sounding them out, while the *morphemic* strategy will teach students how to recognize and combine meaningful roots or parts of words, such as "joy"... "ful"... "ly."

In *Math*, students will master the basic facts and relationships of mathematics. They will learn how these facts and relationships apply to a full range of problem-solving situations. In the early levels, students will learn counting, addition, subtraction, money, measurement, estimation, multiplication, and basics in geometry. In the later levels, students will learn to extend these skills to analyze data. They will become well versed in using tables and graphs and manipulating fractions. They will practice correcting their work with calculators, learn the laws of probability and geometric principles, and work with a coordinate system and functions. At the highest levels, students will learn about signed numbers, work with exponents, and solve advanced algebraic equations.

The Direct Instruction approach is supported by an impressive body of evaluative

research, which documents a high level of effectiveness with all levels of students, but particularly with students from underprivileged backgrounds. The largest federally funded study of instructional effectiveness ever conducted, *Project Follow Through*, found that Direct Instruction had the greatest impact among various comparison models on all three measures used in the study: basic skills, cognitive, and self-confidence. A recent meta-analysis by researcher Gary Adams analyzing 44 evaluations of the reading program found a large average effect size of .68 standard deviations compared to control groups.

In her exhaustive summary of comparative research on reading instruction and the Direct Instruction program overall, Bonnie Grossen, Ph.D., University of Oregon, concludes that Direct Instruction:

- works across various sites and types of children (urban children, rural populations, and non-English speaking students)
- produces positive achievement benefits in all subject areas—reading, language, math, and spelling
- produces superior results for basic skills and for higher-order cognitive skills in reading and math
- produces the strongest positive self-esteem of the nine different Follow Through study programs

Indeed, because DI produces genuine achievement, student motivation and self-confidence are enhanced dramatically in comparison to other approaches, even when contrasted with methods that place a higher value on student motivation than on academic achievement. Students recognize that their accomplishments are the results of their own abilities and hard work.

Early results from the two schools opened by Advantage Schools in September 1997, provide further evidence that Direct Instruction works with all types of students. By spring break, more than 90 percent of the kindergartners at the Rocky Mount Charter School were reading; and over 30 percent of the fifth-graders were reading at the sixth-grade level, keeping pace to complete the equivalent of two years of reading in one school year. In addition, large percentages of students in each grade were well above grade level in mathematics. Similar reports from the Phoenix Advantage School underscore the effectiveness of DI. There, nearly 40 percent of the students were determined to have limited English proficiency upon enrollment. In December, the school reported that all such students who had been enrolled for at least one month were performing on target, meeting rigorous standards for learning. By May, nearly every kindergartner who started the year at the Phoenix Advantage School was reading, third-graders were doing geometry, and fifth-graders were solving algebraic equations.

The founders believe that well educated people should have at their disposal a broad array of important factual and conceptual knowledge and skills that equip them with the tools for success in all types of environments, including business, academia, and everyday living. To provide students with a sturdy foundation on which to build future success, the School's curriculum in science, history, foreign language, character education, music, art, and physical fitness will be based on coherent and ambitious standards for what students need to learn from the earliest grades.

This body of knowledge represents a degree of rigor greater than that of any existing state or district curriculum. It also represents a challenge to the philosophy of most public school curricula, which are based on very limited, watered-down conceptions of the academic knowledge that is "developmentally appropriate" for elementary students to attain.

In the *Science* curriculum, students will learn important concepts, facts, and scientific principles in a broad range of topics in physical science, earth and space science, and life science. Students will also develop the beginning technical and analytic skills necessary for conducting scientific investigations and technological design. Across their studies, students will explore the use of key unifying concepts in science, including constancy and change, systems, order and organization, and equilibrium.

In Level I (kindergarten), students will learn about seasons and weather, plants and plant growth, animals and their needs, and the human body. In Level II (grades 1 and 2), students will learn about the seasons and weather, plant growth and plant identification, animals and their needs, the human body, geologic eras, rocks, and fossils. In Level III (grades 3 through 5), students will learn about measurement, temperature, phases of matter, electricity, the solar system and astronomy, Earth and its changes, living things, and the human body. The curriculum will continue to build on this base of knowledge, moving students along at an accelerated pace, throughout the School's development.

The *History and Social Sciences* curriculum will focus on what all Americans have in common, while it broadens students' knowledge and understanding of cultures and civilizations different from their own or their immediate surroundings. As they study historical topics in the upper elementary levels, students will also develop historical reasoning and research skills.

In Level I, students will learn about famous people and holidays on the seven continents, longitude and latitude, North/South/East/West, the equator, the four oceans, and more, in addition to the location of their nation, state, and town on the globe. In Levels II, III, and IV, students will learn the fifty states and the physical features of the U.S., as well as facts and stories from the history of the nation, including the following: the first Americans (Native Americans), explorers, pilgrims and other colonists, the Revolutionary War, westward



expansion, slavery and the Civil War, reconstruction, industrialization, and the 20<sup>th</sup> Century extension of Civil Rights to all Americans. Level IV will address world civilizations, including units on the dawn of civilization, Sumeria, Egypt, Nubia, Israel, India, the Mayans, Greece, Rome, medieval Europe, China, and Japan. Level V will consist of an intensive U.S. history course, focused on political and economic developments since the early colonies, with special attention to the founding documents (i.e. the Declaration of Independence, Constitution, and Bill of Rights).

Beginning in the second grade, all students will learn a *Foreign Language*. Students will learn to read and write simple sentences about their daily activities. They will also learn how to ask and answer everyday questions, and how to sing a variety of songs in the foreign language. In addition, students will study the people, places, and cultures of countries where the language is commonly spoken.

The School's curriculum will also include a comprehensive *Character and Ethics* component. Students will be taught universal values, including responsibility, kindness, friendship, and perseverance. The program will involve two primary methods of instructing students in these core values: explicit instruction and infusion into the overall culture of the School. The first involves teacher explanations of the meanings of the concepts being studied, the use of literature and history to illustrate examples of positive character, and discussions of how one exhibits the desired traits. Story plots with engaging characters are a natural catalyst for discussions of basic virtues, from such relatively straightforward topics as physical courage and perseverance in the early grades, to more complex concepts such as integrity, true friendship, and self-respect, in the later elementary and middle school years. The second method takes the form of a school-wide commitment to embracing desirable character traits. It will be expected (and the expectation will be clearly stated in the School's Code of Civility, described in detail below) that all those involved with the School—teachers, students, administrators, and parents—exhibit and exemplify good character. This two-pronged approach to character education will allow students to learn about character and ethics by example and to practice what is taught in the classroom.

In *Music*, students will learn to sing, including with movement; learn rhythms; play a wind instrument (the recorder); and read musical notation. They will also learn folk and 20th century American songs, as well as songs from other lands, including China, Japan, and Latin America. The curriculum will include classical and jazz music as areas of special focus, including Duke Ellington, Ella Fitzgerald, and Charlie Parker, as well as Handel, Mozart, and Schubert.

Students will also develop basic drawing skills as part of an *Arts* curriculum that includes attention to production, appreciation and criticism, and history and culture. Artistic projects and studies will be coordinated with the history curriculum, focusing on the greatest artistic works

and accomplishments of the period and civilization being studied.

The founders recognize that being physically fit is important for everyone, but for young people aged 6-17 it is especially important to establish the habits of a healthy lifestyle. Being physically fit means that one's muscles, heart and lungs are strong and one's body is firm and flexible. In *Physical Education*, students will build heart and lung endurance, abdominal strength and endurance, lower back and hamstring flexibility, leg strength/endurance/power/stability, and upper body strength and endurance by performing curl-ups, pull ups, shuttle runs, one-mile runs and walks, and various stretching activities. Students will also engage in activities designed to perfect their coordination and help them become team players and good sports.

While most learning prior to the tenth grade will follow a discipline-based instructional approach, students will also have opportunities to develop cross-cutting, workforce-related skills through such instructional activities as identifying and acquiring needed information, working as part of a team, managing limited resources, and using technology and other tools. Periodic interdisciplinary activities and projects will provide students with further opportunities to integrate knowledge and skills acquired from different subjects.

The chart on the following page lists the broad academic goals described above, with *samples* of matching objectives that students will be expected to attain. There is not enough space to provide the detail necessary to include every learning objective, as the School's curriculum contains hundreds of precise objectives. For example, there are 129 objectives for writing at the fifth-grade level. The samples, therefore, far from being a complete list, are meant simply to exemplify the kinds of activities that students will be performing. The thousands of detailed objectives are available upon request.

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GOALS	SAMPLE LEARNING OBJECTIVES
Reading in English with comprehension	<ul style="list-style-type: none"> <li>• Read novels, short stories (including myth and folklore), poems, factual articles, biographies, and plays, including literature by Twain, Homer, London, O. Henry, Wordsworth, and Whitman.</li> <li>• Interpret complex forms, figurative language, and irony.</li> </ul>
Clear, elegant, and effective communication in the English language, written and spoken	<ul style="list-style-type: none"> <li>• Author poems and short stories.</li> <li>• Edit passages containing passive-voice sentences.</li> <li>• Spell over 5,000 words; know phonemic and morphemic strategies for spelling new words.</li> <li>• Take notes and reconstruct a dictated passage.</li> </ul>
The ability to use basic and more advanced mathematics to conceptualize and to solve problems in an academic environment, in the workplace, and in other everyday settings	<ul style="list-style-type: none"> <li>• Rewrite and solve four-value equations that have the unknown on the right.</li> <li>• Find area of a figure with more than one hole.</li> <li>• Develop strategy for determining sum of odd or even numbers in a series.</li> </ul>
An understanding of the natural world and its workings	<ul style="list-style-type: none"> <li>• Find the amount of work required to move a weight to specified points along an incline.</li> <li>• Investigate materials, light, heat, electricity, magnetism, characteristics of organisms, lifecycles, solar system, causes of weather.</li> </ul>
Knowledge of the lives and accomplishments of important individuals from American, other Western, and non-Western civilizations	<ul style="list-style-type: none"> <li>• Read biographies of such famous Americans as Benjamin Franklin, Frederick Douglass, Abraham Lincoln, and Thomas Jefferson.</li> <li>• Compare differing accounts of historical figures and their accomplishments.</li> </ul>
An understanding of the United States, other Western, and non-Western civilizations, and how they have changed over time	<ul style="list-style-type: none"> <li>• Describe how innovations in agriculture and communication have changed society.</li> <li>• Locate places using latitude and longitude.</li> <li>• Discuss historical impacts of such economic factors as trade tariffs and bank crises.</li> </ul>
Logical thinking, analysis, and systematic investigation	<ul style="list-style-type: none"> <li>• Identify contradiction and rebut faulty logic.</li> <li>• Identify explanations for evidence, design tests, write about what the different outcomes might mean (team project).</li> <li>• Revise misleading arguments and present fairly.</li> </ul>
Basic proficiency in a language other than English, as well as a general understanding of the history and culture of other nations that use the language	<ul style="list-style-type: none"> <li>• Read stories and poems in the second language.</li> <li>• Ask and answer questions posed spontaneously in the second language.</li> <li>• Write simple sentences and paragraphs as well as they can speak them.</li> </ul>
Informed aesthetic appreciation and judgment	<ul style="list-style-type: none"> <li>• Discuss how color, contrast, and form are chosen for specific artistic purposes.</li> </ul>

In the tenth grade, students planning to pursue a bachelor's degree will enroll in the International Baccalaureate (IB) diploma program, an internationally recognized standard of excellence, which prepares students for the most competitive universities in the world. The IB track consists of a comprehensive curriculum that includes the study of six subjects—world literature, a foreign language, math, science, history/social sciences, and an elective—as well as a theory of knowledge course (designed to develop students' ability to analyze and synthesize knowledge and experience), an extended research paper, and a community service requirement. IB students will be required to select at least three of the six main subjects for intensive "high level" study, while pursuing others at a less rigorous level.

The IB program includes detailed assessment criteria. For example, one article describing the program cites the criteria for a "superior" extended essay, as follows: "The essay is clearly stated, relevant to the research question, and fully substantiated by the evidence presented. If appropriate, the conclusion clearly indicates unresolved questions and new questions that have emerged from the research." IB tests will emphasize written work. In addition to the requisite extended research paper, students will be required to write a 2,500-word term paper in each subject and to provide a 20-minute oral defense of each paper. Essay questions will constitute the bulk of students' final exams, with tests focusing on their ability to gather and present information effectively. IB grading is based on a seven-point scale, with "seven" representing excellent performance. A cumulative grade of 24 in all six subjects is required for diploma candidates, along with satisfactory performance on the extended research paper, community service, and theory of knowledge components. Students who do not earn diplomas may receive IB certificates in specific subjects.

IB standards are maintained and reviewed by international curriculum committees in each subject, and teachers are regularly invited to make suggestions for improvement. Arden Zipp, distinguished professor of chemistry at the State University of New York at Cortland, described the IB program as "simply immune to the declining standards in U.S. schools."

Students intending to enter the workforce or pursue a technical degree following high school will choose a career path that integrates further academic work with intensive technical, vocational, and work-based learning. Unlike most existing vocational education programs, the workforce skills curriculum will be designed and implemented in partnership with national organizations with expertise in cutting-edge workforce training, as well as carefully selected local employers and business representatives. Students will be trained to the highest national industry skill standards, engaging in internships and apprenticeships to gain practical, hands-on experience. Students not pursuing a college preparatory career path may still take individual IB courses in subjects that would be useful in their chosen technical-vocational career paths, such as the applied Math Studies and Math Methods subsidiary level courses. Upon graduation, students who have chosen the workforce skills path will possess a credential that will be at least as valued by employers as an associate post-secondary degree. Having completed a full high school

curriculum by the end of the tenth grade, these students will also be prepared for college if they ultimately decide not to enter the workforce immediately after graduation.

#### *Attendance*

The Dallas Advantage Charter School aspires to achieve attendance rates of at least 95 percent. To ensure that this goal is met, the School will enforce a strict attendance policy that includes serious consequences for chronic unexcused absences. If a student is absent and returns to School without a note from the parent explaining the absence, the teacher will call the parent to remind him or her to send a note the following day. If a note is not received within two school days of the absence, the absence will be regarded as unexcused and recorded as such by the teacher. If the child receives three unexcused absences, the School Director will call to remind the parent of his or her legal obligation to make certain the child is in school, and to inform him or her that legal authorities will be contacted in the event of another unexcused absence. After four unexcused absences, the Director will contact the appropriate legal authorities. This policy will be clearly described in the School's Student/Parent Handbook.

#### *Students with Special Needs*

In the view of the founders, compliance with statutory and regulatory requirements regarding students with special needs is not an impediment but a strength of the charter school statute. The playing field would be tilted—and any success the School demonstrated would be rightly questioned—if the School did not welcome students who might be more difficult and expensive to educate. The School will meet all requirements for serving students with disabilities, accommodating all students served in the regular public schools. Indeed, service to students with special needs—whether limited English proficiency or physical, cognitive, or emotional disabilities—will be a vital part of the School's mission. Because the founders are committed to attracting a student body that is reflective of the surrounding school district, they expect the number of students with special needs in the new School to be comparable to that of the Dallas Independent School District (ISD).

Currently, seven percent of students in the Dallas ISD have been identified as having special education (SPED) needs. Research indicates that at least 70 percent of such children have mild to moderate disabilities, including learning disabilities, mild mental retardation, and emotional/behavioral disturbances. (Reynolds, M.C. & Heistad, D. (1997). *20/20 Analysis: Estimating the Effectiveness in Serving Students at the Margins*. *Exceptional Children*, 63, (4), 439-449.) The founders recognize that while the root causes of such difficulties vary from case to case, the instructional practices of many traditional public schools have done little to ameliorate them. Too often, the schools have contributed to the development of serious learning problems through inadequate instruction or inattention to students' needs.

Special education has become, in many urban systems, a dumping ground for students in

need of extra help, smaller classes, or personal attention. Working in over-crowded classrooms with scarce resources and little support, many educators have found that they have had no alternative but to refer students to separate special education classes so they can focus on children at the median learning level. In addition, the absence of an effective curriculum and pedagogy in many traditional public schools, especially in the critical early grades, may have resulted in excessive SPED referrals by teachers and parents in traditional public schools. When students are not taught how to read in the early grades, schools may later excuse their own inadequacies by labeling children as deficient (as having a "learning disability"). Or students, trapped seemingly interminably in a classroom where both textbooks and blackboard are incomprehensible, may understandably "act out" in class (an "emotional disability"). In both cases, it is not the children who are deficient, but the children's schooling.

Studies have shown that, once enrolled in special education classes or programs, students are unlikely to return to the regular classroom. They exist in a separate system, characterized by low expectations and little achievement.

An impressive body of current research supports what the founders and many observers have long believed: Students with minor to moderate learning disabilities, as well as those with behavior disorders, would fare far better in the regular classroom, with the appropriate supports. Nationally renowned experts in special education have concluded that the most effective teaching practices for such students include grouping based on proficiency level, instruction with non-disabled peers, techniques for maximizing student engagement, and intensive focus in the early grades. Through Direct Instruction, the School will employ each of these practices, as follows.

#### Grouping Based on Proficiency Level

Prior to each student's first day at the School, he or she will be tested in reading, language/writing, and mathematics, and small instructional groupings will be created in each subject, based on students' demonstrated learning capabilities. In grouping students, the School will be sensitive to the importance of educating students within their peer group. Students will be re-grouped throughout the year as needed; those who have mastered certain skills will proceed to new material while those requiring additional instruction in a given area will be provided the time and support necessary to achieve mastery.

#### Instruction with Non-Disabled Peers

Direct Instruction is a full-inclusion educational model. Because all students will be grouped by competency, students with disabilities will be placed in instructional groups with those bearing no such label but who are at a similar skill level.

#### Techniques for Maximizing Student Engagement

As noted above, one of the distinguishing characteristics of Direct Instruction is the high

level of student engagement it requires. In reading, language/writing, and mathematics, students will respond in a choral fashion throughout the teacher's presentation. At the target instructional pace, students will provide up to 8-12 responses per minute, which will prevent disengagement and allow teachers to measure student performance and content mastery on a continual basis. Highly structured procedures will be used to correct predictable student errors, preventing the development and application of misrules. Instructional sequences and examples will be used to allow students to learn quickly what is taught and to retain that knowledge. The lesson sequences will also provide learners with the necessary background knowledge (pre-skills) to conceptualize higher-order thinking rules.

### Intensive Focus in the Early Grades

At the Dallas Advantage Charter School, children will be placed in an intense learning environment from the earliest grades. Kindergartners will begin instruction in phonological awareness (learning the sounds of letters) within the first two months of instruction. First-graders will continue the rigorous instructional program, reading words in connected text and learning and practicing strategies for sounding-out phonologically irregular words. Similarly intense programming will be used in language and math, with teachers using scripts in each subject to ensure the accurate delivery of instructional material.

DI will thus reliably reduce the requirement for remediation and sharply lessen inappropriate referrals of students to separate special education classes. The School's orderly environment and inspiring culture will also result in more students succeeding in regular education and fewer being referred to SPED programs than in the traditional public schools.

The School's special education teacher will be responsible for maintaining a collaborative model of educational programming. Collaborative strategies will include ongoing communication among regular classroom teachers and joint planning and support for classrooms with students with disabilities or learning difficulties. The special education teacher will work with Title I teachers, related services personnel, and English as a Second Language teachers to coordinate services for students with multiple needs.

The founders recognize that in certain cases, it may not be possible to meet the needs of children with disabilities more severe than those described above, in the regular classroom. In such cases, the School will provide a learning resource center, staffed by a licensed special education teacher. Educational programming for such children will be in accordance with the school's primary goal of helping every child reach his or her full potential. The School will remain sensitive to the effects of educating children in a more restrictive environment. All efforts will be made to employ supplementary aides and services prior to any student's removal from the regular classroom, in accordance with Section 612 (a)(5)(A) of the federal Individuals with Disabilities Education Act (IDEA).

Like students with disabilities, those with limited or no English proficiency (LEP/NEP) will find in the Dallas Advantage Charter School a rigorous and supportive academic program that allows them to achieve their full potential. In the Dallas ISD, 28 percent of the students have been determined to have limited or no proficiency in English, which translates into an alarming number of young people who are unable to perform ordinary classwork in the language used in nearly every facet of American life. The founders are committed to eliminating the language barriers that have prevented so many young people from achieving success in the classroom and the workplace, and the School will fully comply with all statutes and regulations regarding bilingual education.

Research shows that the majority of LEP parents charge their schools first and foremost with teaching their children English. They know that their children must master English to succeed in our mainstream English-speaking economy. According to a recent federal study of transitional bilingual education (TBE) programs, 41 percent of parents whose children were enrolled in these programs wanted their children to be taught only in English.

A vast literature exists on the efficacy of TBE programs nationally, and the consistent finding is that it has not fulfilled its promise. Native language instruction for LEP students consistently shows equivocal results in student achievement and high school dropout rates for Latino students, and no evidence for the superiority of these programs over those using intensive English instruction.

In October 1995, New York City's Board of Education compared two similar groups of LEP students in a four-year study. One group was enrolled in English as a Second Language (ESL) classes, which provided English instruction from the first day of school through a special curriculum. The other group received native language instruction for the entire school day, except for a short lesson in English. At all grade levels, students enrolled in ESL classes exited their programs faster than those in the bilingual programs.

Nonetheless, in many traditional public schools, LEP students are automatically enrolled in TBE programs, separated from their classmates, and provided very little English instruction each day. Children can remain enrolled in these programs for years, and sometimes for their entire school careers. Their English instruction is at times so inadequate that, even when they are returned to regular education classrooms, these students are diagnosed as "special needs" and shunted off to special education (SPED) programs from which they rarely return. By contrast, most European nations successfully mainstream non-native speaking children after just one year or less in special "reception" classes.

One of the most promising alternative practices and that which will be used at the Dallas Advantage Charter School is "structured immersion," whereby LEP children learn English by immersing themselves in the spoken and written language. Educational programming for LEP



students will therefore be similar to that provided for all students at the new school. All instruction will be in English, but the teacher will tailor the language used to students' increasing comprehension. For such students, simple English will be spoken at the very beginning, and more complex English will be used over time as they gain fluency. The native language will be used principally to clarify instruction and provide a reassuring and affirming connection to the child's home language and culture. Where this practice has been tried in Texas, Washington state, Virginia, and Florida, students not only learned English better and faster, but also scored higher on exams measuring subject matter learning than did students in Spanish bilingual programs. On average, the English immersion students were mainstreamed into regular classrooms in 3 to 4 years, compared to 6 to 7 years for the bilingual students.

In severe cases of limited English proficiency, students will be placed in a language instruction class that will focus primarily on speaking complete sentences, using English to identify objects, and developing proper syntax and sentence structure. Once such basic skills are established, LEP students will benefit from the School's regular curriculum. Studies have shown that students with only a very basic English vocabulary—such as that which may be gained from 4-5 months of preliminary language instruction—can make remarkable achievement gains with Direct Instruction's Reading Mastery curriculum (see: Grossen, B. & Kelly, B.F. [1992], Direct Instruction in a Third World Context, *International Review of Education*, 38(1), pp. 81-85; and Grossen, B., & Kelly, B.F. [1992], Using Direct Instruction to Improve the Effectiveness of Teachers in South Africa, *South African Journal of Education*, 12(3), pp. 143-148).

The experience of the Phoenix Advantage School, managed by Advantage Schools, provides further evidence of the efficacy of Direct Instruction and the structured immersion approach. Nearly 40 percent of the School's students were determined to have limited English proficiency upon enrollment. In December, the School reported that all such students who had been enrolled for at least one month were performing on target, meeting rigorous standards for learning.

Students with limited English proficiency will also benefit from being in an environment where the ability to speak multiple languages is valued. As noted above, all students at the Dallas Advantage Charter School will learn a foreign language, beginning in the second grade.

LEP/NEP students will be assessed upon enrollment to determine their individual level of proficiency. Test results will enable the School to ensure that each student is grouped appropriately and that educational services provided are commensurate with his or her needs. Each LEP student will be assigned a case manager who will monitor the child's progression throughout the year to ensure that the School's rigorous standards for learning are met. The case manager will work closely with classroom teachers to accomplish this goal.

Overall, Advantage Schools has extensive experience in enabling students with special

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needs to achieve great heights academically. The company implemented and managed an inclusive elementary education program in Phoenix that allowed a heavily LEP student population to master basic skills and proceed on an accelerated learning track, within months of enrollment. At the Rocky Mount Charter School, managed by Advantage, students with learning disabilities exceeded their first-year goals, and many who arrived at the School identified as learning disabled finished the year without such labels.

Advantage's success in effectively addressing students' special needs can be attributed to the experience and expertise of the company's leadership. Advantage President Steven Wilson wrote about fulfilling the needs of urban SPED and LEP students in his book *Reinventing the Schools: A Radical Plan for Boston*, and in the Pioneer Institute's recent *Agenda for Leadership*. In 1995, Wilson also drafted legislation to reform Massachusetts's special education law, Chapter 766. He is the author of Governor William Weld's 1995 legislation to reform Massachusetts bilingual education laws and provide parents and educators greater pedagogical choice in LEP instruction. As Executive Director of the Pioneer Institute for Public Policy Research, Wilson also commissioned the Institute's study by Dr. Christine Rossell on the efficacy of Massachusetts's bilingual education programs. Advantage Chief Education Officer Theodor Rebarber is an expert on curriculum development and pedagogy for urban students, and Kathleen Madigan, Director of Curriculum and Instruction, is a nationally recognized expert in special education.

#### *Curricular Enhancements*

Complementing the proven curriculum and teaching methodology at the heart of the Dallas Advantage Charter School will be state-of-the-art technology designed to improve teacher performance and student learning. As in the private sector, technology will be viewed as a valuable tool, not an end unto itself. Technology will be integrated into nearly every aspect of the School's operations to:

- support classroom instruction
- provide students with the technological skills necessary to succeed in the 21<sup>st</sup> century
- minimize the amount of time teachers spend on non-instructional tasks
- ensure maximum efficiency in the use of school resources

As part of the national network of schools managed by Advantage Schools, the Dallas Advantage Charter School will be linked to the company's proprietary intranet system. In contrast to the Internet, which is a link to external sources of information, an intranet is an internal application of electronic communication technologies to fulfill certain organization-specific needs. Provided with Internet and intranet access, administrators, faculty, and students at the School will have at their fingertips the resources necessary to communicate and locate information with ease.

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In the 1999-2000 school year, each classroom will have two desktop computers with Internet and intranet access, e-mail, and educational software aligned with the School's curriculum. Additional computers will be added in future years. Computer projects will supplement lessons to strengthen students' understanding of certain topics, to provide a different cultural or geographic perspective, or to hone vital researching skills. For example, first-graders tracking their local weather patterns in science class will be able to share their findings with their peers in other schools managed by Advantage Schools, via the Internet. Second-graders studying Colonial America may include the World Wide Web among their information resources, perhaps to locate and download a map of the thirteen original colonies. In later grades, students will learn valuable keyboarding skills. In short, technology will be incorporated into the daily lives of all students to ensure that they are fully conversant in the technological language used in nearly every facet of modern life.

Teachers at the Dallas Advantage Charter School will not only benefit from technology as a means to enhance their lessons, but as a valuable tool to track student progress, perform necessary administrative functions, and strengthen their own teaching skills. Each teacher will have a personal laptop computer with a web browser, intranet and Internet access, e-mail, current office products, and telecommunications and multi-media resources. Using specially designed software and the intranet, teachers will be able to update student records automatically by inputting data on attendance and academic performance.

Instructional methods and interventions will also be available at any time through the intranet system. Structured around the curriculum for ease of use, the communication system will permit teachers to discuss issues through on-line "chats" with teachers at other Advantage campuses or to post questions to professional development coordinators or the Advantage central office. In subject areas of the curriculum having less structure, teachers will be able to construct online model lessons, which could be posted for use by their peers, or for soliciting recommendations and improvements. Teachers will also be able to view samples of student work from different teachers that exemplify different levels of performance on the skills or knowledge in the lesson. Over time, such ready access to information, data, and feedback will encourage clarity of purpose, self-monitoring, and thus higher standards of achievement.

From an administrative and management perspective, technology will be used to ensure that targets for student learning are met and to maximize the School's operational efficiency. With state-of-the-art software designed to track students' academic progress on a weekly basis, school leaders and managers will be able to identify problems before they take root and to take swift corrective action.

On the following page is an illustration of how teachers might make use of the intranet.

### THE ADVANTAGE INTRANET IN USE

- ☐ Arriving at school a half-hour before Morning Greeting, teachers check their e-mail for messages. After replying to high-priority messages, they check the School's announcements page for notice of schedule changes and other school-wide information.
- ☐ When the bell rings to signal the start of the school day, teachers take attendance by "checking off" a box next to the name of each student who is present. In this case, the form happens to be on a web page, and when the teacher is done, a click of the "submit" button updates the School's attendance database—the results can be immediately accessed by administrators in the school office or by managers at Advantage's corporate office.
- ☐ As the school day progresses and the teachers lead the students through the various lessons, their progress can be tracked dynamically. Once again, they use a web form to complete Lesson Progress Charts.
- ☐ When reviewing a grade-wide test given earlier in the day, students' scores can be entered as quickly in a web page as the teachers correct the tests.
- ☐ When the day is over, they click onto an Advantage intranet discussion forum for their individual grades and subjects. Immediately, they join other teachers at other Advantage schools across the country in an ongoing dialogue. They swap experiences with key lessons, share tips on successful practices, and consult with professional development coordinators at each school site.
- ☐ Anticipating a special class project, they might visit the purchase order area of the intranet and fill out a short form for the materials needed. Another click submits the request for approval.
- ☐ Before leaving, they check the events calendar to get the agenda for tomorrow's professional development meeting.

Enhancing the unique curricular design and rich technological resources of the Dallas Advantage Charter School will be the distinctive culture and strong sense of community within the school. Because charter schools are chosen by both their customers and their employees, there exists in such schools a great opportunity to forge a vital and distinctive community, which can be especially important in an urban setting, where students may come from weak or broken families. A school's community, as James Coleman has noted, can substantially reinforce that which is provided by the family. The Dallas Advantage Charter School will create a community at once loving and demanding. It will provide a focused, disciplined environment conducive to the School's primary mission—student learning.

A vital component of the new School will be its Code of Civility. The School's Code clearly defines expectations and school discipline policies, focusing on ten character virtues deemed the keys of success for school and throughout life: responsibility, perseverance, respect, kindness, truth, citizenship, courage, self-discipline, fairness, and true friendship. Expectations for appropriate conduct will be taught by relating student actions to the keys for success. Students will be encouraged to model the character virtues in their every action and thereby to develop the habits that characterize a civil society.

Emphasizing affirmation over reproach, the Code explicitly describes various means by which the School will recognize appropriate conduct. Faculty and staff will be trained to interact with each student four times more frequently when the student is engaged in appropriate conduct than when the student is behaving inappropriately. To recognize those who have demonstrated exceptionally good conduct, every classroom will select a "student of the day." In addition, each class will identify a goal toward which it will work over the course of a month; upon achieving the goal, the class will celebrate with a special reward.

While emphasizing the importance of encouraging good conduct, the Code explicitly states the consequences for inappropriate behavior as well. At the Dallas Advantage Charter School, there will be zero tolerance for chronic, physically dangerous, threatening, illegal, or insubordinate behavior. Such conduct will result in an automatic call to the parent and, in cases of illegal or physically dangerous conduct, automatic suspension. Students who engage in any type of misbehavior, whether minor or severe, will be required to make amends and/or restore the situation. Restitution may involve an apology; community or school service; or fixing, replacing and/or paying for damage caused. For example, a student who has marked on a desk or the school walls may be required to clean walls and desks for a week. Likewise, if a student teases or calls another child names, he or she may be required to make ten compliments per day for a week and do three good deeds for the week. By holding students accountable, the School will teach them a powerful two-fold lesson: that their claims and actions matter, and that their words and deeds—intentional and unintentional—have consequences.

To help set an academic tone and focus, all students will wear simple uniforms. Far from diminishing their individuality, uniforms will permit students to focus their attentions on academics and on those aspects of their personalities that are truly important. On a practical note, uniforms make buying clothes easier, which is one reason that many parents want uniforms and believe in them.

#### *Extracurricular Activities*

An after-school program, outside of the regular school program and operated on a tuition basis with scholarships for families of limited means, will be available within the Dallas Advantage Charter School. The program will offer tutoring, arts and crafts, sports, and other fitness activities. Additional activities, including organized athletics, will be added as the School

develops to include higher grades.

*Schedule and Calendar*

The Dallas Advantage Charter School will provide regular instruction 200 days of the year. The School's hours of operation during regular school days will be from 8:00 a.m. to 3:30 p.m. The School will be open until 6:00 p.m. for students and families who desire such access. An after-school program, outside of the regular school program and operated on a tuition basis with scholarships for families of limited means, will be available within the School.

An extended school day and year will contribute to high student achievement by increasing instruction time and decreasing the amount of time students spend without responsible supervision or productive activities in which to engage. In contrast, traditional American schools continue to follow a nineteenth-century, agrarian schedule; opening after many parents leave for work and closing in the mid-afternoon and for three full months in the summer, such schools are incompatible with the needs of today's families with two working parents or single working parents.

The tables on the following page outline the School's course schedule for the first year of operation, describing the time devoted to each subject or structured academic exercise in grades K-5. All time increments are daily unless otherwise indicated. In addition to those subjects listed below, the Dallas Advantage Charter School's course of study will include art, character education, and computer training, incorporated into the regular instructional program.

# THE DALLAS ADVANTAGE CHARTER SCHOOL

## COURSE SCHEDULE: GRADES K-5

Grade	Reading	Language	Spelling	Math	Review and Practice	Handwriting/ Sentence Copying
K	30 minutes	30 minutes	—————	30 minutes	—————	10 minutes
1	Level I,II: 35 min. Level III: 90 min.	60 minutes	20 minutes	60 minutes	30 minutes	10 minutes
2	Level II: 35 min. Level III-IV: 90 min.	60 minutes	20 minutes	60 minutes	30 minutes	10 minutes
3	Level III-VI: 90 min.	60 minutes	20 minutes	60 minutes	30 minutes	—————
4	Level III-VI: 90 min.	60 minutes	20 minutes	60 minutes	30 minutes	—————
5	Level III-VI: 90 min.	60 minutes	20 minutes	60 minutes	30 minutes	—————

Grade	Social Studies	Science	Foreign Language	Music	Physical Education
K	30 minutes	30 minutes	—————	30 minutes	—————
1	45 minutes	45 minutes	—————	30 minutes (twice per week)	30 minutes (twice per week)
2	45 minutes	45 minutes	30 minutes (3 times per week)	30 minutes (twice per week)	30 minutes (twice per week)
3	45 minutes	45 minutes	30 minutes (3 times per week)	30 minutes (twice per week)	30 minutes (twice per week)
4	45 minutes	45 minutes	30 minutes (3 times per week)	30 minutes (twice per week)	30 minutes (three per week)
5	45 minutes	45 minutes	30 minutes	30 minutes	30 minutes

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## ACCOUNTABILITY

### *Student Assessment*

The Dallas Advantage Charter School will implement a comprehensive assessment system, which will:

- Accurately monitor student and school progress over time
- Provide information that is useful for guiding and improving instruction
- Certify that students are meeting academic standards for promotion
- Express clearly the quality of student work that is expected.

As noted above, prior to each student's first day at the School, he or she will be tested in reading, language/writing, and mathematics to determine initial instructional group placement. Placement testing will be conducted in June 1999, for the upcoming school year. Students will be grouped based on their demonstrated competency in each subject area to ensure that instruction is appropriately targeted to meet their specific needs. Students will be re-grouped throughout the year as needed; those who have mastered certain skills will proceed to new material while those requiring additional instruction in a given area will be provided the time and support necessary to achieve mastery.

A student's mastery of course material will be determined by examining his or her performance on independent work—including papers, projects, and other assignments embedded in the curriculum—as well as his or her performance on mastery tests administered at the end of each subject unit (roughly every five lessons). Mastery tests are customized assessments closely aligned with the School's curriculum; they will include a combination of short-answer questions and items that require lengthier, more sophisticated responses. Students performing above 90 percent accuracy on tests and independent work will be considered to be at mastery level.

A discipline tracking system will also be used at the Dallas Advantage Charter School to identify the extent to which students are behaving appropriately and in accordance with the School's Code of Civility (described above).

Data summarizing every student's performance will be reviewed weekly by the School's Leadership Team, composed of the School Director, the Professional Development Coordinator, lead teachers, and curriculum experts at Advantage Schools. Specific action plans will be developed as necessary to ensure that every student progresses at the target rate and masters the course material. Each month, student achievement data will be reviewed by Advantage Schools and progress reports will be sent to parents. Progress reports will be prepared for the Board of Trustees on a quarterly basis.

Students will also be pre- and post-tested at the beginning and the end of each school year



to provide an objective measure for evaluating student learning, teacher performance, and curriculum alignment with subject matter tested. The Stanford Achievement Test—Ninth Edition (Stanford 9) will be used for students in grades two through six, and the Woodcock Reading Mastery Test will be administered to students in kindergarten and first grade. Annual spring testing in future years will allow for a longitudinal evaluation of student performance.

The founders are committed to attaining average School scores significantly above the SAISD average on the Texas Assessment of Academic Skills (TAAS) during the School’s first year of operation. The following chart outlines the specific levels of performance expected of students at the Dallas Advantage Charter School (DACS) during the 1999-2000 school year, and compares these levels with 1997 Dallas ISD performance. The numbers provided reflect the percentage of students meeting minimum expectations, excluding those in special education. Projections for the Charter School’s performance are conservative. The founders expect that students’ performance will continue to improve relative to those in surrounding public schools in the years ahead; eventually the School’s scores will surpass the state averages in each category.

	Grade 3		Grade 4			Grade 5	
	Math	Reading	Math	Reading	Writing	Math	Reading
DACS	67	71	68	69	78	72	70
DISD	62	63	63	64	74	68	66

In future years, the School will conduct a fourth-grade assessment of its students, which will include released items from the National Assessment of Educational Progress (NAEP) and the Third International Mathematics and Science Study (TIMSS). In mathematics and science, this assessment will permit the School to report results in the context of the performance of students in top-scoring countries, as well as in other states and the nation as a whole. In other subject areas, including reading, writing, history, and geography, use of released NAEP items will permit reporting in the context of national performance and student performance in other states.

*School Assessment*

The founders of the Dallas Advantage Charter School and Advantage Schools are firmly committed to comprehensive *public* oversight and monitoring of the School’s educational program and overall operations. Like all public charter schools, the School must meet high standards of accountability—even higher, in fact, than those heretofore expected or required of the traditional public schools.

The Dallas Advantage Charter School will undergo ongoing, continuous quality assessment by the Board of Trustees, Advantage Schools, parents, and community members. Through the system of comprehensive student assessment described above the School’s most important outcome—student performance—will be evaluated regularly.

The School is committed to attaining, at minimum, the standards described in the Curriculum Section, as measured by the assessments discussed above. In addition, the School will conduct a longitudinal study of student performance. The performance of a sample of students in each grade (selected to be representative of the local public schools) will be tracked over the full course of its enrollment in the School. The performance of each cohort will be publicly reported. The School's Professional Development Coordinator will design and conduct the evaluation process in conjunction with Advantage's Chief Education Officer and Director of Curriculum and Instruction.

Results of all of the aforementioned assessments and studies will be reported regularly to the State Board of Education.

The School will establish and maintain close communication with parents through:

- Regular parent conferences
- Monthly newsletters
- A Parent Advisory Council responsible for addressing issues of concern to school families
- A parent volunteer program
- Annual School "report cards "

All meetings of the Dallas Advantage Charter School Board of Trustees will be public and, as mentioned above, there will be a parent representative serving on the Board of Trustees who will report to the Board at each meeting, thereby keeping the Board apprised of the degree of parental involvement.

To keep the state informed of its performance, the Dallas Advantage Charter School will report regularly to the State Board of Education, and to demonstrate the efficacy of its curricula and teaching methods, the School will cooperate in every way with the state's educational assessment approaches.

Within 90 days of the end of each school year, a comprehensive audit of the revenues and expenditures of the Dallas Advantage Charter School will be conducted in accordance with GAAP principles by a certified public accounting firm selected by the School's Board of Trustees. The results of each annual audit will be reported to the State Board of Education, the Texas Education Agency, and other interested oversight agencies and outside observers.

The School's ultimate accountability is to parents through choice. If the Dallas Advantage Charter School does not maintain the confidence of its customers, the School's viability will be threatened—as it should. The School Director and staff will consult constantly with school parents to ensure that they are happy with the progress their children are making and

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to act if they are not. Annual surveys of parents and of students will provide additional information on customer satisfaction.

**THE DALLAS ADVANTAGE CHARTER SCHOOL**

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**STATEMENT OF IMPACT**

On July 14, 1998, a Statement of Impact form, a cover letter, and a draft of this application were delivered to the Superintendent of the Dallas Independent School District. A copy of the final application was mailed on July 23.

## GEOGRAPHICAL AREA

It is expected that the vast majority of students at the Dallas Advantage Charter School will be drawn from the geographical area defined by the Dallas Independent School District lines.

## ENROLLMENT

The Dallas Advantage Charter School will be open to all children, on a space-available basis within each grade. The school will not discriminate on the basis of intellectual or athletic ability, measures of achievement or aptitude, disability, proficiency in English, or any other basis prohibited by law.

There will be no admission requirements, and no tests of any sort will be given to determine whether or not admission will be granted, although tests will determine group placement once students are enrolled. If there are more eligible applicants than available slots, the School will conduct a lottery to determine who will be admitted. The lottery will be open to all, will not rely on computers, and will be easily understood and followed by all observers. All students whose applications were filed by the application deadline will be separated by grade and entered into the lottery. A drawing of names by grade will then be held until all spaces are filled, with preference given to siblings of admitted students. Once all spaces are filled, the drawing of names will continue to establish a waiting list. Students will be placed on the waiting list in the order their names are drawn. Students whose applications are received after the deadline will be placed on the waiting list in the order that their applications are received. In each successive school year, students who were enrolled in the Dallas Advantage Charter School the previous year will keep their spaces in the School until they graduate or leave the school.

To attract a sufficient pool of students, the founders and Advantage Schools will initiate an aggressive public information campaign. Information packages will be produced and provided to local news and information media, including local cable access television, and to groups, associations, employers, and social-service agencies. These packages will include a mission statement; summaries of the curriculum, faculty, facility, and transportation services; and other pertinent information. Print and radio advertisements will also be used to heighten awareness about the School.

In the spring of 1999, Advantage will open a local office in Dallas, equipped with phones and a fax machine and staffed with an individual trained to answer questions about the School. Temporary staff will also be hired in the spring to conduct mail drops and distribute fliers in the community, especially in neighborhoods near the site of the new School.

Public information nights will be held in the spring of 1999, during which potential students and their parents will be able to meet School leaders as well as representatives of Advantage and the Board. A video presentation describing the School's offerings will supplement an extensive question and answer session at each forum.

Throughout the campaign, the recruitment efforts for the School will tie into Advantage's centralized tracking and customer service effort that produces and disseminates information,

receives phone calls from parents or other community members, and enters and tracks student inquiries and applications.

Advantage Schools has extensive, proven experience with student recruitment and has an entire department dedicated to student recruiting. The company's schools in Rocky Mount, North Carolina, and Phoenix, Arizona, attracted over 1000 students during their first year, and in Rocky Mount, hundreds of students are on a waiting list for admission next year. This past spring, Advantage conducted student lotteries for its new schools, having received significantly more applications than there are available slots, in some cases. Given the current rate at which applications are being filed, it is expected that all Advantage-managed schools opening this fall will be over-subscribed, underscoring the effectiveness of Advantage's strategy and techniques. Advantage's student recruitment campaigns are conducted without the use of quotas of any kind, yet in each location, these efforts have generated applicant pools reflecting the larger student population.

The recruitment and application period for all students will begin in March 1999, and applications will be due on April 30, 1999. A lottery, if necessary, will be held in May 1999; parents will then be notified of student acceptance by mail. Throughout the late spring and summer, Advantage's student recruitment department will shift from attracting applicants to registering students and ensuring that those who register are prepared to begin school in late August.

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## QUALIFICATIONS OF PROFESSIONAL STAFF

### *Qualifications of School Staff*

Once the new School is chartered, Advantage will oversee the recruitment of the school's leadership team, faculty, and staff. As it has done for other schools under its management, Advantage will engage national executive search firms, at its own cost, to identify exceptional candidates for School Director to present to the Board. It will also use its extensive network of contacts to identify teachers and other staff with specific experience and skills in Direct Instruction and the behavior management techniques that will be used at the School. Advantage will advertise in high-circulation newspapers throughout the area and in community newspapers and publications, and through other media to attract faculty and staff of the highest caliber. Finally, the founders believe that due to the nature and scope of the proposed project, word-of-mouth will generate a substantial number of interested and well-qualified applicants.

Essential to the success of the Dallas Advantage Charter School is the selection of a strong and vibrant *School Director*: a proven leader. He or she will be ultimately responsible for student achievement and discipline, school climate, staff management, communication with parents and the community, and fiscal management. It will be the responsibility of the School Director to ensure that targets for attendance, enrollment, and spending are met. This individual will inspire staff and students to accomplish greatness and create an environment in which parents are treated as customers and are eager to participate in their children's education. The School Director will serve as a role model for problem solving and decision making for the entire school community, and he or she will respond with respect and care to all problems and concerns. He or she will play a key leadership role in hiring and terminating faculty and staff.

In filling this position, Advantage will seek

- a leader, who has the personal stature and charisma to inspire others to aim high, to persevere through difficult times and challenges, to withstand adversity, and to unite people in the pursuit of an organizational mission
- an effective manager and problem solver, who can identify problems and systematically resolve them; prioritize and delegate numerous tasks, large and small; and exercise good judgment based on maturity
- a team player, who can work cooperatively with Advantage and the Board of Trustees to realize the School's educational and business plan

The successful candidate will be able to

- foster and maintain high staff morale and motivation
- exercise strong organizational management skills, including the ability to establish



and coordinate the activities of a complex, startup organization with a large staff, multi-million dollar budget, and key service providers

- ❑ deploy entrepreneurial capacity to establish a new organization rapidly, from recruiting an exceptional teaching and administrative corps, to building an organizational culture marked by very high expectations of both staff and students
- ❑ demonstrate an unabashed commitment to excellence, and convey this commitment persuasively to all school staff, students, and parents
- ❑ work as part of a larger organization that includes constructive oversight from the Board and Advantage Schools

The School Director will oversee and work with the *Business Manager* to ensure that the school's targets for financial performance are met. The Business Manager will have overall responsibility for the School's business operations. He or she will be responsible for maintaining accurate, up-to-date student records in Advantage's student information database; working with Advantage corporate staff to prepare and revise school budgets for current and future years; purchasing supplies and implementing purchase and inventory controls; and monitoring the performance of major vendors, including transportation and food service providers, and implementing corrective actions when necessary.

The successful candidate for Business Manager will have a bachelor's degree and at least five years professional experience in such areas as operations, finance, and/or facilities management. Advantage will be seeking self-starting individuals with strong writing and interpersonal skills. Like other members of the School's leadership team, the Business Manager will be required to execute reliably against a set schedule and deadlines.

Another key school leader will be the *Professional Development Coordinator*. As the primary teacher and coach of the School's faculty and staff, this individual will be directly responsible for student achievement, staff management, the creation of a safe and orderly learning environment, communication with parents and the community, and certain aspects of the School's fiscal management. First and foremost, the Professional Development Coordinator will ensure that targets for student learning are met. Toward this end, he or she will train, coach, and motivate the School's teaching staff. Beginning with an intensive, two-week training session prior to the school's opening, the Professional Development Coordinator will shape a corps of enthusiastic and multi-talented educators into a closely knit faculty of the highest caliber. Throughout the year, the Professional Development Coordinator will track students' progress and analyze achievement data fastidiously to identify areas of need, and he or she will respond expeditiously and appropriately to any problems or concerns.

To fill this post, Advantage will seek individuals with considerable experience and a high level of expertise in Direct Instruction, in addition to strong organizational management skills

and a firm commitment to excellence. The successful candidate will be able to evaluate whether teachers are effectively implementing the School's instructional design, implement effective coaching techniques and motivational tools, and demonstrate Direct Instruction lessons from a variety of programs.

The founders expect a high level of interest in the School on the part of teacher candidates, as has been the case in the other schools managed by Advantage. In each case, teachers have flocked to the opportunities offered at the new charter schools, and Advantage has received many more applications than available positions. Consequently, Advantage has had the luxury of selecting the very best in the profession, a highly enthusiastic and multi-talented corps of educators at each location.

As documented in *Teachers at Work*, Susan Moore Johnson's study of teachers and their preferences, many teachers are drawn to opportunities to strive for excellence in urban education, provided that the organizational culture in which they will work permits them to be successful. Great teachers want to work in an environment where they are treated as professionals; where they are afforded such opportunities as ongoing professional development and such tools as laptop computers; and where they will be charged with implementing a proven curriculum. Such an environment will be provided at the Dallas Advantage Charter School.

The primary responsibility of each teacher at the new school will be to help every child reach his or her full potential. Teachers will be responsible for the following: selecting annual goals and implementing programs to achieve them through Direct Instruction and their own skills and techniques; providing a favorable learning environment; maintaining student records, including reports on attendance, individual academic progress, disciplinary action, and students' needs and goals; and working with instructional assistants to maximize the efficiency and effectiveness of instructional strategies.

In selecting teachers for the new school, Advantage will seek individuals with a strong undergraduate education; consistently exceptional professional evaluations; and outstanding references from peers, former students, and parents. A successful teacher candidate will be able to:

- Evaluate whether students are achieving the high standard of learning expected from the Direct Instruction curriculum
- Foster and maintain good working relationships with school administrators, instructional assistants, and other colleagues
- Exercise sound decision-making
- Demonstrate a firm commitment to excellence and convey this commitment persuasively to all students
- Work as part of an effective larger organization that includes constructive oversight

from the School Director, Professional Development Coordinator, and principals of Advantage Schools

Each successful applicant for a junior teaching position at the School will be assigned to a senior mentor teacher and a support team that includes other teachers, administrators, and curriculum specialists. In addition to the attributes listed above, standards for senior mentor teachers will include a distinguished record of demonstrable teaching success in an urban setting and a solid reputation for mentoring and overseeing less experienced teachers.

Candidates for other positions in the School will also be required to demonstrate expertise and considerable experience in their fields. Advantage's Director of Human Resources will conduct thorough background checks on all final candidates before employment offers are made.

### *Staffing Plan*

In the academic year 1999-2000, with a planned enrollment of 540 students, the School's teaching staff will consist of 19 regular classroom teachers, 11 instructional assistants, a special education teacher, a foreign language teacher, a music teacher, and a physical education teacher. Additional school staff will include the School Director, Business Manager, and Professional Development Coordinator, as well as a secretary, an administrative assistant, one full-time and one half-time custodian, and a nurse. As required by the individual education plans (IEPs) of enrolled students, special education faculty and itinerant specialists (including speech therapists, psychologists, and physical therapists) will be provided under contract with Advantage Schools once students are enrolled and the needs of the student body are known. Advantage's information technology director will develop and implement the School's technology program.

### *Employment Policies*

The School will refer to the pay scales of the surrounding public schools to determine teachers' hiring salaries based on education, experience, and current compensation. Faculty and staff will be offered an insurance package, including health, dental, and vision coverage; life insurance; and retirement benefits.

Any salary increases for current teachers, beyond a standard cost of living increase, will be based on merit. To identify those eligible for performance-based salary increases, and to ensure that the School's high standards are being met, the School Director and the Professional Development Coordinator will regularly assess teachers and instructional assistants through informal evaluations and observation. In addition, formal training and professional development sessions will include check-out tests to measure mastery of the instructional skills taught. Finally, the School Director, the Professional Development Coordinator, and Advantage's Chief Education Officer and Director of Curriculum and Instruction will formally evaluate all faculty at the end of the school year (or as necessary), based on the following criteria (the relative weight

of each category is provided in parenthesis):

Student Achievement (30 percent)

- ✓ Students attain targets for Direct Instruction lesson progress (students reach at least one lesson per day, unless there are relevant extenuating circumstances, e.g. an IEP indicating a slower instructional speed) and mastery test scores (generally, student scores are within the allowable range unless there are relevant extenuating circumstances).
- ✓ Students' scores improve on independent standardized tests and other independent assessments. (Not applicable in the School's first year.)
- ✓ Students achieve targeted performance in other subjects on available measures, including Advantage-piloted curriculum tests.

Parent/Student Satisfaction/Enrollment (20 percent)

- ✓ Results from annual parent survey and other indicators reflect satisfaction with faculty member.
- ✓ Faculty member's contribution to a measurable impact on enrollment, e.g. student attrition is caused by dissatisfaction with the individual, or conversely, increased enrollment is linked to parent satisfaction with individual, word-of-mouth, and/or independent outreach.

Classroom/Behavior Management (20 percent)

- ✓ Results from parent and student surveys and other indicators reflect satisfaction with faculty member's implementation of effective behavior management methods.
- ✓ Faculty member demonstrates the effective use of time, smooth transitions between activities, effective room arrangements, appropriate movement, clear expectations for student conduct, 4:1 ratio of praising students to correcting them, use of the School's character curriculum vocabulary, effective and appropriate use of reward systems, proper referrals to the School Director's office, and fairness and consistency in recognizing negative behavior and imposing consequences/restitution.
- ✓ Students demonstrate instructional/task focus and appropriate character virtues in the classroom as well as appropriate conduct in the halls, restrooms, play areas, and other non-classroom environments.
- ✓ Individual student behavior management plans are implemented correctly.

Faithful, Diligent, and Competent Performance of All Duties (5 percent)

- ✓ Faculty member faithfully, diligently, and effectively implements the policies and procedures of the School, demonstrating a strong work ethic and a positive attitude.
- ✓ The individual is punctual and meets other basic organizational expectations, including organizing student extracurricular activities and fulfilling such assigned duties as morning and lunch monitoring.

Instruction Implementation (10 percent)

- ✓ Faculty member implements the Direct Instruction curriculum, attaining 90 percent correct student responses and demonstrating strong lesson presentation skills (e.g., 8-10 responses per minute), the use of appropriate correction procedures, monitoring of students' independent work in class, and the use of appropriate signals.
- ✓ Faculty member effectively implements other curricula, assessments, parent progress reports, and report cards, and appropriately assigns homework and corrects papers.

Independence (5 percent)

- ✓ Faculty member works well independently when necessary.

Interpersonal Skills (5 percent)

- ✓ Faculty member works well with other school staff, participates in informal professional development discussions, shares expertise with colleagues, and participates in team planning meetings.

Professional Improvement/Development (5 percent)

- ✓ Faculty member learns the approved curriculum to a high level of proficiency; performs well in check-outs linked to in-service training; uses technological tools to maximize efficiency and effectiveness; accepts constructive suggestions or criticism in a professional manner; and works closely with the lead teacher, School Director, Professional Development Coordinator, and other colleagues to improve his or her own teaching skills.

Each member of the faculty will also be required to conduct a self-evaluation, based on the criteria outlined above. This exercise will help faculty develop the self-awareness necessary to improve their own skills on a continual basis.

A poorly performing teacher will be provided every opportunity to improve her or his efficacy in the classroom, in conjunction with mentor teachers and the School's Professional Development Coordinator. If the failure is not corrected, however, the teacher will be dismissed. This approach will stand in welcome contrast to the practices of many traditional systems, where a teacher is never let go, but rather moved to another school and another group of children. The Dallas Advantage Charter School will run an education system, not an employment system. The School will not conflate its responsibility to its customers—to uphold the right of all its students to a quality education—with a false sense of obligation to every employee, regardless of employee performance.

The ability of the School's leader to shape the very best teaching staff possible for the school's children is expected to contribute to staff morale, not undermine it. Capable, hard-working teachers will no longer resent colleagues who perform poorly, cannot be dismissed, and yet are compensated equally. As in any organization, professionals respect a leader who acknowledges and rewards excellence, and takes prompt action when performance consistently

falls short of standards. This will be the guiding ethic of continued employment for any teacher at the Dallas Advantage Charter School.

As noted above, job descriptions have been tailored for every school position, establishing clear performance standards. School-based administrators will be evaluated by Advantage's Vice President for Operations and Director of Curriculum and Instruction.

While protecting the civil liberties of students and staff members, the School will institute a zero-tolerance policy with regard to the use of illegal substances on school property.

Concerning the provision of equal employment opportunities, as noted above, the founders plan to recruit a diverse faculty that reflects the profile of the school community. The founders are confident that given such affirmative efforts, the School will be in full compliance with all laws regarding equal employment opportunities.

#### *Methods of Instruction*

As a teaching methodology, Direct Instruction represents a clear departure from the dominant philosophy in traditional public schools and schools of education today, which holds that teachers should devise their own detailed curricula and daily lessons to fit the needs of their students. The students thus dictate course content and there is rarely sufficient continuity to measure progress, correct failures, or build on successful practices. Not surprisingly, while a few teachers have excelled using this approach, the results of the majority have been equivocal. At the Dallas Advantage Charter School, teachers will not be required to reinvent the wheel for each class or for particular students; rather, they will be charged with implementing a proven curriculum and facilitating student achievement.

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SCHOOL SUPPORT

*Annual Budget*

The School Director and on-site Business Manager will work with Advantage Schools to develop an annual budget for the Dallas Advantage Charter School, which will be subject to approval by the School's Board of Trustees. Each year, the budget development process will begin in March and a final draft will be submitted to the Board by June 1. The Board will review the draft, and any necessary revisions will be made prior to the implementation of a final budget on July 1. Advantage will submit regular budget variance and other fiscal reports to the Board for review and approval. These reports will be generated from Solomon IV, a sophisticated automated financial management system that Advantage will set up for the School and that will be integrated with Advantage's own corporate systems. In addition to identifying issues related to the use of School resources, Advantage's fiscal reports will describe both progress on and the results of corrective actions.

*Budget Template*

A proposed budget is provided in Appendix C. For an explanation of how the school will conduct its business office, please refer to the description of Advantage Schools (the school's education management contractor) and the onsite Business Manager, on pages 5-6 and 38-39, respectively.

Because the state's per-pupil allocation for schools will be unavailable until just before the School opens, Advantage will fund roughly \$250,000-\$300,000 in such startup costs as staff and student recruitment, curriculum development, facility acquisition, and professional development. These funds will be treated as a grant and will not be repaid.

Advantage Schools has at its disposal for the school project, the extensive backing of its equity investors, which include Kleiner, Perkins, Caufield & Byers of Menlo Park, California; an affiliate of United States Trust Company (U.S. Trust) of New York; Bessemer Venture Partners of Wellesley, Massachusetts; and Fidelity Ventures of Boston.

In addition, the School will apply for federal startup funds to be made available through the state. The founders and Advantage Schools will also pursue charter school startup funds available through other private nonprofit organizations (funds which Advantage has successfully obtained for other schools it operates).

*Annual Audit*

Within 90 days of the end of each school year, a comprehensive audit of the revenues and expenditures of the proposed charter school will be conducted in accordance with GAAP

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principles by a certified public accounting firm selected by the School's Board of Trustees. The results of each annual audit will then be forwarded to the State Board of Education, the Texas Education Agency, and other interested oversight agencies and outside observers.

### *PEIMS*

In accordance with state statute and the State Board of Education rule, the Dallas Advantage Charter School will participate in the Public Education Information Management System (PEIMS). On behalf of the Board of Trustees, Advantage Schools is exploring all available options for obtaining this service, including the local Educational Service Centers (ESC). Advantage has experience in integrating state-mandated information management systems with its own comprehensive financial and programmatic tracking systems, having done so successfully for its school in Rocky Mount, North Carolina.

### *Facilities*

Acting on behalf of the School's Board of Trustees, Advantage Schools is engaged in negotiations with agents of the owner of property at 3045 North Buckner Boulevard in Dallas (see Appendix A). Lease negotiations will be finalized upon receipt of the charter. Factors considered in the site selection process included compatibility of surrounding land uses, site access and egress, proximity to parks and open space, student safety concerns, avoidance of on- and off-site environmental hazards, and the potential to expand facilities to accommodate additional classrooms and grades.

Advantage has considerable experience in site identification, acquisition, financing, and construction. Facilities identified and renovated by Advantage Schools in Phoenix, Arizona, and Rocky Mount, North Carolina, stand in sharp contrast to many neglected and unattractive public school buildings in those cities and across the country. It has also successfully secured six buildings for schools that will open this year, and is in the midst of construction at each site. Advantage is dedicated to meeting the same standard of excellence it applied in Rocky Mount and Phoenix as it oversees facility renovations for each of these new schools. Similarly, Advantage will tap its own in-house expertise to design a new school building for the School or transform an existing school or other building into a facility befitting education in the age of technology.

The School's founders believe that the School facility should symbolize to students and their families the best of the adult world and its achievements. Each classroom, all instructional space, and common areas in the Dallas Advantage Charter School will be specifically designed to meet the needs of teachers and students. The facility is expected to total between 40,000 and 60,000 square feet. When renovations are complete, the School will contain 15 to 19 classrooms, four to six rest rooms, an auditorium, a music room, an art room, and space for the school's



# THE DALLAS ADVANTAGE CHARTER SCHOOL APPLICATION

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nurse. All heating, mechanical, electrical, fire protection, plumbing, and security and life safety systems will be newly installed in accordance with current health, safety, fire and building codes and requirements.

Additionally, Advantage will ensure that the facility meets all Americans with Disabilities Act (ADA) requirements. Upon completion, the building will provide a state-of-the-art school facility, including the latest in telecommunications, an Internet-based data network, and a library media center.

Advantage Schools has successfully leased facilities for each of the eight schools under its management, providing the financial backing to obtain leases ranging from 15 to 20 years. Advantage will apply the same strategies it has used in the past to secure the most favorable financing agreement possible, on behalf of the School. Upon completing lease negotiations for the chosen site, terms of the acquisition and detailed conceptual plans for the facility will be submitted to the State Board of Education and the Texas Education Agency for their review.

## *Transportation*

As part of its engagement with the Dallas Advantage Charter School, Advantage Schools will be responsible for developing and implementing the School's transportation plan. The plan will include the provision of transportation services for students with special needs, as required by their Individual Education Plans.

## *Food Service*

As the School's education management provider, Advantage Schools will be responsible for contracting for food service for students' lunches. Advantage has successfully researched vendors and negotiated contracts for the other charter schools it manages. Through its work, Advantage has made contacts in and gained knowledge of the school food service industry, which will prove useful in the search for and procurement of food service for the Dallas Advantage Charter School.

The search for a food service vendor will be limited to those who can demonstrate that their meals conform to the National School Lunch Pattern Meals, thereby meeting all federal and state requirements and being reimbursable under the free and reduced lunch program. Additionally, Advantage will seek to contract with a vendor who offers meals using United States Department of Agriculture (USDA) commodity foods and "Offer Vs. Serve" options. Both of these provisions will allow the School to offer high-quality food services in the most cost-efficient manner.

In its search for and contract with selected food service vendors, Advantage will require

**THE DALLAS ADVANTAGE CHARTER SCHOOL**

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that all laws, ordinances, and regulations regarding the inspection of food are followed. Advantage will include the Dallas Independent School District in its search for the best food service for the School. If in fact it is more cost-effective to use the DISD's food service, the School will seek to enter into a contract with the district for the provision of meals.

APPENDIX A: FACILITY USE AGREEMENT

**POTOMAC CAPITAL ADVISORS**  
114 Union Wharf, Boston, MA 02109

APPLICATION

July 20, 1998

Mr. Rick Taylor  
Director of Real Estate  
Advantage Schools, Inc.  
205 Portland Street  
Boston, MA 02114

Dear Rick,

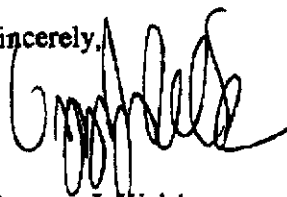
As the exclusive agent for Advantage Schools, Inc in your search for property to locate a charter school in the Dallas/Ft. Worth market, please be advised that I have been in negotiations with agents for the owner of the 3045 North Buckner Boulevard, located in Dallas.

Per our discussions, this 53,000 sq. ft. flex style property is available in its entirety and has been offered to us at \$5.00 per sq. ft. triple net. We are currently discussing the rate and the level of tenant improvements to be provided by the owner.

I am confident that this property will be an excellent solution for your requirement and believe that our negotiations can be completed in less than one month. Please advise me regarding the status of your application so I may keep the owner's agent properly informed of the timing for executing a lease.

If you have any further questions, or if I can be of any additional assistance please feel free to call me directly.

Sincerely,



Gregory J. Walsh  
Principal

617.723.5030

00052

APPENDIX B: EVIDENCE OF PARENTAL AND COMMUNITY SUPPORT

FROM : TPE

PHONE NO. : 2149425071

Jul. 21 1998 10:03AM F1

APPLICATION



# DYNAMIC RESOURCES

220 W. JEFFERSON BLVD.  
DALLAS, TEXAS 75208  
Ph: (214) 942-8029  
Fax: (214) 942-8071

July 14, 1998

To whom it may concern,

I am writing this letter in support of Charter Schools. I have sat and watched the decline of the Public School System in America for the last 15 years. Reason being, it seems the system is more interested in raising our children then teaching them. I am tired of watching what should be the greatest educational system in the world, turn into one of the worst. After reviewing the Charter School proposal, it seems to be one of the only choices a parent has left to insure their children getting a proper and adequate education. Also since they can be directly involved in the process by serving on the school board along with community and business leaders. it brings the parent back into their childrens educational process. And by involving the parents, it might just be the key to getting the school system back on track. It might also force the Public School System to take notice and decide to focus back in teaching our kids instead of trying to raise them.

Respectfully yours.

A handwritten signature in cursive script that reads "Felix A. Vasquez".

Felix A. Vasquez  
CEO

00054

FROM : TPG

PHONE NO. : 2149425871

JUL. 21 1998 10:04AM F2

APPLICATION

JULY 18, 1998

TO WHOM IT MAY CONCERN:

MY NAME IS [REDACTED] AND THIS LETTER IS TO EXPRESS MY SUPPORT OF CHARTER SCHOOLS IN DALLAS, TEXAS. CHARTER SCHOOLS CAN BE AN EXCELLENT ALTERNATIVE TO REGULAR, TRADITIONAL PUBLIC SCHOOLS.

FROM MY UNDERSTANDING, CHARTER SCHOOLS ARE NOT GOVERNED BY A BUREAUCRACY OF RULES AND REGULATIONS, BUT RATHER BY AN INDEPENDENT BOARD OF PARENTS, COMMUNITY LEADERS AND BUSINESS LEADERS. THIS IS A GREAT OPTION FOR PARENTS WHO ARE FRUSTRATED AND DISAPPOINTED WITH THE TRADITIONAL PUBLIC SCHOOL SYSTEMS.

CHARTER SCHOOLS WOULD BE AN EXCELLENT OPPORTUNITY FOR THOSE WHO SEEK AN ALTERNATIVE TO PUBLIC SCHOOLS BUT CANNOT AFFORD THE COST OF ATTENDING PRIVATE SCHOOLS.

VERY TRULY YOURS,

[REDACTED SIGNATURE]

APPENDIX C: BUDGET TEMPLATE



## APPLICATION

Dallas Advantage Charter School  
Charter School Budget Categories

Expenses	Function Code	Object Code	Total
Instruction:	11		
Payroll Costs		6100	\$ 1,102,676.67
Professional and Contracted Services		6200	47,075.00
Supplies and Materials		6300	36,300.00
Other Operating Costs		6400	
Debt Expense		6500	9,736.16
Total Instruction			<u>1,195,787.82</u>
Instructional Resources and Media Services:	12		
Payroll Costs		6100	
Professional and Contracted Services		6200	
Supplies and Materials		6300	17,600.00
Other Operating Costs		6400	8,910.00
Debt Expense		6500	-
Total Instructional Resources and Media Services			<u>26,510.00</u>
Curriculum Development and Instructional Staff Development	13		
Payroll Costs		6100	\$ 46,970.00
Professional and Contracted Services		6200	261,181.21
Supplies and Materials		6300	
Other Operating Costs		6400	3,425.81
Debt Expense		6500	
Total Curriculum Development and Instructional Staff Development			<u>311,577.02</u>
Instructional Leadership	21		
Payroll Costs		6100	\$ -
Professional and Contracted Services		6200	261,181.21
Supplies and Materials		6300	
Other Operating Costs		6400	
Debt Expense		6500	
Total Instructional Leadership			<u>261,181.21</u>
School Leadership	23		
Payroll Costs		6100	\$ 114,070.00
Professional and Contracted Services		6200	
Supplies and Materials		6300	
Other Operating Costs		6400	
Debt Expense		6500	
Total School Leadership			<u>114,070.00</u>
Guidance, Counseling and Evaluation Services	31		
Payroll Costs		6100	
Professional and Contracted Services		6200	79,732.80
Supplies and Materials		6300	
Other Operating Costs		6400	
Debt Expense		6500	
Total Guidance, Counseling and Evaluation Services			<u>79,732.80</u>
Health Services	34		
Payroll Costs		6100	\$ 27,913.57
Professional and Contracted Services		6200	

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Dallas Advantage Charter School  
Charter School Budget Categories

APPLICATION

Expenses	Function Code	Object Code	Total
Supplies and Materials		6300	2,722.50
Other Operating Costs		6400	
Debt Expense		6500	
Total, Health Services			<u>30,636.07</u>
<b>Food Services</b>			
Payroll Costs	35	6100	\$ 6,938.75
Professional and Contracted Services		6200	334,078.25
Supplies and Materials		6300	928.13
Other Operating Costs		6400	
Debt Expense		6500	
Total, Food Services			<u>341,945.13</u>
<b>Co-curricular/Extracurricular Activities</b>			
Payroll Costs	36	6100	
Professional and Contracted Services		6200	7,500.00
Supplies and Materials		6300	
Other Operating Costs		6400	
Debt Expense		6500	
Total, Co-curricular/Extracurricular Activities			<u>7,500.00</u>
<b>General Administration</b>			
Payroll Costs	41	6100	\$ 48,583.33
Professional and Contracted Services		6200	80,365.30
Supplies and Materials		6300	19,360.00
Other Operating Costs		6400	43,250.13
Debt Expense		6500	
Total, General Administration			<u>191,558.76</u>
<b>Plant Maintenance and Operations</b>			
Payroll Costs	51	6100	\$ 24,750.00
Professional and Contracted Services		6200	35,587.50
Supplies and Materials		6300	4,000.00
Other Operating Costs (rent expense)		6400	304,166.67
Debt Expense		6500	
Total, Plant Maintenance and Operations			<u>368,504.17</u>
<b>Data Processing Services</b>			
Payroll Costs	53	6100	
Professional and Contracted Services		6200	28,875.00
Supplies and Materials		6300	
Other Operating Costs		6400	
Debt Expense		6500	7,836.41
Total, Data Processing Services			<u>\$ 36,711.41</u>
<b>TOTAL EXPENSES (ALL FUNCTIONS)</b>			<u><u>\$ 2,965,714.38</u></u>

APPENDIX D: EVIDENCE OF STATUS AS ELIGIBLE ENTITY

APPLICATION

ARTICLES OF INCORPORATION

OF

DALLAS ADVANTAGE CHARTER SCHOOL, INC.

*nka Oak Cliff  
Academy*

Each of the undersigned, being a natural person of the age of at least twenty-one years and acting as an incorporator for the purpose of organizing a corporation pursuant to the provisions of the Texas Non-Profit Corporation Act, does hereby adopt the following Articles of Incorporation.

**FIRST: Name.** The name of the corporation (hereinafter called the "Corporation") is:

Dallas Advantage Charter School, Inc.

**SECOND: Non-Profit.** The Corporation is a non-profit corporation.

**THIRD: Duration.** The duration of the Corporation is perpetual.

**FOURTH: Purposes.** The purpose or purposes for which the Corporation is organized are:

- A. Generally, to pursue exclusively charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or corresponding provisions of any future United States Internal Revenue law (the "Code").
- B. Specifically (but only to the extent consistent with the purposes described in paragraph A of this Article Fourth), to obtain a charter for, and establish, maintain and operate a charter school in Texas pursuant to Chapter 12 of the Texas Education Code.
- C. To do, exercise and perform any act, thing or power necessary, suitable or desirable for the accomplishment of the foregoing charitable and educational purposes, or the attainment of any objectives, or the furtherance of any powers which are lawful purposes, objectives or powers of a non-stock or non-profit corporation organized pursuant to the provisions of the Texas Non-Profit Corporation Act.
- D. Notwithstanding any other provision of this Article Fourth: (i) no part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, its officers, trustees, or other private persons, except that the Corporation shall be

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APPLICATION

authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth above; (ii) no loans shall be made by the Corporation to any director, officer, member or employee of the Corporation, nor any spouse, sibling, or child of such individual; (iii) no substantial part of the activities of the Corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of, or in opposition to, any candidate for public office; and (iv) notwithstanding any other provision of these Articles of Incorporation, the Corporation shall not carry on any other activities not permitted to be carried on: (a) by a corporation exempt from Federal income tax under Section 501(c)(3) of the Code (or the corresponding provision of any future United States Internal Revenue law); or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code (or the corresponding provision of any future United States Internal Revenue law).

**FIFTH: Membership.** The Corporation shall have no members.

**SIXTH: Nondiscrimination.** The Corporation shall not discriminate on the basis of race, color, national origin, sexual orientation, ethnicity, age, gender, creed or religion.

**SEVENTH: Registered Agent and Office.** The street address of the initial registered office of the Corporation is 350 North Saint Paul, Dallas, TX 75201, and the name of its initial registered agent at such address is Corporation Service Company d/b/a CSC - Lawyers Incorporating Service Company.

**EIGHTH: Board of Trustees.** The powers of the Corporation shall be vested in a board that shall be called the Corporation's Board of Trustees. Initially, the number of Trustees shall be three, which number may be increased or decreased pursuant to the Laws of the Texas and the Bylaws of the Corporation, but shall never be less than the minimum number or more than the maximum number permitted by the Laws of the Texas now or hereafter in force.

Except as may otherwise be provided in these Articles of Incorporation, the manner of election or appointment of the Trustees of the Corporation shall be prescribed by the Bylaws of the Corporation.

**NINTH: Initial Board of Trustees.** The initial Board of Trustees shall adopt the initial Bylaws of the Corporation. The name and street or post office address, if any, of each of the persons who are to serve as the initial Trustees of the Corporation until the first annual meeting or until their successors be elected and qualify are as follows:

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<u>Name</u>	<u>Address</u>	APPLICATION
Tim O'Keefe	1505 LBJ Freeway, Suite 300 Dallas, TX 75234-6071	
Carol J. Spencer	928 Hideaway Place DeSoto, TX 75115	
The Honorable Mike Krusee	Texas House of Representatives P.O. Box 2910 Austin, TX 78768-2910	

**TENTH: Amendment to Articles of Incorporation.** The Board of Trustees shall have the right to alter, amend, or repeal any provision of these Articles of Incorporation at any meeting of the Board of Trustees by a vote of a majority of the Trustees then in office, except that no amendment shall be made that would change the purpose of the Corporation as set forth in Article Fourth.

**ELEVENTH: Dissolution.** Upon dissolution of the Corporation, the Board of Trustees shall, after making provision for the payment of all the liabilities of the Corporation, dispose of all the assets for the Corporation exclusively for the purposes of the Corporation in such manner or to such organization or organizations as the Board of Trustees shall determine, provided that any such distributee organization must be organized and operated exclusively for charitable or educational purposes and shall at the time of disposition qualify both as a permissible distributee under Section 6.02 the Texas Non-Profit Corporation Act, and as an exempt organization under Section 501(c)(3), Section 170(c)(1), or Section 170(c)(2) of the Code (or the corresponding provision of any future United States Internal Revenue Law).

**TWELFTH: Incorporators.** The name and street or post office address, if any, of each of the incorporators are as follows:

<u>Name</u>	<u>Address</u>
Julianne M. Ellis	Sullivan & Worcester LLP One Post Office Square Boston, MA 02109
David J. Nagle	Sullivan & Worcester LLP One Post Office Square Boston, MA 02109
John K. Graham	Sullivan & Worcester LLP One Post Office Square Boston, MA 02109

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APPLICATION

Signed on July 23 1998.

Julianne M. Ellis  
Julianne M. Ellis, Incorporator

David J. Nagle  
David J. Nagle, Incorporator

John K. Graham  
John K. Graham, Incorporator

E:\MTC\GEARM2\TEXAS\DALLAS2.C1:7/22/98

00063  
[Redacted]

COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF SUFFOLK

The undersigned, a Notary Public in and for the Commonwealth and County aforesaid, does hereby certify that on this 29 day of July, 1998, personally appeared before me Julianne M. Ells, David J. Nagle, and John K. Graham, who, being by me first duly sworn, declared that they signed the foregoing Articles of Incorporation as incorporators of the proposed corporation named therein, and that the statements contained therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date aforesaid.

Maurice E. Jackson  
Notary Public  
Commission expires: April 28, 2000

(notarial seal)



APPENDIX E: BIOGRAPHICAL SUMMARIES OF BOARD MEMBERS

CAROL SPENCER  
928 Hideaway Place  
DeSoto, Texas 75115  
(972) 860-8250 or (972) 223-2884

As President of Cedar Valley College in Lancaster, Texas, since 1991, Carol Spencer has provided leadership for the overall operation of the college, including planning, developing, implementing, and evaluating its education and fiscal programs. Cedar Valley is a part of the Dallas County Community College System, serving approximately 2600 credit students each semester and over 3000 non-credit students. The annual budget exceeds \$12 million, and the college employs more than 190 full-time faculty and staff.

During her tenure, Dr. Spencer has overseen the planning, purchasing, and implementing of over \$3 million in instructional technology; the planning and completion of a \$4.8 million renovation and expansion of college facilities; the development of a new institutional mission statement; the development and implementation of a strategic planning system, as well as a coordinated operational and budget planning process; and the completion of the self study process for reaccreditation with the Southern Association of Colleges and Schools.

Prior to accepting her current leadership post, Dr. Spencer served as District Dean of Technical and Industrial Programs at the Milwaukee Area Technical College in Milwaukee, Wisconsin, for four years. In this capacity, she directed, coordinated, and evaluated curricula in 46 industrial and technical program areas on four campuses. As District Dean, she supervised 130 full-time and more than 100 part-time faculty members and 13 managerial staff, and managed an annual operating budget exceeding \$8 million.

As Dean of Industrial and Technical Programs at Des Moines Area Community College from 1985 to 1987, Dr. Spencer designed and implemented the college's Business/Educational Partnership Program. She also led the design and building effort for a \$3 million Technology Center with 38,000 square feet of flexible instructional space focusing on advanced technology applications. From 1983-1985, Dr. Spencer served as Director of Cooperative Education, Career Planning, and Placement at Wilberforce University in Ohio.

Dr. Spencer began her distinguished career in education in Lincoln, Nebraska, where she provided leadership for curriculum change and staff development to expand the use of community resources in instruction at the Lincoln Public Schools. Spencer went on to supervise the Sex Equity and Civil Rights Program at the Nebraska Department of Education, and she earned national recognition for her role in writing and managing a special sex equity project at Southeast Community College in Lincoln.

Carol Spencer has a doctorate in Comprehensive Vocational Education from the Ohio State University, a master's degree in Adult and Continuing Education from the University of Nebraska, and a bachelor of science from the University of Nebraska.

TIMOTHY J. O'KEEFFE  
14332 Montford Drive, #11302  
Dallas, Texas 75240  
(972) 919-8822 work ♦ (972) 726-7192 home

Timothy O'Keeffe is an ardent proponent of school choice and a highly respected community leader. Before moving to Dallas, Mr. O'Keeffe served as Board Member and Co-Chair of the Tyler Independent School District Committee of the Smith County Association of Taxpayers. He was also President of the local chapter of the Texas Coalition for Parental Choice in Education, and he continues to promote school choice on the grassroots level in Dallas as a representative of the Coalition.

Mr. O'Keeffe has been active in the Immaculate Conception Parish, serving as a member of the Finance, Parish Development, and School Development Committees. In 1995, O'Keeffe headed the local Bishop's Appeal; under his leadership the parish surpassed its goal for first time in four years.

Mr. O'Keeffe has volunteered for various political, school board, and mayoral campaigns, and was a candidate for the Tyler School Board in 1995. He lost by a narrow margin of 37 votes.

Since 1996, Mr. O'Keeffe has been a financial consultant for business owners at Sagemark Consulting. His professional experience includes two years at Federated Insurance, where he focused on commercial insurance. Mr. O'Keeffe is a graduate of Northern Illinois University in DeKalb, Illinois. He earned a Bachelor of Science degree in Business Management with a minor in Economics.

THE HONORABLE MIKE KRUSEE  
Texas House of Representatives  
Post Office Box 2910  
Austin, Texas 78768-2910  
(512) 463-0670

In 1992, Mike Krusee was elected State Representative for District 52. During his first term, he formed the House Good Government Group, a coalition of conservative legislators. Representative Krusee currently serves on the Land and Resource Management Committee and the Human Services Committee.

In his first term, Representative Krusee authored school choice "voucher" legislation, and he has been at the forefront of state education reform ever since. Krusee concentrated on charter school legislation during his second session, earning the Free Market Foundation's "Educational Excellence Award" for his commitment to improving public education in Texas during the re-write of the state's education code. In the 1997 session, Representative Krusee championed the passage of landmark legislation increasing the number of charter schools to 120 and providing for an unlimited number of charter schools for "at-risk" students. With this legislation, Texas has adopted the most innovative and ambitious charter school program in the nation.

Throughout his tenure as Williamson County's state representative, Mike Krusee has maintained a perfect attendance record. The American Family Association recognized Krusee as "Freshman Legislator of the Year" during his first session, and the Free Enterprise PAC has honored him twice with its "Texas Ten" award for being in the top ten percentile of conservative legislators. In addition, the Texas Public Policy Foundation has named Krusee a "Champion of Limited Government" for his work during the 75<sup>th</sup> legislative session.

A small business owner, Mike Krusee is married [REDACTED].

APPENDIX F: RESUMES OF ADVANTAGE SCHOOLS LEADERSHIP TEAM

STEVEN F. WILSON  
23 Alveston Street, Jamaica Plain, MA 02130 • (617) 983-3675

## EXPERIENCE

ADVANTAGE SCHOOLS, INC., *Founder, President, and CEO* February 1996-Present

Founded and manage this for-profit education management company, which operates two charter schools, serving over 1,100 students, and is scheduled to open six more next year.

COMMONWEALTH OF MASSACHUSETTS, *Director of Strategic Planning* 1993-1996

Responsible for "reinventing government" initiatives in Governor William Weld's administration, including long-term policy initiatives of government reorganization, education reform, charter schools, privatization, purchased social services, and permit streamlining. In conjunction with lead agencies, developed policies for information technology, inner city economic development policy, and minority business development.

- Led team that developed and wrote Governor Weld's plan to reorganize Massachusetts state government, *The Government We Choose: Lean, Focused, Affordable*. The plan, announced in November 1995, would eliminate five secretariats and 76 agencies and reduce the state workforce by 7,500, while improving the quality of state services. The plan's fifty initiatives would result in annual savings of two-thirds of a billion dollars and permit a one-half billion dollar cut in the state's income tax.
- Recommended to governor measures that successfully brought landmark education reform act stalled in conference committee to his desk for enactment, including a House/Senate compromise on key measures of school choice and charter schools. Evaluated final bill and recommended enactment; developed follow-on legislation. The Administration's largest investment, the Act has directed over \$1.2 billion to date to the public schools, principally in the state's poorest cities and towns, and ensured a floor of resources for every school district.
- Secured passage of charter school legislation. Established ad hoc task forces on key issues facing charter schools as they prepared for September 1995 opening, including locating sites, determining funding levels, addressing legal obstacles, and overcoming opposition from local school districts.
- Guided state's effort to open Edison Project charter school in Massachusetts, the largest charter school in the country. Working closely with local founders and Edison management, overcame hurdles facing the start-up of these innovative schools, including securing sites. Arranged for lease of surplus state building for 600 student school in Boston, identified \$12 million in build-out financing from quasi-public agency for improvements completed in September 1996.
- Drafted and filed legislation to reform fundamentally state's special education and bilingual laws. Developed support for the proposals from city and town officials, administrators, educators, and the media; bills are now before Legislature.
- Fought to preserve the demanding new academic curriculum, standards, and tests required by the Education Reform Act and prevent its perversion into "Outcome Based Education" by education officials. Successfully prevented the first such effort, the establishment of a "Common Core of Learning" supplanting statewide academic standards required by the Act.
- Coordinated state's privatization initiatives, developed "checklist" oversight tool now adopted by other states and municipalities, and established policies to promote employee redeployment and minimize minority impact. Led fight against anti-privatization legislation, including statewide media tour, garnering editorial support from the state's major dailies. Debated bill's sponsors on radio and television and assisted the bill's legislative opponents.
- Led development of policy initiatives across state government to close projected \$400 million gap in state's 1996 \$16 billion budget.

- Co-chaired comprehensive review of state's \$1 billion purchase of service system, resulting in broad reforms to the way state purchases social services and addressing the charges of waste and abuse. Established measures to ensure accountability of present system while leading the state in the move away from purchasing inputs and toward buying results from human service providers.
- Undertook review of the Administration and Finance secretariat by private management consulting firm resulting in proposals for \$100 million in annual savings. Coordinated implementation.
- Represented governor at state legislative hearings, on TV and radio, and at Alliance for Redesigning Government, National Governor's Association Task Force on Redesigning Government, Americans for School Choice, National Council for Public/Private Partnerships, Council of Governor's Policy Advisors, National Policy Forum, and other organizations.

PIONEER INSTITUTE FOR PUBLIC POLICY RESEARCH, *Executive Co-Director* 1991-1993

Co-managed the state's leading think tank, a non-profit, non-partisan research institute focusing on state policy, including education reform, government restructuring, and privatization.

- Researched, wrote, and published *Reinventing the Schools: A Radical Plan for Boston*, a comprehensive review of the Boston Public Schools. Worked with business leaders, the mayor, school committee, and community leaders to implement the book's principal recommendation, the establishment of autonomous "entrepreneurial" schools in the district. Assisted the school committee in obtaining enabling provisions in collective bargaining. School committee has launched the new "pilot schools," selecting competitive proposals for the new schools submitted by school staff. The new schools enroll students under a district-wide school choice plan and are funded on a capitated basis with few restrictions on management's autonomy.
- Invited by Governor Weld to draft policy recommendations for statewide K-12 education reform. Wrote three-point education plan (school finance reform, universal school choice, charter schools), and worked to ensure passage. Coordinated efforts with governor's policy advisor, Board of Education, Senate committees, and Senate president.
- Drafted legislation establishing charter schools and organized successful political action to ensure its passage. The resulting charter school law is now widely considered the strongest such law of the states. Helped local business leader establish *CEOs for Fundamental Change in Education*, a coalition of 300 area executives, to build political support for charter schools and school choice.
- Advocated entrepreneurial and market-oriented education reforms through numerous press releases, op eds, radio and television appearances, speaking engagements, conferences, and briefings to city and state officials.
- Hired a development director and more than doubled Institution revenues.

DAS, INC., *Founder, President, and Chairman* 1984-1989

Developed a new hardware and software system for automating process plants in the specialty chemical, pharmaceutical, biotechnology, and food industries. While other computerized systems for plant automation used minicomputers and were custom programmed for each job, DAS's product tapped personal computers networked to microprocessor-based controllers. Plant staff could program their own applications by diagramming them on screen with familiar symbols. Raised venture capital, oversaw staff of 40, and led sales effort. Successfully targeted the pharmaceutical market, leading to Johnson and Johnson's adoption of the product for worldwide application. Technology is now industry standard.

KEITHLEY/DAS (JOINT VENTURE) *CEO, Managing Partner* 1983-1984

Negotiated joint venture agreement with Keithley, a leading instrument company in Cleveland, Ohio, to manufacture and market the Data Acquisition Systems product. As CEO of the joint venture, expanded the product line, transferred manufacturing to Ohio, trained domestic and international

## APPLICATION

sales force, and grew sales to \$4 million annually in nine months. Agreement infused \$4 million into joint venture and netted \$1.6 million in cash for DAS. Product was adopted as a standard by Kodak and General Motors and is now installed in 10,000 applications worldwide. Sold joint venture to Keithley; now the company's largest division.

DATA ACQUISITION SYSTEMS, INC., *President and Chairman* 1980-1984

Founded this high technology company while a college senior to design, manufacture, and market the first personal computer-based measurement and control system for the automation of laboratory and industrial processes. Designed hardware, recruited and managed software engineering team. Raised \$600,000 in seed venture capital. Sold to Keithley Instruments.

## EDUCATION

HARVARD UNIVERSITY, *A.B. 1990, Sociology* 1977-1980, 1989-1990

## PUBLICATIONS

*Reinventing the Schools: A Radical Plan for Boston* (Pioneer Institute book, 1992), *The Government We Choose: Lean, Focused, Affordable* (1995 report), *Privatization: Getting Results in Massachusetts* (1994 report), *Strengthening the Commonwealth's Purchase of Service System* (1994 report), *An Action Agenda to Redesign State Government* (National Governor's Association report, 1993), *Reducing the Size and Scope of State Government*, (National Policy Forum chapter, 1993), *Agenda for Leadership* (Pioneer Institute chapter, 1993), numerous other articles, book chapters, editorials, and reports.



## THEODOR REBARBER

38 West Cedar, Apartment 2, Boston, MA 02108 ♦ (617) 723-0331

## EXPERIENCE

ADVANTAGE SCHOOLS, INC., *Chief Education Officer and Founding Partner* Feb. 1996-Present

Joined company President Steven Wilson in founding education management company and in developing and implementing its business strategy. Secured distinguished academic advisory board.

- Design school educational and curricular program.
- Conduct detailed analysis of charter policies in different states.
- Recruit local business and community leaders as strategic partners.

US REP. STEVE GUNDERSON, *Legislative and Communications Director* Jan. 1995-Mar. 1996

Served as Legislative and Communications Director for Rep. Steve Gunderson, a senior member of the House Economic and Educational Opportunities Committee in the U.S. Congress and member of the Speaker's Task Force on Reform in the District of Columbia.

- On behalf of Rep. Gunderson and the Speaker's Task Force on the District of Columbia, oversaw communications for, and drafting of, the District of Columbia School Reform Act of 1995.
- Negotiated on behalf of the House with the Senate and Administration on amendments to the Act, securing Congressional passage and signature by the President of the Act's far-reaching charter school provisions.
- Developed and passed major legislative and policy proposals for Rep. Gunderson, including comprehensive education reform for the District of Columbia, merger and restructuring of the US Departments of Education and Labor and the Equal Employment Opportunities Commission (EEOC), and privatization of National Endowment of the Arts (NEA) through the establishment of a "true" endowment.
- Developed community and constituency support through outreach activities to diverse audiences—from CEOs to inner-city churches—including meetings, panels and speeches.
- Dealt with press on background and on record to explain complex, sometimes controversial proposals and develop positive media coverage.
- Drafted op-ed articles on behalf of Rep. Gunderson.
- Coordinated relevant activities of Legislative Assistants, the Press Secretary, Committee staff, and House Legislative Counsel.

THE EDISON PROJECT, *Associate Director for Curriculum and Assessment* Oct. 1993-Dec. 1994

Worked on team that developed detailed Edison curriculum design and communicated that design to potential customers.

- Researched and drafted Edison curriculum standards, including several subject areas of *Student Standards for the Readiness Academy*, *Student Standards for the Primary Academy*, *Student Standards for the Elementary Academy*, and *Student Standards for the Junior Academy*.
- Managed the design and development of Edison's student assessment system, working with in-house subject specialists, researchers, and consultant test developers.

## APPLICATION

- Developed Edison's instructional framework for "Character and Ethics," discipline policy, and other aspects of school culture.
- Participated on professional development task force developing Edison's training program for teachers and other professional school staff.
- Represented Edison before local education officials, the press, and other interested parties.

U.S. DEPT. OF EDUCATION, *Special Asst. to Asst. Sec. for Research* Mar. 1991-Sept. 1993

Served in the Office of Educational Research and Improvement (OERI) within the office of the Deputy Assistant Secretary for Policy and Planning.

- Assisted in policy coordination and oversight on projects to develop national academic standards and assessments.
- Oversaw implementation of special projects of high priority to the Assistant Secretary, including a line of practitioner-oriented research publications based on the National Education Goals; a set of research-based publications for parents with low literacy level; and America 2000 Arts Partnership, an inter-agency arts initiative.
- Gave speeches or represented the Assistant Secretary at various conferences and events, such as the annual meeting of state directors of special education, the Secretary's Committee on Chapter 1 Testing, and the National Governors' Association (NGA) Task Force on School Delivery Standards.
- Reviewed official research and policy reports on behalf of the Assistant Secretary prior to approval for publication by the Department.
- Drafted speeches, articles, Congressional testimony, policy publications, and other documents for the Assistant Secretary, the Deputy Assistant Secretary, and Secretary Lamar Alexander.
- Served on the staff of the National Council on Education Standards and Testing, co-chaired by Governors Roy Romer and Carroll Campbell, and including representatives of the federal government, business and labor. Drafted chapters of the Council's final report and researched effective educational practices in other nations.

EDUCATIONAL EXCELLENCE NETWORK, *Research Associate* May 1989-Feb. 1991

Monitored effective educational practices for EEN's membership of leading educational reformers at federal, state, and local levels.

- Managed multi-year education reform project for EEN with the National Conference of State Legislatures (NCSL), including an institute for delegations from 15 states, development of education policy publications, and ongoing technical assistance.
- Worked on diverse education reform projects, including Education for Democracy with the American Federation of Teachers (AFT) and evaluation of Charlotte school reform.
- Edited and wrote for EEN's journal, *Network News & Views*, a monthly compilation of news and commentary on education reform initiatives at the local, state, and federal levels as well as in other nations.
- Researched a broad range of education policy topics related to federal, state, district, school, and classroom levels.

APPLICATION

WASHINGTON LEGAL FOUNDATION, *Research Assistant*

July 1988-Feb. 1989

Researched legal topics, including regulatory, environmental, and civil rights. Edited legal policy briefs.

EDUCATION

WESLEYAN UNIVERSITY, *B.A.*

June 1988

Major concentrations in Government and Philosophy. Editor, *The Wesleyan Review*

PUBLICATIONS

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*State Policies for School Restructuring* (National Conference of State Legislatures), *Education Reform in the '90s* (edited with Chester E. Finn, Jr., Macmillan Press), *Accountability in Education*, (National Conference of State Legislatures), *Helping Your Child Learn Responsible Behavior* (edited for Edwin J. and Alice B. Delattre, D.C. Health), *Parent Enabling Policies for States* (National Conference of State Legislatures), numerous other newspaper articles, papers, and monographs.

## APPLICATION

- Trained staff to perform functional assessments, to use Skinner's concepts in Verbal Behavior, to describe communications processes, and to use sign language with non-vocal children.

MODESTO PSYCHIATRIC CENTER, Director, Adult Inpatient Psychiatric Program 1986-1987

- Supervised 50 staff (nurses, social workers, psychologists and teachers).
- Developed and implemented marketing and business plans.
- Designed the Depression Evaluation and Education Program for 30 beds of a free-standing 60-bed psychiatric hospital.
- Established an on-site private school for children and adolescents with emotional problems.

CALIFORNIA STATE UNIVERSITY, STANISLAUS, Lecturer, Division of Education 1981-1986

- Prepared and taught over 20 courses in Education and Psychology.
- Advised over 200 undergraduates in Liberal Studies program.
- Directed the placement and supervision of special education fieldwork students.
- Participated in college-wide faculty research and development committee.
- Co-authored federal grant that awarded funds for the preparation of handicapped pupil personnel.

EMPIRE ELEMENTARY SCHOOL, E.S.E.A., Title I Resource Teacher, K-5 1979-1981

Trained, supervised, and evaluated six instructional aides; implemented large and small group instruction; developed and implemented parent training classes; designed and supervised programs for over 200 disadvantaged students.

MARK TWAIN JUNIOR HIGH SCHOOL, Resource Specialist 1977-1979

Assessed over 90 students annually; delivered instruction to 28 identified students with learning disabilities. Collaborated with regular education teachers within the junior high to provide appropriate services to students from diverse and multicultural backgrounds.

STANISLAUS COUNTY SPED LOCAL PLANNING AGENCY, Educational Diagnostician 1977-1979

Member of county-wide assessment team which evaluated and diagnosed children and youth aged 3-21 identified as needing special education services, yet for whom precise placement options were unclear. Provided expertise in rate of learning of learning for forensics cases.

CALAVERAS UNIFIED SCHOOL DISTRICT, Special Day Class Teacher 1976-1977

Taught Grades 6-12. Established and implemented programs for male wards of the court from multicultural backgrounds.

BUTTES COUNTRY SCHOOL, INC., Teacher/Principal 1975-1976

Served as teacher/principal for this one-room country school, serving grades K-6.

### PROFESSIONAL CONSULTATION EXPERIENCE

ASSOCIATION FOR DIRECT INSTRUCTION, Consultant 1983-Present

Conducted two- and three-day training workshops in Supervision; Staff Development; Corrective Reading; Decoding and Comprehension; Expressive Writing; DISTAR Language; and Direct Instruction Programs for individuals with learning disorders and severe disabilities.

SCIENCE RESEARCH ASSOCIATES, Consultant 1984-Present

Conducted over 400 full-day training workshops for administrators, supervisors, teachers, and paraprofessionals in using Direct Instruction materials; assisted district administrative personnel in establishing and implementing ongoing staff development programs; assisted supervisory personnel in using data-based supervision tools.

MONTERREY COUNTY SCHOOLS OFFICE, *Consultant* 1986-Present

Conducted over 100 training workshops for K-12 special education teachers, paraprofessionals, and program specialists in Behavior Management, Social Skills Training, and Direct Instruction; in-serviced over 200 parents in behavior management strategies, communication strategies, and using effective teaching technology at home.

NATIONAL INSTITUTES OF HEALTH AND SMALL BUSINESS IMPROVEMENT RESEARCH GRANT IN "COGNITIVE REHABILITATION CURRICULUM FOR HEAD INJURED ADULTS," *Consultant* 1992-Present

Developed and designed a Direct Instruction curriculum to promote generalized memory responses. Evaluating the effectiveness of program implementation and revising during field testing. Currently two implementation sites in North Carolina and one in Southern California.

INTERNATIONAL INSTITUTE FOR THE ADVOCACY FOR SCHOOL CHILDREN, *Consultant* 1992-Present

Assist concerned citizens in advocating on behalf of school-aged children to prevent academic child abuse; respond to inquiries regarding the effectiveness of current trends in education.

DEVELOPMENTAL DIMENSIONS INSTITUTE, *Consultant and Educational Director* 1984-1986

Supervised therapists, performed educational evaluations, provided in-service and rehabilitation programming, delivered cognitive rehabilitation therapy for brain injured adults.

VOCATIONAL EDUCATION PROJECT, MERCED COUNTY SCHOOLS, *Consultant* 1983-1984

Designed vocational educational materials to teach reading to secondary special education students for entry in Regional Occupational Programs. Designed prevocational instruction program for persons with severe disabilities, using effective teaching technology. Produced training videotapes of instructional procedures for memory skills training. Implemented generalized compliance training program for individual with multiple handicaps. Taught sign language to staff for use with non-vocal students.

## EDUCATION

UNIVERSITY OF THE PACIFIC, *Doctor of Education* August 1993

Major: Special Education. Minor: Higher Education—Administration and Social Foundations.  
Dissertation: *Teaching History Facts to Learning and Behaviorally Disordered Youngsters: A Comparison of Two Instructional Procedures.*

UNIVERSITY OF THE PACIFIC, *Master of Arts* May 1980

Major: Counseling and Educational Psychology. Minor: Special Education.

CALIFORNIA STATE UNIVERSITY AT CHICO, *Bachelor of Arts* May 1974

Major: Philosophy. Minor: Psychology and English.

*Teaching Credential for the Severely Handicapped (Life)*  
University of the Pacific, May 1980.

*Teaching Credential for the Learning Handicapped (Life)*  
California State University at Sacramento, May 1977.

*Teaching Credential Multiple Subjects K-12 (Life)*  
California State University at Chico, May 1974.

## SELECTED PUBLICATIONS

Madigan, K., Hall, T., and Glang A. (1997) Effective Assessment and Instructional Practices for Students with Acquired Brain Injury. In A. Glang, G. Singer, & B. Todis (Eds.), Students with Acquired Brain Injury (pps. 123-183). Baltimore: Paul H. Brookes Publishing Co.

Engelmann, S. and Madigan, K. (1996) Direct Instruction Peer Coaching Manual. Engelmann Becker Corporation

Madigan, K. (1994) Supervision and Professional Development: Keys to Success. ADI publications

Madigan, K. (1994) Direct Instruction: Instructional modules for staff development. Children's Workshop publications.

Cipani, E. and Madigan, K. (1986) "Errorless Learning: A Review of the Literature for Difficult to Teach Students." Canadian Journal of Special Education.

McCook, E., Cipani, E., Madigan K. and Lacompage, J. (1986) "Developing Requesting Behavior: Acquisition, Fluency, and Generality." Journal of Special Education.

## GLENN R. PIERCE

29 White Barn Lane, Norwell, MA 02061 ♦ (781) 659-7136

## EXPERIENCE

ADVANTAGE SCHOOLS, INC., Chief Financial Officer January 1998-Present

Responsibilities include financial planning, controller, accounting, financial reporting, audit, and banking functions, as well as school site financing and equity fundraising.

COLONIAL BAGEL L.P., Chief Financial Officer/Chief Development Officer 1996-1997

- Established financial and development infrastructure for Colonial Bagel, a regional franchise operation of Einstein Brothers Bagel, headquartered in Colorado. Handled strategic planning, organizational design, and frequent internal and external presentations.
- Opened over 60 franchises in one year, located in seven northeast states, including the acquisition of the New York City area units.
- Responsible for the day-to-day management of finance, accounting, store systems, administrative, real estate, and construction functions.
- Handled financial reporting to Colorado-based support center and funding source.
- Oversaw local store and media marketing programs.
- Hired and managed 20 direct reports in the following functions: accounting, development (real estate and construction), and facilities, and administered benefit and option plans.

PEPSICO, INC./PIZZA HUT OF AMERICA, INC., Senior Director of Asset Development 1995-1996

- Managed real estate, construction, maintenance, legal, asset/property management, and in-store technology functions, spearheading the integration of the D'angelo sandwich concept into the Pizza Hut system.
- Managed 60 people, and reported directly to the Chief Financial Officer.
- Tested and developed various operational templates, décor and signage packages, and managed outside vendors and consultants to transform the nature of company's asset base, which entailed the relocation of forty percent of the system's existing restaurants.

PEPSICO, INC./PIZZA HUT OF AMERICA, INC., Director of Asset Development 1994-1995

Mission was to move organization from one focused on development to one dedicated to increasing system profitability through the existing asset base. Involved the management of facility and equipment enhancements necessary for the introduction of new products and methods of serving the customer.

- Responsibilities included financial control and planning of a 430-unit, multi-concept annual domestic development and 800-unit refurbishment program.
- Managed a 25-person staff of real estate and construction professionals responsible for restaurant décor renewal, equipment purchasing, lease negotiations, excess properties, and development post audit/performance review.

## APPLICATION

### PEPSICO, INC./PIZZA HUT OF AMERICA, INC., *Dir. of Acquisitions & Bus. Development* 1993-1994

- Oversaw strategic planning and negotiations in conjunction with Pizza Hut's president and PepsiCo corporate staff, which led to the acquisition of two major concepts and 275 former franchise units in one year.
- Industry analysis and concept screens resulted in the cash and stock purchases of East Side Mario's and D'angelo Sandwich Shoppes, which subsequently added over 100 combined units in 1995. Aggregate shareholder value creation exceeded \$365 million NPV.

### PEPSICO, INC./PIZZA HUT OF AMERICA, INC., *Division Finance Manager* 1991-1993

- Oversaw 350 units in New England, New York, Pennsylvania, and Ohio.
- Introduced cost containment programs to control labor and semi-variable expenses resulting in the reduction of significantly under-performing assets.
- Ongoing responsibilities included working in a market team environment with human resources, marketing, and operations personnel to maximize sales growth, service, and profitability.

### CITIBANK, N.A., *Senior Corporate Finance Officer* 1990-1991

Possessed multinational client base with divisions and joint ventures in the Northeast United States. Activities included commercial banking, acquisition, and advisory services. Successful client acquisitions were centered in the sporting goods and restaurant industries. Graduated from Citibank Institute for Global Finance.

### PNC CORPORATION/PNC INSTITUTIONAL INVESTORS, *Equity Analyst* 1988-1990

Performed in-depth fundamental analysis of companies in a broad range of industries, assessing the value of each underlying security. Prepared recommendations distributed to over 200 domestic and international institutional investors.

### MERIDIAN BANK, *Banking Officer* 1986-1988

Managed an asset portfolio of largely high-tech, middle-market corporate clients. Earned recognition for significant new business development in both years with the bank.

### PROVIDENT NATIONAL BANK, *Banking Officer/Senior Credit Analyst* 1982-1986

Role involved entry-level training and corporate account responsibilities.

## EDUCATION

### UNIVERSITY OF PENNSYLVANIA, THE WHARTON SCHOOL, *M.B.A.* 1989

Concentration: Finance and Accounting

### LAFAYETTE COLLEGE, *A.B.* 1982

Major: Economics and Business



## JOSHUA L. SOLOMON

5 Grove Street #6, Boston, MA 02114 • (617) 723-2979

## PROFESSIONAL EXPERIENCE

ADVANTAGE SCHOOLS, INC., *Vice President for Business Development* 1996-present

Worked with founders to launch, build, and grow this start-up, for-profit education management company into an industry leader. Responsibilities include: developing and implementing company's growth strategy through the acquisition of licenses to operate charter public schools; researching, analyzing, and making expansion decisions based on the charter school statutes of various states and the demand for new educational opportunities; identifying, developing, and maintaining relationships with local partners in each of company's target markets, and negotiating contracts with local partners; overseeing the drafting of charter applications to secure licenses to operate from state chartering entities; overseeing the start-up of new schools; and hiring and supervising corporate business development team.

As Director of Business Development and Director of Research from 1996 to early 1998, oversaw company's research into target markets and state charter school statutes; co-wrote and edited corporate documents, including the business plan and charter applications; contributed to company's venture-capital backed financing; developed and implemented company's initial financial systems; and served as acting controller of Massachusetts's largest charter school, with an annual budget of \$9 million.

MASSACHUSETTS GOVERNOR'S OFFICE, *Researcher* 1995-1996

Invited to join small team charged with reorganizing/downsizing state government. Worked closely with the Director of Strategic Planning to debate and formulate core philosophical principles to guide the project. Researched and presented various public policy initiatives. Assisted in writing, editing, and producing team's final report, *The Government We Choose: Lean, Focused, Affordable*, which called for the elimination of five secretariats and 76 agencies, the reduction of the state workforce by 7,500, and the concurrent improvement of the quality of state services. The plan's fifty initiatives would result in annual savings of two-thirds of a billion dollars and permit a one-half billion dollar cut in the state's income tax.

HARVARD UNIVERSITY SECURITY ESCORT SERVICE, *Supervisor/Coordinator* 1993-1995

Responsibilities included managing scheduling and payroll, supervising the safe transport of 80-110 students per night, training new employees, and overseeing the maintenance of statistics and records. Awarded Citizens' Appreciation Award by Harvard University Police Department.

COLLEGE PRO, *Franchise Owner/Operator* 1994

Purchased, owned, and operated home painting company. Produced \$80,000 in revenue in three months. Revenues exceeded franchise-mandated goal by 14 percent. Hired and oversaw approximately 25 employees. Conducted all marketing and sales. Organized and maintained all financial records. Supervised production. Awarded College Pro New England Success Award and Rookie of the Year Award.

## EDUCATION

HARVARD UNIVERSITY, B.A. *Magna Cum Laude, Government and Afro-American Studies*

Awarded Harvard College Scholarship and named Carnochan National Scholar for academic achievement of high distinction. Designated Harvard National Scholar "in recognition of exceptional intellectual promise, strength of character and personality." Awarded the Alain Locke Prize for Academic Excellence in Afro-American Studies. Dean's list all semesters. Additional coursework in Economics, History, and Philosophy. Editorial writer for *Harvard Independent*.

## NANCY LEPAIN

22 Golf Course Drive, East Dennis, MA 02641 • 508-385-9995

## PROFESSIONAL EXPERIENCE

ADVANTAGE SCHOOLS, INC., *Vice President of Operations* 1998

Responsible for the non-academic operations of all charter schools managed by Advantage, including student enrollment; procurement of educational materials as well as transportation, food, and trash services; budget analysis; the maintenance and expansion of the physical plants; and the management and oversight of Business Managers.

FRESENIUS MEDICAL CARE NA (Formerly NATIONAL MEDICAL CARE) 1979-1998

Held consecutive positions of increasing responsibility requiring strong analytical skills, strategic and tactical planning ability; well developed organizational and administrative skills and extensive interpersonal, business and technical communications. As *Vice President of Quality Systems and Regulatory Affairs*, responsibilities included

- Managing clinical and technical departments; developing and implementing clinical and technical policies and procedures for 700+ outpatient hemodialysis units
- Directing multidisciplinary staff responsible for providing clinical and technical support to field personnel
- Ensuring that all facilities were in compliance with all local, state, and federal regulations
- Extensive written communication and travel to field locations

As *Manager of the Northeast Region*, had total responsibility for the operational performance of the region, consisting of 50 outpatient hemodialysis clinics from Maine to Delaware.

- Promoted growth of region and attainment of business objective while assuring quality patient care
- Directed large group of employees with a \$15 million budget through a multi-location reporting network.

As *Area Manager for New England*, oversaw and managed operations of 16 facilities, ensuring that the standards for quality patient care, efficient service delivery, and the fiscal integrity of operations were maintained, and that each remained in compliance with all state and federal regulations.

As *Area Administrator*, managed all aspects of three facilities' operations, while supervising a diverse group of employees.

As *Director of Nursing*, exercised normal management prerogatives in the absence of the administrator, provided clinical oversight of all direct patient care staff and ensured the highest standards of quality patient care.

CAPE COD HOSPITAL, *Nursing Supervisor* 1974-1979

- Provided clinical resources and oversight of clinical staff in a 300-bed community hospital.
- Conducted educational program for hospital staff.

# Oak Cliff Academy

Board of Directors  
Leo M. Landin  
*Chairman*

APPLICATION Marshall Willard  
*Vice-Chair*

Dr. Fred Zuker  
*Treasurer*

Tim O'Keeffe  
*Secretary*

Jerry Don Coulter

The Board of Directors passed the following resolution on this 20<sup>th</sup> day of August, 2002.

Be it resolved the official name of the school is Oak Cliff Academy and the charter holder is a 501(c)3 corporation operating in the State of Texas under the name of Oak Cliff Academy, Inc.

Acknowledged by those board members in attendance.

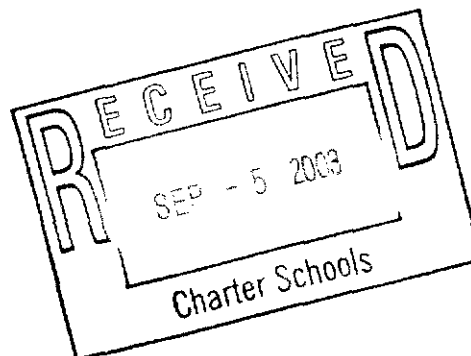
  
Leo Landin, Chairman

  
H. Marshall Willard, Vice-Chair

  
Jerry Don Coulter, Member

Those in attendance represented a quorum at the time of passage.

  
Leo Landin, Chairman



Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



Gwyn Shea  
Secretary of State

APPLICATION

**Office of the Secretary of State**

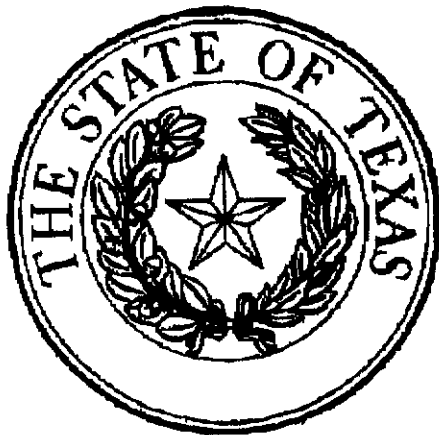
The undersigned, as Secretary of State of Texas, does hereby certify that the attached is a true and correct copy of each document on file in this office as described below:

**OAK CLIFF ACADEMY, INC.**  
Filing Number: 149955001

Articles Of Incorporation  
Articles Of Amendment  
9.01 Periodic Report

July 23, 1998  
September 19, 2000  
September 06, 2001

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on August 20, 2002.



*Gwyn Shea*

Gwyn Shea  
Secretary of State

APPLICATION

**ARTICLES OF INCORPORATION**

**OF**

**DALLAS ADVANTAGE CHARTER SCHOOL, INC.**

FILED  
In the Office of the  
Secretary of State of Texas  
JUL 23 1998  
Corporations Section

Each of the undersigned, being a natural person of the age of at least twenty-one years and acting as an incorporator for the purpose of organizing a corporation pursuant to the provisions of the Texas Non-Profit Corporation Act, does hereby adopt the following Articles of Incorporation.

**FIRST: Name.** The name of the corporation (hereinafter called the "Corporation") is:

Dallas Advantage Charter School, Inc.

**SECOND: Non-Profit.** The Corporation is a non-profit corporation.

**THIRD: Duration.** The duration of the Corporation is perpetual.

**FOURTH: Purposes.** The purpose or purposes for which the Corporation is organized are:

- A. Generally, to pursue exclusively charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or corresponding provisions of any future United States Internal Revenue law (the "Code").
- B. Specifically (but only to the extent consistent with the purposes described in paragraph A of this Article Fourth), to obtain a charter for, and establish, maintain and operate a charter school in Texas pursuant to Chapter 12 of the Texas Education Code.
- C. To do, exercise and perform any act, thing or power necessary, suitable or desirable for the accomplishment of the foregoing charitable and educational purposes, or the attainment of any objectives, or the furtherance of any powers which are lawful purposes, objectives or powers of a non-stock or non-profit corporation organized pursuant to the provisions of the Texas Non-Profit Corporation Act.
- D. Notwithstanding any other provision of this Article Fourth: (i) no part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, its officers, trustees, or other private persons, except that the Corporation shall be

SECRETARY OF STATE

authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth above; (ii) no loans shall be made by the Corporation to any director, officer, member or employee of the Corporation, nor any spouse, sibling, or child of such individual; (iii) no substantial part of the activities of the Corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of, or in opposition to, any candidate for public office; and (iv) notwithstanding any other provision of these Articles of Incorporation, the Corporation shall not carry on any other activities not permitted to be carried on: (a) by a corporation exempt from Federal income tax under Section 501(c)(3) of the Code (or the corresponding provision of any future United States Internal Revenue law); or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code (or the corresponding provision of any future United States Internal Revenue law).

**FIFTH: Membership.** The Corporation shall have no members.

**SIXTH: Nondiscrimination.** The Corporation shall not discriminate on the basis of race, color, national origin, sexual orientation, ethnicity, age, gender, creed or religion.

**SEVENTH: Registered Agent and Office.** The street address of the initial registered office of the Corporation is 800 Brazos, Austin, TX 78701, and the name of its initial registered agent at such address is Corporation Service Company d/b/a CSC - Lawyers Incorporating Service Company.

**EIGHTH: Board of Trustees.** The powers of the Corporation shall be vested in a board that shall be called the Corporation's Board of Trustees. Initially, the number of Trustees shall be three, which number may be increased or decreased pursuant to the Laws of the State and the Bylaws of the Corporation, but shall never be less than the minimum number or more than the maximum number permitted by the Laws of the Texas now or hereafter in force.

Except as may otherwise be provided in these Articles of Incorporation, the manner of election or appointment of the Trustees of the Corporation shall be prescribed by the Bylaws of the Corporation.

**NINTH: Initial Board of Trustees.** The initial Board of Trustees shall adopt the initial Bylaws of the Corporation. The names and street or post office address, if any, of each of the persons who are to serve as the initial Trustees of the Corporation until the first annual meeting or until their successors be elected and qualify are as follows:

ORIGINAL DOCUMENT

APPLICATION

-3-

Name  
Tim O'Keefe

Address  
1505 LBJ Freeway, Suite 300  
Dallas, TX 75234-6071

Carol J. Spencer

928 Hideaway Place  
DeSoto, TX 75115

The Honorable Mike Kruttschnitt

Texas House of Representatives  
P.O. Box 2910  
Austin, TX 78768-2910

**TENTH: Amendment to Articles of Incorporation.** The Board of Trustees shall have the right to alter, amend, or repeal any provision of these Articles of Incorporation at any meeting of the Board of Trustees by a vote of a majority of the Trustees then in office, except that no amendment shall be made that would change the purpose of the Corporation as set forth in Article Fourth.

**ELEVENTH: Dissolution.** Upon dissolution of the Corporation, the Board of Trustees shall, after making provision for the payment of all the liabilities of the Corporation, dispose of all the assets for the Corporation exclusively for the purposes of the Corporation in such manner or to such organization or organizations as the Board of Trustees shall determine, provided that any such distributee organization must be organized and operated exclusively for charitable or educational purposes and shall at the time of disposition qualify both as a permissible distributee under Section 6 (2) the Texas Non-Profit Corporation Act, and as an exempt organization under Section 501(c)(3), Section 170(e)(1), or Section 170(e)(2) of the Code (or the corresponding provision of any future United States Internal Revenue Law).

**TWELFTH: Incorporators.** The name and street or post office address, if any, of each of the incorporators are as follows:

Name	Address
Julianne M. Ellis	Sullivan & Worcester LLP One Post Office Square Boston, MA 02109
David J. Nagle	Sullivan & Worcester LLP One Post Office Square Boston, MA 02109
John K. Graham	Sullivan & Worcester LLP One Post Office Square Boston, MA 02109

SECRETARY OF STATE

APPLICATION

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Signed on July 23 1998

Julianne M. Ellis  
Julianne M. Ellis, Incorporator

David J. Nagle  
David J. Nagle, Incorporator

John K. Griffin  
John K. Griffin, Incorporator

SECRETARY OF STATE

SECRETARY OF STATE



APPLICATION

COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF SUFFOLK

The undersigned, a Notary Public in and for the Commonwealth and County aforesaid, does hereby certify that on this 20 day of July, 1998, personally appeared before me Julianne M. Ellis, David J. Nagle, and John K. Graham, who, being by me first duly sworn, declared that they signed the foregoing Articles of Incorporation as incorporators of the proposed corporation named therein, and that the statements contained therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date aforesaid.

*Thomas E. Shann*  
Notary Public  
Commission expires *April 28, 2000*

(notarial seal)

SECRETARY OF STATE

SECRETARY OF STATE

APPLICATION

FILED  
In the Office of the  
Secretary of State of Texas

SEP 19 2000  
Corporations Section

AMENDMENT TO THE ARTICLES OF INCORPORATION  
OF  
DALLAS ADVANTAGE CHARTER SCHOOL, INC.

**FIRST: Name** The name of the corporation (hereinafter called the "Corporation") is:

Dallas Advantage Charter School, Inc

**SECOND: Amendment.** Article FIRST is hereby amended by striking the existing Article FIRST in its entirety and replacing it with the following:

**"FIRST Name.** The name of the corporation (hereinafter called the "Corporation") is

Oak Cliff Academy, Inc."

**THIRD. Approval of Amendment** The Corporation has no members. The Board of Trustees adopted this Amendment to the Articles of Incorporation at a meeting duly called and held on August 10, 2000. This Amendment to the Articles of Amendment received the vote of a majority of the Trustees

Signed on August 15, 2000

By Leo Landin  
Name: Leo Landin  
Title Secretary

RECORDED



The State of Texas  
Secretary of State

APPLICATION  
6700

FILED  
In the Office of the  
Secretary of State of Texas

SEP 07 2001

Corporations Section

HENRY CUELLAR  
SECRETARY OF STATE

CHARTER NO. 01494550-01  
ARTICLE 9.01, T.N.P.C.A. REPORT  
FILING FEE \$5.00

PURSUANT TO THE PROVISIONS OF ARTICLE 9.01 OF THE TEXAS NON-PROFIT CORPORATION ACT, THE UNDERSIGNED CORPORATION HEREBY FILES ITS REPORT SETTING FORTH:

1. THE NAME OF THE CORPORATION IS:

OAK CLIFF ACADEMY, INC.

2. IT IS INCORPORATED UNDER THE LAWS OF: TEXAS

3. THE STREET ADDRESS OF THE REGISTERED OFFICE OF THE CORPORATION IN THE STATE OF TEXAS IS: 600 BRAZOS AUSTIN, TX 78701  
(MAKE ANY CHANGES HERE)

4. ITS REGISTERED AGENT AT SUCH ADDRESS IS: CORPORATION SERVICE COMPANY D/ (MAKE ANY CHANGES HERE)

5. IF A FOREIGN CORPORATION, THE STREET ADDRESS OF ITS PRINCIPAL OFFICE IN THE STATE OR COUNTRY UNDER THE LAWS OF WHICH IT IS INCORPORATED IS:

6. THE NAMES AND RESPECTIVE ADDRESSES OF ITS DIRECTORS (OR TRUSTEES, ETC.) AND OFFICERS ARE: (NAME AT LEAST 3)

NAME	TITLE	ADDRESS
<u>Tim O'Keefe</u>	<u>President, Board of Trustees</u>	<u>5590 Spring Valley #6-201 Dallas, TX 75254</u>
<u>Leo Landin</u>	<u>Board member/Trustee</u>	<u>P.O. Box 5028 Dallas, TX 75208</u>
<u>Mike Kussie</u>	<u>Board member/Trustee</u>	<u>P.O. Box 2910 Austin, TX 78768</u>

7. THE FOREGOING INFORMATION IS GIVEN AS OF THE DATE OF THE EXECUTION OF THIS REPORT:

DATED 9-5, 2001

Oak Cliff Academy, Inc  
NAME OF CORPORATION

Tim O'Keefe  
BY (SIGNATURE)

President, Board of Trustees  
(TITLE OF OFFICER SIGNING)

NOTE: ALL ITEMS MUST BE COMPLETED. MAKE CHANGES TO ITEMS 3 AND 4 AS NECESSARY. RETURN TO SECRETARY OF STATE, CORPORATIONS SECTION, P.O. BOX 13697, AUSTIN, TEXAS 78711-3697 WITH A \$5.00 FEE.

Corporations Section  
 P.O.Box 13697  
 Austin, Texas 78711-3697



APPLICATION  
**Gwyn Shea**  
 Secretary of State

Office of the Secretary of State

Packing Slip

August 20, 2002

Page 1 of 1

Marshall Willard  
 P.O. Box 5129  
 Dallas, TX 75208

Batch Number: 1564280

Batch Date: 08-20-2002

Client ID: 38484279

Return Method: Fax  
 2149414866

Document Number	Document Detail	Filing Number / Name	Page Count	Fee
	Certified copies of a record or document	OAK CLIFF ACADEMY, INC.	8	\$17.00
	Expedited			\$10.00
	Fax fee			\$16.00
<b>Total Document Fees</b>				<b>\$43.00</b>

Payment Type	Payment Status	Payment Reference	Amount
	Received		\$43.00
<b>Total Payments Received</b>			<b>\$43.00</b>
<b>Total Amount Charged to Client Account</b>			<b>\$0.00</b>
<b>Total Amount Credited to Client Account</b>			<b>\$0.00</b>

**Note:** Any amount due need not be paid until the monthly statement is received.  
 Any amount credited to Client Account may be refunded upon request.  
 Refunds (if applicable) will be processed within 10 business days.  
 Acknowledgement of Filing Document(s) (if present) is attached.  
 There is a 2.1% processing charge on credit card payments. This additional amount will be computed and shown on your credit card statement when the credit card transaction is settled.

User ID: [REDACTED]

Come visit us on the Internet @ <http://www.sos.state.tx.us/>

the School of Liberal Arts and Science  
P O Box 5129  
Dallas, TX 75208  
214 941 4881 •  
214 941 4866 fax

APPLICATION



To: Kirsten Christophersen      Fax: 512 463 9732  
From: H. Marshall Willard      Date: 8/20/2002  
Re: Oak Cliff Academy      Pages: 10 + cover  
CC:

- Urgent       For Review       Please Comment       Please Reply       Please Recycle



always, Thanks for all you do for us.

Marshall

[Faint, illegible text or a large watermark]



# TEXAS EDUCATION AGENCY

1701 North Congress Ave. ★ Austin, Texas 78701-1494 ★ 512/463-9734 ★ FAX: 512/463-9838 ★ <http://www.tea.state.tx.us>

Felipe T. Alanis  
Commissioner of Education

## MEMORANDUM

**To:** Charter Schools Indicated

**From:** Susan Barnes, Assistant Commissioner <sup>sb</sup>  
Division of Charter Schools

**Date:** October 30, 2002

**Re:** Notification of Commissioner Action

The commissioner has approved the requested amendment for

Academy of Accelerated Learning, Academy of Dallas, Academy of Houston, Academy of Skills and Knowledge (now Cumberland Academy), Alpha Charter School, American Academy of Excellence (Houston), American Youth Works, Arlington Classics Academy, Austin Can! Academy, Azleway Charter School, Bay Area Charter School, Academy of Beaumont, Bexar County Academy, Blessed Sacrament Academy Charter High School (now Por Vida Academy), Brazos River Charter School, Bright Ideas Charter School, Calvin Nelms Charter High School, Cedars International Academy, Crossroads Community Education Center, Dallas Can! Academy, Dallas Community Charter School, East Texas Charter High School, Eden Park Academy, The Education Center, The Education Center International, El Paso School of Excellence, The Encino School, Erath Excels! Academy, Focus Learning Academy, Fort Worth Can! Academy, Gabriel Tafolla Charter School, Gateway Academy, Guardian Angel Performance Academy, Gulf Shores Academy, Harmony Science Academy (Houston), Heights Academy, Houston Can! Academy, Houston Gateway Academy, Houston Heights Learning Academy, IDEA Academy, Jean Massieu Academy, Jubilee Academic Center, Katherine Anne Porter School, KIPP Academy, Life Charter School, Midland Academy, Mid-Valley Academy, McCullough Academy, Nancy Ney Charter School, New Frontiers Charter School, The North Hills School, North Houston High School for Business, Northwest Preparatory Academy, Nova Charter School (Southeast), NYOS Charter School, Oak Cliff Academy, Pegasus Charter School, Paso del Norte, Phoenix Charter School, Pineywoods Community Academy, Positive Solutions Charter School, The Ranch Academy, Rapoport Academy, Rise Academy, San Antonio Can! Academy, San Marcos Preparatory School, School of Excellence in Education, Seashore Learning Center, Ser-Ninos Charter School, South Plains Academy, Star Charter School, St. Mary's Academy Charter School, Technology Education Charter High School, Texas Language Charter School (now The School of Liberal Arts and Science), Treetops International School, University of Houston Charter School of Technology, Waco Charter School, West Houston Charter School, Winfree Academy, YES College Preparatory School, and ZOE Learning Academy

to include the following statement: "Admission will not be based on gender, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district the child would otherwise attend."

If you have any questions or concerns, please call our office at (512) 463-9575.

CONTINGENCIES

00095

DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
WASHINGTON, D.C. 20224

## CONTINGENCIES

Date:

SEP 22 1999

Dallas Advantage Charter School, Inc.  
c/o The Honorable Mike Krusee  
Texas House of Representatives  
P.O. Box 2910  
Austin, TX 78768-2910

Employer Identification Number:

31-1614490

Issuing Specialist:

Andrew F. Megosh, Jr, ID# 50-12587

Toll Free Customer Service Number:

877-828-5500

Accounting Period Ending:

June 30

Foundation Status Classification:

509(a)(1) &amp; 170(D)(1)(A)(ii)

Form 990 Required:

Yes

Dear Applicant:

Based on the information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 508(a) of the Code, because you are an organization described in the section(s) indicated above.

Please notify the Ohio Employee Plans/Exempt Organizations (EP/EO) Customer Service office if there is any change in your name, address, sources of support, purposes, or method of operation. If you amend your organizational document or bylaws, please send a copy of the amendment to the Ohio EP/EO Customer Service office. The mailing address for that office is: Internal Revenue Service, EP/EO Customer Service, P.O. Box 2508, Cincinnati, OH 45201.

You are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act.

If you are involved in an excess benefit transaction, that transaction might be subject to the excise taxes of section 4958 of the Code. In this letter we are not determining whether any of your present or proposed arrangements would be considered an excess benefit transaction resulting in tax under section 4958. Additionally, you are not automatically exempt from other federal excise taxes.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of Code sections 2055, 2106, and 2522.

Donors (including private foundations) may rely on this ruling unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your 509(a) status as indicated above, donors (other than private foundations) may not rely on the classification indicated above if they were in part responsible for, or were aware of, the act that resulted in your loss of such status, or they acquired knowledge that the Internal Revenue Service had given notice that you would be removed from that classification. Private foundations may rely on the classification as long as you were not directly or indirectly controlled by them or by disqualified persons with respect to them. However, private foundations may not rely on the classification indicated above if they acquired knowledge that the Internal Revenue Service had given notice that you would be removed from that classification.



## CONTINGENCIES

- 2 -

Dallas Advantage Charter School, Inc.

Contribution deductions are allowable to donors only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fund-raising events may not necessarily qualify as fully deductible contributions, depending on the circumstances. If your organization conducts fund-raising events such as benefit dinners, shows, membership drives, etc., where something of value is received in return for payments, you are required to provide a written disclosure statement informing the donor of the fair market value of the specific items or services being provided. To do this you should, in advance of the event, determine the fair market value of the benefit received and state it in your fund-raising materials such as solicitations, tickets, and receipts in such a way that the donor can determine how much is deductible and how much is not. Your disclosure statement should be made, at the latest, at the time payment is received. Subject to certain exceptions, your disclosure responsibility applies to any fund-raising circumstance where each complete payment, including the contribution portion, exceeds \$75. In addition, donors must have written substantiation from the charity for any charitable contribution of \$250 or more. For further details regarding these substantiation and disclosure requirements, see the enclosed copy of Publication 1771. For additional guidance in this area, see Publication 1391, Deductibility of Payments Made to Organizations Conducting Fund-Raising Events, which is available at many IRS offices or by calling 1-800-TAX-FORM (1-800-829-3676).

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt from Income Tax. If "Yes" is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. If your gross receipts each year are not normally more than \$25,000, we ask that you establish that you are not required to file Form 990 by completing Part I of that Form for your first year. Thereafter, you will not be required to file a return until your gross receipts exceed the \$25,000 minimum. For guidance in determining if your gross receipts are "normally" not more than the \$25,000 limit, see the instructions for the Form 990. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. The maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not exceed \$50,000. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it. Form 990 should be filed with the Ogden Service Center, Ogden, UT 84201-0027.

The law requires you to make your annual return available for public inspection without charge for three years after the due date of the return. You are also required to make available for public inspection a copy of your exemption application, any supporting documents, and this exemption letter to any individual who requests such documents in person or in writing. You can charge only a reasonable fee for reproduction and actual postage costs for the copied materials. The law does not require you to provide copies of public inspection documents that are made widely available, such as by posting them on the Internet (World Wide Web). You may be liable for a penalty of \$20 for each day you do not make these documents available for public inspection (up to a maximum of \$10,000 in the case of an annual return).

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You are not subject to the publishing requirements of Rev. Proc. 75-50, 1975-2 C.B. 587, so long as you operate a charter school. If your method of operation changes to the extent that your charter is

## CONTINGENCIES

- 3 -

Dallas Advantage Charter School, Inc.

terminated, cancelled or not renewed, you should notify your Key District Office. If you continue to operate a school, you will be required to comply with the publishing requirements of Rev. Proc. 75-50.

Please use the employer identification number indicated in the heading of this letter on all returns you file and in all correspondence with the Internal Revenue Service. Because this letter could help resolve any questions about your exempt status, you should keep it in your permanent records. If you have any questions about this letter, or about filing requirements, excise, employment, or other federal taxes, please contact the Ohio EP/EO Customer Service office at 877-829-5500 (a toll free number) or correspond with that office using the address indicated above.

Sincerely,

*Gerald V. Sack*

Gerald V. Sack  
Chief, Exempt Organizations  
Technical Branch 4

Enclosure:  
Pub. 1771

## CONTINGENCIES

INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **NOV 05 1998**

DALLAS ADVANTAGE CHARTER SCHOOL INC  
C/O JOHN K GRAHAM  
SULLIVAN & WORCESTER LLP  
ONE POST OFFICE SQUARE  
BOSTON, MA 02109

Employer Identification Number:  
31-1614490  
DLN:  
17053257001038  
Contact Person:  
D. A. DOWNING  
Contact Telephone Number:  
(877) 829-5600

Dear Applicant:

We received your application for recognition of exemption from Federal income tax.

We referred your application to our National Office for ruling and they will reply direct to you. If you have any questions, please write to:

Assistant Commissioner (E) Internal Revenue Service  
1111 Constitution Avenue, NW  
Washington, D.C. 20224  
Attention: E:EO

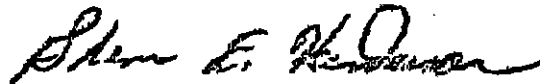
If you do not receive a decision on your application by the date the annual information return for exempt organizations is due, file that return by the due date. File either Form 990, Return of Organization Exempt From Income Tax, or Form 990-PF, Return of Private Foundation or Section 4947(a)(1) Trust Treated as a Private Foundation, whichever is applicable. Check the block on the return indicating an application is pending.

Please see the instructions for those returns to determine if any other returns are required.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Thank you for your cooperation.

Sincerely yours,



District Director

00099

Form **1023**  
(Rev. April 1996)  
Department of the Treasury  
Internal Revenue Service

**Application for Recognition of Exemption**  
**Under Section 501(c)(3) of the Internal Revenue Code**

OMB No. 1545-0056  
If exempt status is approved, this application will be open for public inspection.

Read the instructions for each Part carefully.  
**A User Fee must be attached to this application.**  
If the required information and appropriate documents are not submitted along with Form 8718 (with payment of the appropriate user fee), the application may be returned to you.  
**Complete the Procedural Checklist in the instructions.**

**Part I Identification of Applicant**

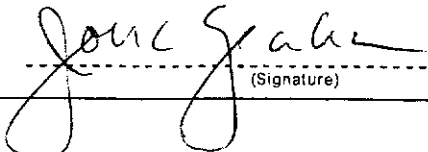
1a Full name of organization (as shown in organizing document) <b>Dallas Advantage Charter School, Inc.</b>		2 Employer identification number (EIN) (If none, see instructions.) <b>Applied for</b>	
1b c/o Name (if applicable) <b>The Honorable Mike Krusee</b>		3 Name and telephone number of person to be contacted if additional information is needed <b>John K. Graham (617) 338-2941</b>	
1c Address (number and street) <b>Texas House of Representatives, P.O. Box 2910</b>		Room/Suite	
1d City or town, state, and ZIP code <b>Austin, TX 78768-2910</b>		4 Month the annual accounting period ends <b>June</b>	
5 Date incorporated or formed <b>7/23/98</b>	6 Activity codes (See instructions.) <b>030 059</b>	7 Check here if applying under section: a <input type="checkbox"/> 501(e) b <input type="checkbox"/> 501(f) c <input type="checkbox"/> 501(k)	
8 Did the organization previously apply for recognition of exemption under this Code section or under any other section of the Code? . . . . . <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," attach an explanation.			
9 Is the organization required to file Form 990 (or Form 990-EZ)? . . . . . <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "No," attach an explanation (see instructions).			
10 Has the organization filed Federal income tax returns or exempt organization information returns? . . . . . <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes," state the form numbers, years filed, and Internal Revenue office where filed.			

**11 Check the box for the type of organization. ATTACH A CONFORMED COPY OF THE CORRESPONDING ORGANIZING DOCUMENTS TO THE APPLICATION BEFORE MAILING (See Specific Instructions for Part I, Line 11.) Get Pub. 557, Tax-Exempt Status for Your Organization, for examples of organizational documents.)**

- a  Corporation- Attach a copy of the Articles of Incorporation (including amendments and restatements) showing approval by the appropriate state official; also include a copy of the bylaws.
- b  Trust- Attach a copy of the Trust Indenture or Agreement, including all appropriate signatures and dates.
- c  Association- Attach a copy of the Articles of Association, Constitution, or other creating document, with a declaration (see instructions) or other evidence the organization was formed by adoption of the document by more than one person; also include a copy of the bylaws.

If the organization is a corporation or an unincorporated association that has not yet adopted bylaws, check here

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

Please Sign Here  \_\_\_\_\_ Attorney \_\_\_\_\_ 9/2/98 \_\_\_\_\_  
 (Signature) (Title or authority of signer) (Date)

00100

**Part II** Activities and Operational Information

- 1 Provide a detailed narrative description of all the activities of the organization—past, present, and planned. Do not merely refer to or repeat the language in the organizational document. List each activity separately in the order of importance based on the relative time and other resources devoted to the activity. Indicate the percentage of time for each activity. Each description should include, as a minimum, the following: (a) a detailed description of the activity including its purpose and how each activity furthers your exempt purpose; (b) when the activity was or will be initiated; and (c) where and by whom the activity will be conducted.

See attached statement.

CONTINGENCIES

- 2 What are or will be the organization's sources of financial support? List in order of size.

See attached statement.

- 3 Describe the organization's fundraising program, both actual and planned, and explain to what extent it has been put into effect. Include details of fundraising activities such as selective mailings, formation of fundraising committees, use of volunteers or professional fundraisers, etc. Attach representative copies of solicitations for financial support.

See attached statement.

00101

**Part II** Activities and Operational Information (Continued)

**4** Give the following information about the organization's governing body:

**a** Names, addresses, and titles of officers, directors, trustees, etc.

**b** Annual compensation

See attached statement.

**c** Do any of the above persons serve as members of the governing body by reason of being public officials or being appointed by public officials? . . . . .

Yes  No

If "Yes," name those persons and explain the basis of their selection or appointment.

**d** Are any members of the organization's governing body "disqualified persons" with respect to the organization (other than by reason of being a member of the governing body) or do any of the members have either a business or family relationship with "disqualified persons"? (See Specific Instructions for Part II, Line 4d.) . . . . .

Yes  No

If "Yes," explain.

**5** Does the organization control or is it controlled by any other organization? . . . . .  
Is the organization the outgrowth of (or successor to) another organization, or does it have a special relationship with another organization by reason of interlocking directorates or other factors? . . . . .

Yes  No

Yes  No

If either of these questions is answered "Yes," explain.

**6** Does or will the organization directly or indirectly engage in any of the following transactions with any political organization or other exempt organization (other than 501(c)(3) organizations): (a) grants; (b) purchases or sales of assets; (c) rental of facilities or equipment; (d) loans or loan guarantees; (e) reimbursement arrangements; (f) performance of services, membership, or fundraising solicitations; or (g) sharing of facilities, equipment, mailing lists or other assets, or paid employees? . . . . .

Yes  No

If "Yes," explain fully and identify the other organizations involved.

**7** Is the organization financially accountable to any other organization? . . . . .

Yes  No

If "Yes," explain and identify the other organization. Include details concerning accountability or attach copies of reports if any have been submitted.

State of Texas - see attached statement.

00102

**Part II** Activities and Operational Information (Continued)

8 What assets does the organization have that are used in the performance of its exempt function? (Do not include property producing investment income.) If any assets are not fully operational, explain their status, what additional steps remain to be completed, and when such final steps will be taken. If "None," indicate "N/A."

See attached statement.

9 Will the organization be the beneficiary of tax-exempt bond financing within the next 2 years?  Yes  No

10a Will any of the organization's facilities or operations be managed by another organization or individual under a contractual agreement?  Yes  No

b Is the organization a party to any leases?  Yes  No

If either of these questions is answered "Yes," attach a copy of the contracts and explain the relationship between the applicant and the other parties.

See attached statement.

11 Is the organization a membership organization?  Yes  No

If "Yes," complete the following:

a Describe the organization's membership requirements and attach a schedule of membership fees and dues.

b Describe the organization's present and proposed efforts to attract members and attach a copy of any descriptive literature or promotional material used for this purpose.

c What benefits do (or will) the members receive in exchange for their payment of dues?

12a If the organization provides benefits, services, or products, are the recipients required, or will they be required, to pay for them?  N/A  Yes  No

If "Yes," explain how the charges are determined, and attach a copy of the current fee schedule.

b Does or will the organization limit its benefits, services, or products to specific individuals or classes of individuals?  N/A  Yes  No

If "Yes," explain how the recipients or beneficiaries are or will be selected.

See attached statement.

13 Does or will the organization attempt to influence legislation?  Yes  No

If "Yes," explain. Also, give an estimate of the percentage of the organization's time and funds that it devotes or plans to devote to this activity.

14 Does or will the organization intervene in any way in political campaigns, including the publication or distribution of statements?  Yes  No

If "Yes," explain fully.

00103

**Part III** Technical Requirements

1 Are you filing Form 1023 within 15 months from the end of the month in which your organization was created or formed?  Yes  No  
If you answer "Yes," do not answer questions on lines 2 through 7 below.

2 If one of the exceptions to the 15-month filing requirement shown below applies, check the appropriate box and proceed to question 8.

Exceptions - You are not required to file an exemption application within 15 months if the organization:

- a Is a church, interchurch organization of local units of a church, a convention or association of churches, or an integrated auxiliary of a church (see instructions);
- b Is not a private foundation and normally has gross receipts of not more than \$5,000 in each tax year; or
- c Is a subordinate organization covered by a group exemption letter, but only if the parent or supervisory organization timely submitted a notice covering the subordinate.

3 If the organization does not meet any of the exceptions on line 2 above, are you filing Form 1023 within 27 months from the end of the month in which the organization was created or formed?  Yes  No

If "Yes," your organization qualifies under section 4.01 of Rev. Proc. 92-85, 1992-2 C.B. 490, for an automatic 12-month extension of the 15-month filing requirement. Do not answer questions 4 through 7.

If "No," answer question 4.

4 If you answer "No" to question 3, has the organization been contacted by the IRS regarding its failure to file Form 1023 within 27 months from the end of the month in which the organization was created or formed?  Yes  No

If "No," your organization is requesting an extension of time to apply under the "reasonable action and good faith" requirements of section 5.01 of Rev. Proc. 92-85. Do not answer questions 5 through 7.

If "Yes," answer question 5.

5 If you answer "Yes" to question 4, does the organization wish to request relief from the 15-month filing requirement?  Yes  No

If "Yes," give the reasons for not filing this application prior to being contacted by the IRS. See Specific Instructions, Part III, Line 5, before completing this item. Do not answer questions 6 and 7.

If "No," answer question 6.

6 If you answer "No" to question 5, your organization's qualification as a section 501(c)(3) organization can be recognized only from the date this application is filed with your key District Director. Therefore, do you want us to consider the application as a request for recognition of exemption as a section 501(c)(3) organization from the date the application is received and not retroactively to the date the organization was created or formed?  Yes  No

7 If you answer "Yes" to question 6 above and wish to request recognition of section 501(c)(4) status for the period beginning with the date the organization was formed and ending with the date the Form 1023 application was received (the effective date of the organization's section 501(c)(3) status), check here  and attach a completed page 1 of Form 1024 to this application.

00104



**Part III** Technical Requirements (Continued)

CONTINGENCIES

- 8 Is the organization a private foundation?  
 Yes (Answer question 9.)  
 No (Answer question 10 and proceed as instructed.)

- 9 If you answer "Yes" to question 8, does the organization claim to be a private operating foundation?  
 Yes (Complete Schedule E)  
 No

After answering question 9 on this line, go to line 15 on page 7.

- 10 If you answer "No" to question 8, indicate the public charity classification the organization is requesting by checking the box below that most appropriately applies:

THE ORGANIZATION IS NOT A PRIVATE FOUNDATION BECAUSE IT QUALIFIES:

- |   |   |  |
|---|---|--|
| a | <input type="checkbox"/> As a church or a convention or association of churches<br>(CHURCHES MUST COMPLETE SCHEDULE A.)   | Sections 509(a)(1)<br>and 170(b)(1)(A)(i)                          |
| b | <input checked="" type="checkbox"/> As a school (MUST COMPLETE SCHEDULE B.)   | Sections 509(a)(1)<br>and 170(b)(1)(A)(ii)                         |
| c | <input type="checkbox"/> As a hospital or a cooperative hospital service organization, or a<br>medical research organization operated in conjunction with a hospital<br>(MUST COMPLETE SCHEDULE C.)   | Sections 509(a)(1)<br>and 170(b)(1)(A)(iii)                        |
| d | <input type="checkbox"/> As a governmental unit described in section 170(c)(1).   | Sections 509(a)(1)<br>and 170(b)(1)(A)(v)                          |
| e | <input type="checkbox"/> As being operated solely for the benefit of, or in connection with, one<br>or more of the organizations described in a through d, g, h, or i<br>(MUST COMPLETE SCHEDULE D.)  | Section 509(a)(3)  |
| f | <input type="checkbox"/> As being organized and operated exclusively for testing for public<br>safety.  | Section 509(a)(4)  |
| g | <input type="checkbox"/> As being operated for the benefit of a college or university that is<br>owned or operated by a governmental unit.  | Sections 509(a)(1)<br>and 170(b)(1)(A)(iv)                         |
| h | <input type="checkbox"/> As receiving a substantial part of its support in the form of<br>contributions from publicly supported organizations, from a<br>governmental unit, or from the general public.   | Sections 509(a)(1)<br>and 170(b)(1)(A)(vi)                         |
| i | <input type="checkbox"/> As normally receiving not more than one-third of its support from<br>gross investment income and more than one-third of its support from<br>contributions, membership fees, and gross receipts from activities<br>related to its exempt functions (subject to certain exceptions). | Section 509(a)(2)  |
| j | <input type="checkbox"/> The organization is a publicly supported organization but is not sure whether it<br>meets the public support test of block h or block i. The organization would<br>like the IRS to decide the proper classification.   | Sections 509(a)(1)<br>and 170(b)(1)(A)(vi)<br>or Section 509(a)(2) |

If you checked one of the boxes a through f in question 10, go to question 15.

If you checked box g in question 10, go to questions 12 and 13.

If you checked box h, i, or j, in question 10, go to question 11.

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**Part III Technical Requirements (Continued)**

- 11 If you checked box h, i, or j on line 10, has the organization completed a tax year of at least 8 months?  
 Yes-Indicate whether you are requesting:  
 A definitive ruling (Answer questions 12 through 15.)  
 An advance ruling (Answer questions 12 and 15 and attach two Forms 872-C completed and signed.)  
 No-You must request an advance ruling by completing and signing two Forms 872-C and attaching them to the application.
- 12 If the organization received any unusual grants during any of the tax years shown in Part IV-A, attach a list for each year showing the name of the contributor; the date and the amount of the grant; and a brief description of the nature of the grant.

None .

- 13 If you are requesting a definitive ruling under section 170(b)(1)(A)(iv) or (vi), check here  and:  
 a Enter 2% of line 8, column (e), Total, of Part IV-A.  
 b Attach a list showing the name and amount contributed by each person (other than a governmental unit or "publicly supported" organization) whose total gifts, grants, contributions, etc., were more than the amount entered on line 13a above.

- 14 If you are requesting a definitive ruling under section 509(a)(2), check here  and:  
 a For each of the years included on lines 1, 2, and 9 of Part IV-A, attach a list showing the name of and amount received from each "disqualified person." (For a definition of a "disqualified person," see Specific Instructions, Part II, Line 4d.)  
 b For each of the years included on line 9 of Part IV-A, attach a list showing the name of and amount received from each payer (other than a "disqualified person") whose payments to the organization were more than \$5,000. For this purpose, "payer" includes, but is not limited to, any organization described in sections 170(b)(1)(A)(i) through (vi) and any governmental agency or bureau.

15 Indicate if your organization is one of the following. If so, complete the required schedule. (Submit only those schedules that apply to your organization. Do not submit blank schedules.)

	Yes	No	If "Yes," complete Schedule:
Is the organization a church? . . . . .		X	A
Is the organization, or any part of it, a school? . . . . .	X		B
Is the organization, or any part of it, a hospital or medical research organization? . . . . .		X	C
Is the organization a section 509(a)(3) supporting organization? . . . . .		X	D
Is the organization a private operating foundation? . . . . .		X	E
Is the organization, or any part of it, a home for the aged or handicapped? . . . . .		X	F
Is the organization, or any part of it, a child care organization? . . . . .		X	G
Does the organization provide or administer any scholarship benefits, student aid, etc.? . . . . .		X	H
Has the organization taken over, or will it take over, the facilities of a "for profit" institution? . . . . .		X	I

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**Part IV Financial Data**

Complete the financial statements for the current year and for each of the 3 years immediately before it. If in existence less than 4 years, complete the statements for each year in existence. If in existence less than 1 year, also provide proposed budgets for the 2 years following the current year.

**A. Statement of Revenue and Expenses**

	Current tax year	3 prior tax years or proposed budget for 2 years			(e) TOTAL
	(a) From to	(b) 19 _____	(c) 19 _____	(d) 19 _____	
<b>1</b> Gifts, grants, and contributions received (not including unusual grants—see instructions) . . . . .					
<b>2</b> Membership fees received . . . . .					
<b>3</b> Gross investment income (see instructions for definition) . . . . .					*
<b>4</b> Net income from organization's unrelated business activities not included on line 3 . . . . .		See attached statement.			
<b>5</b> Tax revenues levied for and either paid to or spent on behalf of the organization . . . . .					
<b>6</b> Value of services or facilities furnished by a governmental unit to the organization without charge (not including the value of services or facilities generally furnished the public without charge) . . . . .					
<b>7</b> Other income (not including gain or loss from sale of capital assets) (attach schedule) . . . . .					
<b>8 Total</b> (add lines 1 through 7) . . . . .		*	*	*	*
<b>9</b> Gross receipts from admissions, sales of merchandise or services, or furnishing of facilities in any activity that is not an unrelated business within the meaning of section 513. Include related cost of sales on line 22.					
<b>10 Total</b> (add lines 8 and 9) . . . . .		*	*	*	*
<b>11</b> Gain or loss from sale of capital assets (attach schedule) . . . . .					
<b>12</b> Unusual grants . . . . .					
<b>13 Total revenue</b> (add lines 10 through 12) . . . . .		*	*	*	*
<b>14</b> Fundraising expenses . . . . .					
<b>15</b> Contributions, gifts, grants, and similar amounts paid (attach schedule) . . . . .					
<b>16</b> Disbursements to or for benefit of members (attach schedule) . . . . .					
<b>17</b> Compensation of officers, directors, and trustees (attach schedule) . . . . .					
<b>18</b> Other salaries and wages . . . . .					
<b>19</b> Interest . . . . .					
<b>20</b> Occupancy (rent, utilities, etc.) . . . . .					
<b>21</b> Depreciation and depletion . . . . .					
<b>22</b> Other (attach schedule) . . . . .					
<b>23 Total expenses</b> (add lines 14 through 22) . . . . .					
<b>24 Excess of revenue over expenses</b> (line 13 minus line 23) . . . . .		*	*	*	*

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**Part IV** Financial Data (Continued)

B. Balance Sheet (at the end of the period shown)		Current tax year Date 9/3/98
<b>Assets</b>		
1	Cash . . . . .	0
2	Accounts receivable, net . . . . .	
3	Inventories . . . . .	
4	Bonds and notes receivable (attach schedule) . . . . .	
5	Corporate stocks (attach schedule) . . . . .	
6	Mortgage loans (attach schedule) . . . . .	
7	Other investments (attach schedule) . . . . .	
8	Depreciable and depletable assets (attach schedule) . . . . .	
9	Land . . . . .	
10	Other assets (attach schedule) . . . . .	
11	<b>Total assets</b> (add lines 1 through 10) . . . . .	0
<b>Liabilities</b>		
12	Accounts payable . . . . .	
13	Contributions, gifts, grants, etc., payable . . . . .	
14	Mortgages and notes payable (attach schedule) . . . . .	
15	Other liabilities (attach schedule) . . . . .	
16	<b>Total liabilities</b> (add lines 12 through 15) . . . . .	0
<b>Fund Balances or Net Assets</b>		
17	Total fund balances or net assets . . . . .	0
18	<b>Total liabilities and fund balances or net assets</b> (add line 16 and line 17) . . . . .	0

If there has been any substantial change in any aspect of the organization's financial activities since the end of the period shown above, check the box and attach a detailed explanation

Schedule B. Schools, Colleges, and Universities

1 Does, or will, the organization normally have: (a) a regularly scheduled curriculum, (b) a regular faculty of qualified teachers, (c) a regularly enrolled student body, and (d) facilities where its educational activities are regularly carried on? [X] Yes [ ] No
If "No," do not complete the rest of Schedule B.

2 Is the organization an instrumentality of a state or political subdivision of a state? [X] Yes [ ] No
If "Yes," document this in Part II and do not complete items 3 through 10 of Schedule B. (See instructions)

See attached statement.

3 Does or will the organization (or any department or division within it) discriminate in any way on the basis of race with respect to:
a Admissions? [ ] Yes [X] No
b Use of facilities or exercise of student privileges? [ ] Yes [X] No
c Faculty or administrative staff? [ ] Yes [X] No
d Scholarship or loan programs? [ ] Yes [X] No
If "Yes" for any of the above, explain.

4 Does the organization include a statement in its charter, bylaws, or other governing instrument, or in a resolution of its governing body, that it has a racially nondiscriminatory policy as to students? [X] Yes [ ] No

Attach whatever corporate resolutions or other official statements the organization has made on this subject.

5a Has the organization made its racially nondiscriminatory policies known in a manner that brings the policies to the attention of all segments of the general community that it serves? [ ] Yes [X] No
If "Yes," describe how these policies have been publicized and how often relevant notices or announcements have been made. If no newspaper or broadcast media notices have been used, explain.

b If applicable, attach clippings of any relevant newspaper notices or advertising, or copies of tapes or scripts used for media broadcasts. Also attach copies of brochures and catalogues dealing with student admissions, programs, and scholarships, as well as representative copies of all written advertising used as a means of informing prospective students of the organization's programs.

6 Attach a numerical schedule showing the racial composition, as of the current academic year, and projected to the extent feasible for the next academic year, of: (a) the student body, and (b) the faculty and administrative staff.

7 Attach a list showing the amount of any scholarship and loan funds awarded to students enrolled and the racial composition of the students who have received the awards.

8a Attach a list of the organization's incorporators, founders, board members, and donors of land or buildings, whether individuals or organizations.
b State whether any of the organizations listed in 8a have as an objective the maintenance of segregated public or private school education, and, if so, whether any of the individuals listed in 8a are officers or active members of such organizations.

9a Enter the public school district and county in which the organization is located.
Dallas Independent School District, Dallas County, TX

b Was the organization formed or substantially expanded at the time of public school desegregation in the above district or county? [ ] Yes [X] No

10 Has the organization ever been determined by a state or Federal administrative agency or judicial body to be racially discriminatory? [ ] Yes [X] No

If "Yes," attach a detailed explanation identifying the parties to the suit, the forum in which the case was heard, the cause of action, the holding in the case, and the citations (if any) for the case. Also describe in detail what changes in the organization's operation, if any, have occurred since then.

For more information, see instructions.

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**DALLAS ADVANTAGE CHARTER SCHOOL, INC.**  
**(Tax ID No. - application pending )**

**ATTACHMENT TO FORM 1023**

CONTINGENCIES

**Part I - Identification of Applicant**

**2. Employer Identification Number**

A Form SS-4 (Application for Employer Identification Number) is being simultaneously filed with Internal Revenue Service, Attention: Entity Control, Austin, TX 73301.

**3. Organizing Documents**

A Certificate of Conformity, a copy of the Articles of Incorporation, and a copy of the By-Laws are attached as Exhibit A.

**Part II - Activities and Operational Information**

**I. Narrative Description of Activities**

Dallas Advantage Charter School, Inc. (the "School" or the "Organization") is a Texas non-profit charitable corporation formed for the purpose of making an application to the Texas State Board of Education for a charter to operate an open-enrollment charter school in Dallas, Texas pursuant to Articles 12.101 to 12.118 of the Texas Civil Statutes. If the application is successful and the charter is granted, the School will begin the operation of an open-enrollment charter school under the Texas Statutes beginning in the fall of 1999.

Under the Texas Statutes governing open-enrollment charter schools, a copy of which are attached as Exhibit B, an open-enrollment charter school is part of the public school system of the State of Texas, and a charter may be granted to an organization described in Section 501(c)(3). Tex. Educ. Code §§ 12.105, 12.101(a)(3). An open-enrollment charter school is entitled to State and local funding from the sources of government funding otherwise available in the school district in which the students reside.

If the charter is granted, the Organization will operate as a school (within the meaning of Section 170(b)(1)(A)(ii) of the Code). The following sets forth in more detail a description of the goals and educational program proposed for the School.

**VISION AND GOALS**

**A. Vision**

The School intends to help set the standard and the pace for school reform in Dallas and Texas by using research-proven curricula and state-of-the-art intranet technology to offer the children of Dallas a free, world-class academic education. The School plans to open in August 1999 as a K-5 school and will expand by one grade each year. When fully developed, it will provide a comprehensive K through 12 educational program. It is expected that the vast majority of students will be drawn from the area defined by the Dallas Independent School

00110

**District lines.** The School is dedicated to attracting a highly diverse student body that is reflective of the area's student population in terms of race, ethnicity, and income level.

The School will demonstrate that the city's socially and economically diverse student body can achieve International Baccalaureate status or a technical skill certification upon high school completion.

Students will receive a solid academic grounding in the early grades, achieved through the use of the highly tested Direct Instruction approach. This approach will lead to mastery of the high school curriculum by the end of the tenth grade. At that point, students will select one of two career paths for the last two years of high school.

Students planning to pursue a traditional college education leading to a bachelor's degree will enroll in the International Baccalaureate (IB) curriculum, the internationally recognized standard of excellence that prepares students for the most competitive universities in the world.

Students intending to enter the workforce or pursue a technical degree following high school will choose a career path that integrates further academic work with intensive technical and work-based learning. Unlike most existing vocational education programs, the workforce skills curriculum will be designed and implemented in partnership with local and national businesses, ensuring that students will be trained to the highest skill standards and will gain a credential that is valued by employers.

**B. Goals**

The overarching goals of the Dallas Advantage Charter School are to:

- Demonstrate the heights of academic achievement that urban students can routinely attain when the advantages of charter school governance are coupled with ambitious new academic standards and increased parent involvement;
- Offer Dallas families rich new choices in public education within the city; and
- Create new professional settings for teachers that permit them to succeed, free from debilitating work rules, financial constraints, and excess regulation.

The School has established ten broad academic learning goals, which in turn correspond to clear, grade-by-grade academic standards in the core subjects of reading, language, mathematics, science, history, and geography. In broad terms, each student will demonstrate:

- Reading in English with comprehension;

- **Clear, elegant, and effective communication in the English language, written and spoken;**
- **The ability to use basic and more advanced mathematics to conceptualize and to solve problems in an academic environment, in the workplace, and in other everyday settings;**
- **An understanding of the natural world and its workings;**
- **Knowledge of the lives and accomplishments of important individuals from American, other Western, and non-Western civilizations;**
- **An understanding of the United States and other Western and non-Western civilizations, and how they have changed over time;**
- **Logical thinking, analysis, and systematic investigation;**
- **Cultural literacy and factual knowledge that are important or useful in our society;**
- **Basic proficiency in a language other than English, as well as a general understanding of the history and culture of other nations that use the language; and**
- **Informed aesthetic appreciation and judgment.**

For each of these academic goals, the School's curriculum establishes precise learning objectives, described in greater detail in the curriculum section. The School will also have highly detailed standards for student promotion at each grade level.

The Dallas Advantage Charter School is committed to attaining, at minimum, the following achievement benchmarks with students enrolled since kindergarten:

- **90% of students performing at or above the NAEP's "Basic" level in reading, writing, mathematics, science, history, and geography, and at least 35% performing at or above the NAEP's "Proficient" level;**
- **Mathematics and science performance comparable with top-scoring nations in Asia and Europe; and**
- **Average School scores significantly above the district and state averages on the Texas Assessment of Academic Skills (TAAS).**



Student will also develop the following non-academic strengths:

- Work-force related, cross-cutting skills, including identifying and acquiring needed information; working with others to accomplish tasks; managing limited resources; developing and using complex systems; employing a variety of tools and technologies; sharing products and skills with others;
- The basic moral virtues, including kindness, integrity, courage, self-respect, responsibility, and true friendship;
- An ability to communicate through the arts, and an appreciation of beauty;
- A good sense of humor;
- Respect for the rights and duties of citizenship;
- Creativity in addressing challenges and opportunities;
- Physical fitness;
- Self-discipline and perseverance; and
- High attendance and respect for learning and the school community.

The School aspires to achieve attendance rates of at least 95 percent. The School will graduate its first class in its eighth year of operation. It is the expectation of the School that it will have a graduation rate of at least 90 percent at that point.

## EDUCATIONAL PROGRAM

### A. Curriculum

The Dallas Advantage Charter School will open as a K-5 school in August 1999, and will expand by one grade per year thereafter. When fully developed, it will offer a comprehensive K-12 program. The School will provide its student body with a rigorous and supportive academic program designed to prepare students from all backgrounds for success in a world-class college preparatory or workforce skills curriculum in the School's senior high school. All curricular requirements described in Texas Education Code § 28.002 (Texas Essential Knowledge and Skills) will be met. The School will use the Direct Instruction approach in its elementary mathematics and English curricula to ensure that students master the fundamental skills necessary for success in later grades. When the School is fully implemented, students will select one of two curricular career paths for the eleventh and twelfth grades – college preparatory or workforce skills – depending on their career goals.

Students who plan to pursue a bachelor's degree will enroll in the International Baccalaureate (IB) diploma program, an internationally recognized standard of excellence, which prepares students for the most competitive universities in the world. The IB track consists of a comprehensive curriculum that includes the study of six subjects – world literature, a foreign language, math, science, history/social sciences, and an elective – as well as a theory of knowledge course, an extended research paper, and a community service requirement. Students not pursuing a college preparatory career path may still take individual IB courses in subjects that would be useful in their chosen technical career paths, such as the applied Math Studies and Math Methods subsidiary level courses.

Students intending to enter the workforce or pursue a technical degree following high school will choose a career path that integrates further academic work with intensive technical and work-based learning. Unlike most existing vocational education programs, the workforce skills curriculum will be designed and implemented in partnership with a national organization with expertise in cutting-edge workforce training, as well as carefully selected local employers and business representatives. Students will be trained to the highest national industry skill standards. Upon graduation, students who have chosen the workforce skills path will possess a credential that will be at least as valued by employers as an associate post-secondary degree.

In the earlier grades, using the Direct Instruction curriculum, the School will provide a challenging core curriculum for all students, based on practices proven through the best available research to be effective in attaining student outcomes. Clear, crafted lessons that engage the whole class will constitute the most efficient method for all students to learn important concepts. While most learning prior to the tenth grade will follow a discipline-based instructional approach, students will also have opportunities to develop cross-cutting, workforce-related skills through such instructional activities as identifying and acquiring needed information, working as part of a team, managing limited resources, and using technology and other tools. Periodic interdisciplinary activities and projects will provide students with further opportunities to integrate knowledge and skills acquired from different subjects.

Clear and specific academic objectives will delineate targeted learning, with students proceeding to subsequent material after attaining mastery. New students will be placed on the basis of competency, ensuring that all students are challenged at an optimal level. Students' mistakes will be corrected so that they may learn from them and advance. Explicit academic standards at each grade level will serve as the basis for promotion. Structured interventions, including additional opportunities for practice or tutoring, will ensure that students having trouble with the material are helped in a timely manner.

After completing a thorough evaluation of research-proven curricula, the School selected Direct Instruction as the core component of its K-5 curriculum. The Direct Instruction curriculum consists of polished lesson plans that have been implemented successfully and refined for over twenty years. Direct Instruction uses a competence-based approach that ensures mastery before students proceed to new material, but without delaying students who are ready to advance more quickly. The curriculum *explicitly* teaches basic skills and more

complex analytic strategies, rather than assuming that students can develop such capacities with only limited adult guidance.

To encourage student engagement and to enable teachers to monitor student progress efficiently, the primary method of instruction involves a brisk pace and frequent student responses, punctuated by individual student responses. The amount of productive interaction between the teacher and students is maximized. Student motivation and self-confidence are enhanced dramatically in comparison to other approaches, even when contrasted with methods that place a higher value on student motivation than on academic achievement.

The Direct Instruction approach is supported by an impressive body of evaluative research, which documents a high level of effectiveness with all levels of students, but particularly with students from underprivileged backgrounds. The largest federally funded study of instructional effectiveness ever conducted, Project Follow Through, found that Direct Instruction had the greatest impact among various comparison models on all three measures used in the study: basic skills, cognitive, and self-confidence. A recent metaanalysis by researcher Gary Adams analyzing 44 evaluations of the reading program found a large average effect size of .68 standard deviations compared to control groups.

The following is a more detailed description of the School's course content.

### English

English instruction in the early elementary grades will focus on teaching students to listen and read with comprehension, to write and speak clearly, and to spell correctly. Problem solving, reasoning, and literary analysis will receive greater emphasis beginning in the later elementary years. *Reading Mastery*, *Reasoning and Writing*, and *Spelling Mastery*, Direct Instruction curricula published by Science Research Associates, will form the backbone of English and language arts instruction. Basic skills will be taught to automaticity so students can focus on higher order analytic and creative skills. A distinctive approach to phonics will be used which minimizes the number of rules students are expected to remember while maximizing the texts that students are able to read. In addition, the curriculum's emphasis on classic stories and poems, including those from other eras and other countries, will engage students in the pleasures of reading while serving as a springboard for character education (see the section below on the character and ethics component of the curriculum).

### Mathematics

Students will develop math skills through a carefully structured and sequenced math curriculum. At the elementary level, *Connecting Math Concepts*, also a Direct Instruction program developed by Science Research Associates, will be used for mathematics instruction. Unlike traditional curricula, where a topic such as fractions is the focus for a few lessons after which it is assumed to have been learned and then dropped, multiple topics will be developed

gradually, practiced for an extended period of time, and then integrated into later topics for review. Extended projects will begin in year four. Similar to English instruction, basic math skills and algorithms will be learned to automaticity so students can concentrate on complex applications and problem solving. In the middle and early high school years, students will build on this powerful foundation to attain mastery over an advanced mathematics curriculum that includes the content traditionally covered in such courses as Algebra 1 and 2, geometry, and probability and statistics.

### Science

Science will receive unusually heavy emphasis in the elementary years. Children's natural curiosity about the world around them will be encouraged and satisfied, while gradually being disciplined through the study of formal scientific method and modes of analysis. Students will develop an understanding of important science concepts and basic science facts in the physical, life, and earth and space sciences. Students will first be taught key facts, concepts, rules, and principals in a specified area (e.g., elements of simple circuits in a unit on electricity). Once students demonstrate their understanding of the subject matter, they will be taught to apply their knowledge to a cognitive routine (e.g., building a simple circuit). Students will learn such skills as effective procedures for recording observations and for formulating and testing hypotheses through "hands-on" investigations and experiments (such as those contained in Scholastic's *Science Place* units). In kindergarten, students will study the seasons and the weather, plants and plant growth, animals and their needs, and the human body. Students will continue to explore these topics in greater detail in grades one and two; in these grades, the plant unit will be extended to include the identification of different trees and flowers. The science curriculum for grades one and two will also include units on geological eras, rocks, and dinosaurs. In grades three, four, and five, students will learn about measurement, temperature, phases of matter, electricity, the solar system, the earth, the relationship of living things to their environments, and the human body system. Fifth-graders will have a special extension to the solar system unit, which includes more astronomy. Building on the elementary program, which is significantly more accelerated than that of most traditional public schools, student will complete the content covered in the typical high school science courses of physics, chemistry, and biology by the end of tenth grade. A special strand in the curriculum will focus on the scientific design, implementation, evaluation, and refinement of technological solutions to problems. Key instructional emphases will include connecting new science content with previously learned content as well as the integration of skills learned in the math curriculum.

### History and Social Sciences

History and social sciences - including civics, economics, and geography - will be taught to all students. In the early elementary grades, history will be taught using a literature-centered curriculum that includes myths and folk tales from around the world. Fourth-graders will take a year-long world civilization course, which will include the study of nine civilizations: the Sumerians, Hebrews, Nubians, Mayans, Japanese, Chinese, Greeks, and

Romans. In geography, students will learn to make and use maps, and to identify the borders and capitals of the U.S., other nations, and the American States. In fifth grade, students will take a formal history course in U.S. history, using Joy Hakim's exceptionally well-written series, *A History of Us*. This course will include Texas state and local history and economics. Students will focus on developing an intuitive understanding of such basic economic concepts as prices, supply and demand, and trade between individuals. The study of the lives and actions of individuals, especially through biography, will also provide lessons in character. Civics, focusing on the founding documents and the individuals who played key roles in shaping our government, will be taught in the context of history. Sixth-graders will pursue a more comprehensive study of the dawn of human society and the oldest civilizations, including the Mesopotamians, Chinese, and Egyptians. Seventh-graders will focus on Greece and Rome. Eighth-graders will study Europe through the 19th century, including its interactions with non-Western nations in Asia, Africa, and the Americas. Ninth- and tenth-grade history will consist of an in-depth history of the U.S. through the present.

#### Foreign Language

All students will start instruction in a second language beginning in the second grade and continuing at least through the tenth grade. Such studies will emphasize communication in the elementary grades and culture in the middle and high school grades. Students will attain a high level of performance in both of these areas by the end of the tenth grade.

#### The Arts

All students will study the visual and performing arts, receiving instruction in music, visual art, drama, or dance through the tenth grade. The arts curriculum will reflect a balanced, discipline-based instructional approach that includes attention to production or performance, appreciation and criticism, and history and culture. All students will develop basic drawing skills and learn to play a musical instrument. The study of history and culture will be coordinated with the history curriculum, focusing on the greatest artistic works and accomplishments of the period and civilization being studied.

#### Character and Ethics

The School's curriculum also includes a comprehensive character and ethics component. Student will be taught universal values, including responsibility, kindness, friendship, and perseverance. The program involves two primary methods of instructing students in these core values: explicit instruction and infusion into the overall culture of the School. The first involves teacher explanation of the meanings of the concepts being studied, the use of literature and history to illustrate examples of positive character, and discussions of how one exhibits the desired traits. Story plots with engaging characters are a natural catalyst for discussions of basic virtues, from such relatively straightforward topics as physical courage and perseverance in the early grades, to more complex concepts such as integrity, true friendship, and self-respect, in the later elementary and middle school years. The second

method takes the form of a school-wide commitment to embracing desirable character traits. It will be expected (and the expectation will be clearly stated in the school's code of civility) that all those involved with the school – teachers, students, administrators, and parents – exhibit and exemplify good character. This two-pronged approach to character education will allow students to learn about character and ethics by example and to practice what is taught in the classroom.

### Physical Fitness

Students will be engaged in activities designed to perfect their coordination, increase their strength and stamina and help them become team players and good sports. They will also participate on intramural and School teams, and in training activities and tests recommended by the President's Council on Physical Fitness.

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The School is clearly “educational” within the meaning of Section 501(c)(3) because it will be a school which has a regularly scheduled curriculum, a regular faculty, and a regularly enrolled body of students in attendance at the place where the educational activities are regularly conducted. See Treas. Reg. § 1.501(c)(3)-1(d)(3)(i) and (ii)(Example (1)). The School is also “charitable” within the meaning of Section 501(c)(3) because it advances education and combats community deterioration. See Treas. Reg. §1.501(c)(3)-1(d)(2).

The School will also clearly qualify as an “educational organization” described in Section 170(b)(1)(A)(ii) because it will present formal instruction pursuant to a curriculum, it will have a faculty of teachers, and it will have a regularly enrolled body of students in attendance at the facilities at which the educational activities will be conducted. See Treas. Reg. § 1.170A-9(b)(1); Rev. Rul. 67-447, 1967-2 C.B. 121; Rev. Rul. 69-492, 1969-2 C.B. 36; Rev. Rul. 78-309, 1978-2 C.B. 123.

## 2. Sources of Financial Support

The Organization will not charge tuition to its students. Instead, under the Texas statutes the School shall be funded by State and local revenue payments from the districts in which the school's students reside.

The sources of financial support may also include gifts, grants and contributions from private foundations and individuals.

## 3. Fund-raising Program

No formal fund-raising program is planned at present.

4. Governing Body

The Organization is governed by a Board of Trustees (having the power of corporate directors) consisting of the following community leaders of Dallas:

Board of Trustees

<u>Name</u>	<u>Address</u>	<u>Compensation</u>
Tim O'Keefe	1505 LBJ Freeway, Suite 300 Dallas, TX 75234-6071	0
The Honorable Mike Krusee	Texas House of Representatives P.O. Box 2910 Austin, TX 78768-2910	0
Carol J. Spencer	928 Hideaway Place DeSoto, TX 75115	0

The Organization's officers are the following persons:

<u>Name</u>	<u>Address</u>	<u>Comp.</u>	<u>Position</u>
The Honorable Mike Krusee	Texas House of Representatives P.O. Box 2910 Austin, TX 78768-2910	0	President
[not yet elected]		0	Treasurer
[not yet elected]		0	Secretary

A fourth Trustee is expected to be added when the School becomes operational and will be a parent of a child enrolled in the School, to be selected by parents at an annual School-wide parent meeting.

Over the coming months additional individuals will likely be added to the Board. Each will be civic-minded; representative of the community at large; and interested in improving the quality for public education opportunities for all children, particularly those of modest means and those whose needs are not being met by the traditional system. Prospective Board members will possess a firm belief in the value of choice, competition, and local management of public schools. A criminal background check of all Board members will be conducted prior to final approval.

7. Financial Accountability

Pursuant to Sec. 12.118. of the Texas Education Code, the School is subject to evaluation by the state of its costs incurred for instruction, administration, and transportation.

8. Exempt Purpose Assets

The Organization has no assets at present but an extensive site selection process is underway. A final site will be identified in the Spring of 1998 in order to allow the School to open in August of 1999. Once the site is selected the School will begin fitting it with the necessary desks, chairs, books and other classroom materials and equipment necessary to operate.

10a. Management Contract

The School expects to enter into an arm's length management contract with Advantage Schools, Inc. (the "Manager"), a national education management provider. None of the Trustees of the School are related to or have any interest in the proposed Manager. While the terms of the proposed management contract have not been established, pending receipt of a charter, the School expects that the Manager will be responsible for obtaining financing for and overseeing the renovation of the School building; recruiting and managing the School staff; developing and implementing the academic curriculum; and contracting for food services, transportation, and building management. The management contract will provide that the Board will be free to terminate the management contract - and contract with a different provider-if the Manager fails to perform. In return for these services, it is expected that the Manager will be paid a reasonable arm's length management fee that will be part of the annual operating budget of the School. Moreover, the Board of Trustees will review and approve the annual operating budget, which is expected to include line items for some of the specific services that the Manager will be obligated to perform such as curriculum development, professional development and the like. Within 90 days of the end of each school year, a comprehensive audit of the revenues and expenditures of the School will be conducted in accordance with GAAP principles by a certified public accounting firm selected by the School's Board of Trustees. The results of each annual audit will then be forwarded to the State Board of Education, the Texas Education Agency, and other interested oversight agencies and outside observers.

10b. Leases

As noted above, when a final site is selected and lease negotiations are completed, the terms of the lease or acquisition and detailed conceptual plans for the facility will be submitted to the State Board of Education and the Texas Education Agency for their review.



CONTINGENCIES

12b. Limitation on Benefits

Enrollment in the School will be limited by size and grade. The K-5 program expects to have enrollment of 546 and the K-12 program expects to enroll 1176. Admission will be open to all children, on a space-available basis within each grade. The School will not discriminate on the basis of race, creed, color, gender, national origin, religion, ancestry, need for special education services, intellectual or athletic ability, measures of achievement or aptitude, disability, or proficiency in English. There will be no admission requirements, and no tests of any sort will be given to determine whether or not admission will be granted, although tests will determine placement. If there are more eligible applicants than available slots, the School will conduct a lottery to determine who will be admitted. The School expects its student body to mirror the surrounding community in terms of race, ethnicity and income. Therefore, the School expects its student body to be 46% Hispanic, 42% Black, and 11% white.

DALLAS ADVANTAGE CHARTER SCHOOL, INC.  
Attachment to Form 1023

CONTINGENCIES

Part IV - Financial Data

A. Statement of Revenue and Expenses (Proposed Budgets)

REVENUE	<u>FY 1999</u>	<u>FY 2000</u>
State Revenue	\$0	\$2,092,496
Other Sources (transportation, food service, private donations)	\$0	\$534,078
<u>Federal Income Eligible Revenue</u>	<u>\$0</u>	<u>\$341,394</u>
<b>Total Revenue</b>	<b>\$0</b>	<b>\$2,967,968</b>
EXPENSES		
<b>Instruction</b>		
Payroll	\$0	\$1,102,677
Professional and Contracted Services	\$0	\$47,075
Debt Expense	\$0	\$9,736
<u>Supplies and Materials</u>	<u>\$0</u>	<u>\$36,300</u>
<b>Total Instruction</b>	<b>\$0</b>	<b>\$1,195,788</b>
 <b>Instructional and Media Resources</b>	 <b>\$0</b>	 <b>\$26,510</b>
 <b>Curriculum and Staff Development</b>		
Payroll	\$0	\$46,970
Professional and Contracted Services	\$0	\$261,181
<u>Other Operating Costs</u>	<u>\$0</u>	<u>\$3,426</u>
<b>Total Curriculum and Staff Development</b>	<b>\$0</b>	<b>\$311,577</b>
 <b>Instructional Leadership</b>		
<u>Professional and Contracted Services</u>	<u>\$0</u>	<u>\$261,181</u>
<b>Total Instructional Leadership</b>	<b>\$0</b>	<b>\$261,181</b>
 <b>School Leadership</b>		
<u>Payroll</u>	<u>\$0</u>	<u>\$114,070</u>
<b>Total School Leadership</b>	<b>\$0</b>	<b>\$114,070</b>
 <b>Guidance, Counseling, and Evaluation Services</b>		
<u>Professional and Contracted Services</u>	<u>\$0</u>	<u>\$79,733</u>
<b>Total Guidance, Counseling, and Evaluation Services</b>	<b>\$0</b>	<b>\$79,733</b>
 <b>Health Services</b>		
Payroll	\$0	\$27,914
<u>Supplies and Materials</u>	<u>\$0</u>	<u>\$2,723</u>
<b>Total Health Services</b>	<b>\$0</b>	<b>\$30,637</b>
 <b>Food Services</b>		
Payroll	\$0	\$6,939
Professional and Contracted Services	\$0	\$334,078
<u>Supplies and Materials</u>	<u>\$0</u>	<u>\$928</u>
<b>Total Food Services</b>	<b>\$0</b>	<b>\$341,945</b>

**DALLAS ADVANTAGE CHARTER SCHOOL, INC.**  
**Attachment to Form 1023**

**CONTINGENCIES**

<b>Co-curricular/Extracurricular Activities</b>		
<u>Professional and Contracted Services</u>	\$0	<u>\$7,500</u>
<b>Total Co-curricular/Extracurricular Activities</b>	\$0	<b>\$7,500</b>
<b>General Administration</b>		
Payroll	\$0	\$48,583
Professional and Contracted Services	\$0	\$80,365
Supplies and Materials	\$0	\$19,360
<u>Other Operating Costs</u>	<u>\$0</u>	<u>\$43,250</u>
<b>Total General Administration</b>	\$0	<b>\$191,558</b>
<b>Plant Maintenance and Operations</b>		
Payroll	\$0	\$24,750
Professional and Contracted Services	\$0	\$35,588
Other Operating Costs (including rent)	\$0	\$304,167
<u>Supplies and Materials</u>	<u>\$0</u>	<u>\$4,000</u>
<b>Total Plant Maintenance and Operations</b>	\$0	<b>\$368,505</b>
<b>Data Processing Services</b>		
Professional and Contracted Services	\$0	\$28,875
<u>Debt Expense</u>	<u>\$0</u>	<u>\$7,836</u>
<b>Total Data Processing Services</b>	\$0	<b>\$36,711</b>
<b>Total Expenses</b>		<b>\$2,965,715</b>
<b>Revenues Less Expenses</b>		<b>\$2,253</b>

CONTINGENCIES

Schedule B. Schools, Colleges and Universities

2. The School is a unique form of public school under Texas law. Under the Texas statutes, the School will receive state and local public funding based on the locale in which the students reside. Charter schools such as the School, which receive public funding do not need to comply with the requirements of Revenue Procedure 75-50 relating to racial nondiscrimination policies. See, Rev. Proc. 75-50, Sec. 2.04.

6. Racial Composition. As noted above, the School expects its student body to mirror the surrounding community in terms of race, ethnicity and income. Therefore, the School expects its student body to be 46% Hispanic, 42% Black, and 11% white.

E:\DXN\CHARM5\TEXAS\DALLAS\FORM1023.C2:9/2/98

## ASSURANCES

Signature of the Chief Operating Officer certifies that the following statements are addressed through policies adopted by the charter school and, if approved, the governing body, administration, and staff of the open-enrollment charter will abide by them:

- (1) The proposed open-enrollment charter school prohibits discrimination in its admission policy on the basis of sex, national origin, ethnicity, religion, disability, academic or athletic ability, or the district the child would otherwise attend in accordance with state statute.
- (2) Any educator employed by a school district before the effective date of a charter for an open-enrollment charter school operated at a school district facility will not be transferred to or employed by the open-enrollment charter school over the educator's objection.
- (3) The proposed open-enrollment charter school will retain authority to operate under the charter contingent on satisfactory student performance on assessment instruments adopted under TEC, Chapter 39, Subchapter B and as provided by the open-enrollment charter agreement approved by the State Board of Education.
- (4) The proposed open-enrollment charter school will not impose taxes, use financial incentives or rebates to recruit students, or charge tuition other than tuition allowable under TEC Section 12.106.
- (5) If the proposed open-enrollment charter school provides transportation, it will provide transportation to each student attending the school to the same extent a school district is required by law to provide transportation to district students.
- (6) The proposed open-enrollment charter school will operate in accordance with federal laws and rules governing public schools; applicable provisions of the Texas Constitution; state statute pertaining to provisions establishing a criminal offense; and prohibitions, restrictions, or requirements, as applicable, under state statute or rule adopted relating to:
  - the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance as determined by the commissioner;
  - criminal history records under TEC Subchapter C of Chapter 22;
  - high school graduation under TEC Section 28.025;
  - special education programs under TEC Subchapter A of Chapter 29;
  - bilingual education under TEC Subchapter B of Chapter 29;
  - prekindergarten programs under TEC Subchapter E of Chapter 29;
  - extracurricular activities under TEC Section 33.081;
  - health and safety under TEC Chapter 38; and
  - public school accountability under TEC Subchapters B, C, D, and G of Chapter 39.

CONTINGENCIES

The following assurance must be included in all applications for an open-enrollment charter school under TEC § 12.1011(a)(2), the "75% Rule."

- (15) The Charter School assures at least 75 percent of the prospective student population, as specified in the proposed charter, will be students who have dropped out of school or are at risk of dropping out of school as defined in TEC Section 29.081(d), and the school will maintain, as a condition of its charter, the required percentage (75%) of students who have dropped out of school or are at risk of dropping out of school as defined in TEC Section 29.081(d) each year as reported in the Public Education Information Management System (PEIMS), or relinquish its charter.


\_\_\_\_\_/\_\_\_\_\_  
*Signature of Chief Operating Officer of the School/ date*

\_\_\_\_\_/\_\_\_\_\_  
*Signature of the Chair of the State Board of Education/ date*

FROM: CIGNA FINANCIAL ADV  
CHIEF OF SCHOOL

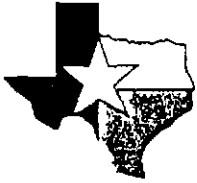
FAX NO. 1 972 919 8899

87-23-98 03110P P.03

 7-23-98  
Signature of Chief Operating Officer of the School/ date

\_\_\_\_\_  
Signature of the Chair of the State Board of Education/ date

CONTINGENCIES



# TEXAS EDUCATION AGENCY

1701 NORTH CONGRESS AVENUE \* AUSTIN, TEXAS 78701-1494 \* 512/463-9734 \* FAX: 512/463-9838

*not fax #  
see below*

~~CRIMINAL HISTORY~~

MIKE MOSES  
COMMISSIONER OF EDUCATION

CONTINGENCIES

*PEC  
Budget*

Dear Proposed Charter School Applicant:

August 31, 1998

*DALLAS ADVANTAGE CHARTER SCHOOL*

After review of the open-enrollment charter school application submitted by your organization, staff of the Texas Education Agency has determined that your application is incomplete. Your application is not eligible for consideration by the State Board of Education until the following items (indicated by a check mark) are supplied to the Agency. Except as provided below, the items must be addressed in writing and submitted to the Agency no later than 12:00 noon, Thursday, September 3, 1998. The items, other than those requiring an original signature, may be faxed to the attention of Brooks Flemister at (512) 463-9732. Items requiring an original signature may be delivered to the above address.

Please supply the following:

1. \_\_\_ Assurance that the proposed charter school will provide a curriculum designed to address the requirements of Section 28.002, including Texas Essential Knowledge and Skills.

2. \_\_\_ Assurance that the applicant has established performance levels for students served by the proposed open-enrollment charter school on the assessment instruments adopted under Chapter 39, Subchapter B, including the Texas Assessment of Academic Skills.

3.  Evidence that the sponsoring entity of the proposed charter is an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code or has applied for such status. (See page four of Guidelines.) Note that the sponsoring entity must itself be tax exempt or have applied for such status. It is not sufficient that the sponsoring entity belong to or be associated with a tax exempt organization. *need copy of a 501(c)(3) application/determination letter.*

4. \_\_\_ Assurance that the governing body of the sponsoring entity will retain authority to ensure that the policies and operation of the school comply with all applicable laws and requirements of the charter contract.

*CM* 5. \_\_\_ A copy of the last tax return filed by the sponsoring entity if applicable (If not, please state why).

*CM* 6.  A list of the board members of the sponsoring organization. The list must identify the officers of the sponsoring agency, their credentials and statements covering the litigation and criminal history of both board members and the sponsoring entity.

*CM* 7.  Evidence that a facility has been secured for use by the proposed charter school. (See page 51 of the Application Guidelines). Note the evidence provided must satisfy requirements of sample form e.g. two signatures (lessor and lessee). *Need more specific information (see sample letter of intent in charter application packet).*

8. \_\_\_ Evidence of parent/community support. (See page four of Guidelines.)

9. \_\_\_ Two complete copies of the Assurances provided in the application packet, each with an original signature in blue ink.



## CONTINGENCIES

10. <sup>CW</sup> \_\_\_ A description of the geographical area to be served. Note that this description must be specific and definite. For example, descriptions such as "the southwest portion of the city," or the "greater metropolitan area" are insufficient. Acceptable descriptions include those defining the area in terms of city or county limits, street names, boundaries of school districts, or zip codes.
11. \_\_\_ Clarification that the proposed charter school will admit and fully serve eligible students with disabilities. This clarification must include an assurance that the charter school will provide transportation to a disabled student when required by the student's Individual Education Plan. Include an assurance that certified teaching personnel will be employed when required by law and disciplinary procedures will follow the guidelines of the Individuals with Disabilities Education Act.
12. \_\_\_ Clarification that the admission policy of the proposed charter school will not discriminate on the basis of sex, national origin, ethnicity, religion, disability, academic or athletic ability, or the district the child would otherwise attend in accordance with the Texas Education Code. Information requested on admission application cannot be used to influence or deny admission. Exceptions would be grade level served, area of residence and disciplinary history.
13. \_\_\_ Clarification that the policies of the proposed charter school will not provide for segregation on the basis of sex except where required or allowed by federal law.
14. \_\_\_ Assurance that the admission policy of the proposed charter will not condition admission into the charter school on the promise of a student or parent that the student will meet certain attendance requirements.
15. \_\_\_ Assurance that the admission policy of the proposed charter school will not favor students currently attending a predecessor or affiliated school. In other words, once a school or organization receives an open-enrollment charter, it may not give preference to students affiliated with the school or organization prior to the grant of the charter. A charter school may in its second year, however, give enrollment priority to students who attended the school in its first year of operation as a charter school.
16. \_\_\_ Assurance that the proposed charter school will not withhold student records in violation of state or federal law.
17. \_\_\_ Assurance that the proposed charter school will not charge tuition or impermissible fees, including fees charged as penalties for the failure of a student or parent to comply with the school's requirements.
18. \_\_\_ Assurance neither members of the governing body, personnel, or students of the proposed charter school will be required to subscribe to particular religious beliefs or belong to a particular church or denomination.
19. \_\_\_ Clarification that the applicant assures compliance with the Texas Open Meetings Act and the Texas Public Information Act. Note that in some instances the applicant will be required to delete or revise statements in the application that are inconsistent with these acts.

CONTINGENCIES

20.  Clarification that the applicant will provide a special education program that addresses the following provision of services i.e.; Child Find, Admission, Review and Dismissal Committee (ARD), Free and Appropriate Public Education (FAPE), Individualized Education Plan (IEP), due process and services for expelled students in the Least Restrictive Environment (LRE). This clarification should include a detailed explanation of each activity and how they will be provided to the student with disabilities.

21.  Assurance that the applicant will provide, in accordance with the policy of the State, a program to ensure equal educational opportunities to every student whose primary language is other than English. The charter school will provide English as a Second Language (ESL) Program or Bilingual Education program as required in the Texas Education Code, Chapter 29, Subchapter B.

22.  State Revenue has not been correctly estimated. *(no estimated revenue template provided)*

Estimated Initial Enrollment \_\_\_\_\_

X 90% attendance = \_\_\_\_\_ (estimated ADA)

X\$4000 average state funding per ADA \_\_\_\_\_ (estimated state aid)

Amount budgeted for state revenue \_\_\_\_\_

Difference \_\_\_\_\_

(Please call Nora Rainy in the School Financial Audit Department at 512-463-9126 with any questions regarding budget item).

23.  Applicant needs to provide a draft of a board policy for the admission of students eligible for a Public Education Grant (PEG) transfer.

24.  Other concerns  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mary Budd

CONTINGENCIES

Dear Proposed Charter School Applicant:

September 8, 1998

After review of the addendum to the open-enrollment charter school application submitted by your organization, staff of the Texas Education Agency has determined that your application remains incomplete. Your application is not eligible for consideration by the State Board of Education until this document is signed and returned to the Texas Education Agency. The signed document must be faxed to the attention of Brooks Flemister at (512) 463-9732 by no later than 12:00 p.m. Wednesday, September 9, 1998.

ADDITIONAL ASSURANCE(S)

I certify that the charter school will admit students eligible for a Public Education Grant (PEG) transfer on the same basis it admits students who reside within the geographic area served by the charter school.

I certify that the budget for the charter school will be revised as directed by the Audits Division, Texas Education Agency, before the school begins operation.

On behalf of \_\_\_\_\_ (sponsoring entity for Dallas Advantage Charter School), I, \_\_\_\_\_

(name of chief operating officer) certify that I have read the foregoing assurance(s) and agree to each and every term and obligation expressed therein.

I further represent that I have been properly delegated authority to sign this document.

\_\_\_\_\_  
Chief Operating Officer

Signed on this \_\_\_\_\_ day of \_\_\_\_\_, 1998

SEP. 1. 1998 01:25 PM

ADVANTAGE SCHOOLS

NO.109 P.1/123

**POTOMAC CAPITAL ADVISORS**  
114 Union Street, Boston, MA 02109

CONTINGENCIES

July 20, 1998

Mr. Rick Taylor  
Director of Real Estate  
Advantage Schools, Inc.  
205 Portland Street  
Boston, MA 02114

Dear Rick,

As the exclusive agent for Advantage Schools, Inc in your search for property to locate a charter school in the Dallas/Ft. Worth market, please be advised that I have been in negotiations with agents for the owner of the 3045 North Business Boulevard, located in Dallas.

For our discussions, this 58,000 sq. ft. Box style property is available in its entirety and has been offered to us at \$5.00 per sq. ft. triple net. We are currently discussing the rate and the level of tenant improvements to be provided by the owner.

I am confident that this property will be an excellent solution for your requirement and believe that our negotiations can be completed in less than one month. Please advise me regarding the status of your application as I may keep the owner's agent properly informed of the timing for executing a lease.

If you have any further questions, or if I can be of any additional assistance please feel free to call me directly.

Accepted:



Richard P. Taylor  
Director of Asset Development  
Advantage Schools/Dallas Advantage  
Charter School

Sincerely,



Gregory J. Walsh  
Principal

617.725.6030

00132

a

ADVANTAGE  
Schools

CONTINGENCIES

September 1, 1998

Brooks Flemister  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701-1494

BY FACSIMILE: (512) 463-9732

Dear Mr. Flemister:

I am writing on behalf of the Board of Trustees of the Dallas Advantage Charter School in response to your letter of August 31. Following is the information required to complete the Board's open-enrollment charter application.

- *Evidence that the sponsoring entity of the proposed charter is an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code or has applied for such status.*

A copy of the Board's application for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code will be sent to your attention under separate cover for arrival September 3.

- *A copy of the last tax return filed by the sponsoring entity if applicable.*

The sponsoring entity was formed this fiscal year; thus, it has not filed a tax return to date.

- *A statement covering the litigation of both board members and the sponsoring entity.*

There is currently no litigation involving the sponsoring entity or any member of the Board of Trustees of the Dallas Advantage Charter School.

- *Letter of intent concerning facilities for the proposed charter school, signed by the lessor and the lessee.*

Attached is a letter signed by Advantage's Director of Asset Development as well as a real estate broker with whom we are working. Lease negotiations will be finalized upon receipt of the charter.

## CONTINGENCIES

- *A description of the geographical area to be served.*

As noted in the application, the geographical area to be served by the Dallas Advantage Charter School will correspond directly with the boundaries of the Dallas Independent School District.

- *Clarification that the applicant will provide a special education program that addresses the following provision of services: Child Find; Admission, Review, and Dismissal Committee (ARD); Free and Appropriate Public Education (FAPE); Individualized Education Plan (IEP); due process and services for expelled students in the Least Restrictive Environment (LRE).*

The Dallas Advantage Charter School will provide all students with a free and appropriate public education and a full continuum of services, in an environment that is the least restrictive to children with disabilities. A description of the founders' philosophy and plans regarding the education of students with special needs can be found on pages 18-20 of the charter application. Following is more detailed information about the policies and procedures that will be used at the new school.

The Dallas Advantage Charter School will screen all students within 45 days of their first day of attendance. The School's Special Education Teacher will manage the screening process in accordance with federal "Child Find" rules and guidelines. Cases meriting additional attention will be identified, and the appropriate faculty, staff, and/or contracted specialists will be involved, depending on the nature of the disability. For example, the School's Professional Development Coordinator will work with the Special Education Teacher to address academic problems; the School Nurse will be consulted regarding health issues; and the services of a speech and language pathologist will be retained to deal with communications problems.

The School's Intervention Planning Team (IPT) will be charged with developing functional intervention plans to address the special needs of students and to support teachers in need of additional assistance.

Should repeated attempts to improve a student's performance prove insufficient, the teacher or related staff member will file a Special Education Referral Form. The student's parent or legal guardian may also complete and submit this form. The Special Education Teacher will then schedule a new IPT meeting, including the School Director, Professional Development Coordinator, the child's teachers, and related services personnel in the area of the suspected disability (e.g., occupational therapist, physical therapist, speech and language pathologist, school psychologist). In this meeting, the Special Education Teacher will assign the appropriate individuals evaluative tasks necessary to make a logical decision regarding the need for special education or related services. The Special Education Teacher and/or related services personnel will conduct all necessary informal assessments, compile results, and report on their findings at the second IPT meeting. At this point, the team will decide whether or not the child needs a formal, comprehensive evaluation, including a psychological report.

## CONTINGENCIES

If it is decided that the child is not in need of a more comprehensive evaluation, the team will develop a new intervention plan that will appropriately support the child. If the decision is made to continue with a more comprehensive evaluation, the Special Education Teacher will ensure that due process is followed in communicating with the parent(s) or legal guardian. This process will include sending home a Notification of Special Education Referral, Request for Evaluation, Prior Written Notice, Procedural Safeguards, and any other documentation required by the state. Assuming the parent approves a special education evaluation, the Special Education Teacher will facilitate its completion. Once results have been documented in a report, a Review of Results meeting will be convened to discuss the findings of each of the evaluations. A constituent from each area of suspected disability will be present to interpret the results. If results suggest that the child may be eligible for special education or related services, this meeting will also serve as the Admission, Review, and Dismissal (ARD) Committee meeting. In this meeting, the Special Education Teacher will facilitate (1) the description of the student's present level of performance in all related areas, (2) the designation of services to be provided, and (3) the development of measurable goals and objectives.

Upon closure of the ARD meeting, a date for entry into the designated special education program or related services will be determined, with services to begin on that date. An annual review date will be set, and the Special Education Teacher will facilitate weekly documentation of progress toward goals and objectives either by him/herself or related services personnel.

Prior to the suspension or expulsion of any student with an IEP, the Special Education Teacher will conduct an ARD meeting to consider a change in placement, among other issues, and a manifestation determination will be made. No student will be suspended or expelled if it is determined that his or her behavior is the result of a disability. In the event that a child with an IEP is suspended or expelled from the Dallas Advantage Charter School, the School will assume responsibility for providing the requisite "free and appropriate public education" in an alternative placement (likely to be the student's home). Such provisions will include all programming provided in the regular school setting prior to suspension.

- *Assurance that the applicant will provide, in accordance with the policy of the State, a program to ensure equal educational opportunities to every student whose primary language is other than English.*

The Dallas Advantage Charter School will comply fully with Texas Education Code, Chapter 29, Subchapter B, concerning the education of students with limited English proficiency (LEP). As described on pages 21-23 of the charter application, the School will implement a Structured Immersion Program, which will efficiently teach the English language, as well as support the needs of students who are not yet proficient.

Educational programming for students with limited English proficiency will not be unlike that which is provided for all students at the Dallas Advantage Charter School.

## CONTINGENCIES

While all instruction will be in the English language, teachers will demonstrate heightened awareness of possible academic barriers seen by LEP students. To decrease the likelihood that these barriers will affect the progression of these students, an English as a Second Language teacher will work with the classroom teacher to institute teaching practices that will improve the performance of students with LEP. Students will also receive a language instruction class that will focus primarily on speaking complete sentences, object identification in the English language, and developing proper syntax and sentence structure.

- *A draft of a board policy for the admission of students eligible for a Public Education Grant (PEG) transfer.*

Space permitting, the Dallas Advantage Charter School will accept students eligible for a Public Education Grant transfer.

Please do not hesitate to contact me should you have any further questions or concerns. I can be reached at (202) 554-0217.

Sincerely,



Mary A. Budd  
Director of Publications

Attachments

Cc: Timothy O'Keeffe  
Josh Solomon



SULLIVAN & WORCESTER LLP  
ONE POST OFFICE SQUARE  
BOSTON, MASSACHUSETTS 02109  
(617) 338-2800  
FAX NO. 617-338-2880

IN WASHINGTON, D. C.  
1025 CONNECTICUT AVENUE, N. W.  
WASHINGTON, D. C. 20036  
(202) 775-8190  
FAX NO. 202-293-2275

IN NEW YORK CITY  
767 THIRD AVENUE  
NEW YORK, NEW YORK 10017  
(212) 486-8200  
FAX NO. 212-758-2151

September 2, 1998

CONTINGENCIES

**BY FEDERAL EXPRESS**

Mr. Brooks Flemister  
Texas Education Agency  
1701 North Congress Ave.  
Austin, TX 78701-1494

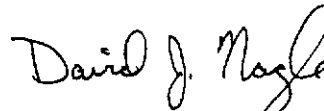
RECEIVED  
SEP 03 1998  
CHARTER SCHOOLS

Re: Forms 1023

Dear Mr. Flemister:

At the request of Ms. Mary Bodd, Director of Publications for Advantage Schools, Inc., I enclose a copy of the Form 1023, Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code, for each of the following Texas nonprofit corporations: (1) Dallas Advantage Charter School, Inc.; (2) Houston Advantage Charter School, Inc.; and (3) Midland Advantage Charter School, Inc. If you have any questions concerning these documents, or if I can provide anything further, please call me directly at (617) 338-2873.

Yours Sincerely,

  
David J. Nagle

cc: Ms. Mary Bodd (w/o enclosures)

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

CONTINGENCIES

TX/RX NO 1901  
CONNECTION TEL 92025542468  
SUBADDRESS  
CONNECTION ID  
ST. TIME 09/09 13:53  
USAGE T 02'01  
PGS. 1  
RESULT OK

*Mary Budd*

Dear Proposed Charter School Applicant:

September 8, 1998

After review of the addendum to the open-enrollment charter school application submitted by your organization, staff of the Texas Education Agency has determined that your application remains incomplete. Your application is not eligible for consideration by the State Board of Education until this document is signed and returned to the Texas Education Agency. The signed document must be faxed to the attention of Brooks Flemister at (512) 463-9732 by no later than 12:00 p.m. Wednesday, September 9, 1998.

**ADDITIONAL ASSURANCE(S)**

I certify that the charter school will admit students eligible for a Public Education Grant (PEG) transfer on the same basis it admits students who reside within the geographic area served by the charter school.

I certify that the budget for the charter school will be revised as directed by the Audits Division, Texas Education Agency, before the school begins operation.

On behalf of \_\_\_\_\_ (sponsoring entity for Dallas Advantage Charter School), I, \_\_\_\_\_ (name of chief operating officer) certify that I have read the foregoing assurance(s) and agree to each and every term and obligation expressed therein.

I further represent that I have been properly delegated authority to sign this document.

\_\_\_\_\_  
Chief Operating Officer

CONTRACT FOR CHARTER

This contract is executed the \_\_\_\_\_ day of \_\_\_\_\_ 1998 between the Texas State Board of Education (the "Board") and DALLAS Advantage Charter School, INC. ("Charterholder") for an open-enrollment charter to operate a Texas public school.

<b>General</b>
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1. Definitions. As used in this contract:
  - "Charter" means the open-enrollment charter, as provided by Subchapter D, Chapter 12, Texas Education Code (TEC), granted by this contract.
  - "Charter school" means the open-enrollment charter school. Charterholder agrees to operate as provided in this contract. The charter school is a Texas public school.
  - "Agency" means the Texas Education Agency.
  
2. The Charter. This contract grants to Charterholder an open-enrollment charter under Subchapter D, Chapter 12, TEC. The terms of the charter include: (a) this contract; (b) applicable law; (c) Request for Application #701-98-016; (d) any condition, amendment, modification, revision or other change to the charter adopted or ratified by the Board; (e) all statements, assurances, commitments and representations made by Charterholder in its application for charter, attachments or related documents, to the extent consistent with (a) through (d); and (f) assurance by Charterholder, evidenced by execution of this contract, that no false information was submitted to the Agency or the Board by Charterholder, its agents or employees in support of its application for charter.
  
3. Authority Granted by Charter. The charter authorizes Charterholder to operate a charter school subject to the terms of the charter. Action inconsistent with the terms of the charter shall constitute a material violation of the charter.
  
4. Alienation of Charter. The charter may not be assigned, encumbered, pledged or in any way alienated for the benefit of creditors or otherwise. Charterholder may not delegate, assign, subcontract or otherwise alienate any of its rights or responsibilities under the charter. Any attempt to do so shall be null and void and of no force or effect; provided, however, that Charterholder may contract at fair market value for services necessary to carry out policies adopted by Charterholder or the governing body of the charter school.
  
5. Term of Charter. The charter shall be in effect from October 1<sup>st</sup>, 1998 through July 31, 2003, unless renewed or terminated. *CBV*

6. Renewal of Charter. On timely application by Charterholder in a manner prescribed by the Board, the charter may be renewed for an additional period determined by the Board. The charter may be renewed only by written amendment approved by vote of the Board and properly executed by its chair.
7. Revision by Agreement. The terms of the charter may be revised with the consent of Charterholder by written amendment approved by vote of the Board. The commissioner of education ("the commissioner") may revise the charter on a provisional basis during an interim between Board meetings; however, such action shall expire unless ratified by the Board at its next regular meeting. Nothing in this paragraph limits the authority of the Board or the commissioner to act in accordance with other provisions of this contract.

<b>Students</b>
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8. Open Enrollment. Admission and enrollment of students shall be open to any person who resides within the geographic boundaries stated in the charter and who is eligible for admission based on lawful criteria identified in the charter. Total enrollment shall not exceed 1170 students. The charter school's admission policy shall prohibit discrimination on the basis of sex, national origin, ethnicity, religion, disability, academic or athletic ability, or the district the student would otherwise attend. Students who reside outside the geographic boundaries stated in the charter shall not be admitted to the charter school until all eligible applicants who reside within the boundaries have been enrolled.
9. Public Education Grant Students. Charterholder shall adopt an express policy providing for the admission of, and shall admit under such policy, students eligible for a public education grant, including those students who reside outside the geographic area identified in the charter application, under Subchapter G, Chapter 29, TEC.
10. Non-discrimination. The educational program of the charter school shall be nonsectarian, and shall not discriminate against any student or employee on the basis of race, creed, sex, national origin, religion, disability or need for special education services.
11. Children with Disabilities. The charter school is a "local educational agency" as defined by federal law. Charterholder must comply with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1401, et seq., and implementing regulations; Section 504 of the Rehabilitation Act of 1973 ("Section 504"), 29 U.S.C. §794, and implementing regulations; Title II of the Americans with Disabilities Act, 42 U.S.C. §12131-12165, and implementing regulations; Chapter 29, TEC, and implementing rules; and the many court cases applying these laws. For example:

## CONTRACT

- (a) Child Find. Charterholder must adopt and implement policies and practices that affirmatively seek out, identify, locate, and evaluate children with disabilities enrolled in the charter school or contacting the charter school regarding enrollment, and must develop and implement a practical method to determine which children with disabilities are currently receiving needed special education and related services. For each eligible child, Charterholder must develop and offer an individualized education plan appropriate to the needs of that student.
- (b) Free Appropriate Public Education. Charterholder must provide a free appropriate public education to all children with disabilities otherwise eligible to enroll in the charter school. If the program, staff or facilities of the charter school are not capable of meeting the needs of a particular child, Charterholder must implement changes necessary to accommodate the child at the charter school. If reasonable accommodations would be insufficient to enable the child to benefit from the charter school's program, Charterholder must, at its own expense, place the child at an appropriate school.
- (c) Services to Expelled Students. Charterholder must continue to provide a free appropriate public education to a child with disabilities even after expelling or suspending the child for valid disciplinary reasons. This obligation to serve the child continues until the end of the school year.
- (d) Monitoring. The charter school's implementation of the laws governing education of children with disabilities will be monitored for compliance by the United States Department of Education, Office of Special Education Programs; the United States Department of Education, Office of Civil Rights; the Texas Education Agency; and others. This monitoring activity includes responding to complaints, random on-site inspections and other investigations by the enforcing agencies, and will result in corrective actions imposed on Charterholder by these agencies for all discrepancies found.
- (e) Due Process Hearings. The charter school's implementation of the laws governing education of children with disabilities will, in addition, be subject to court supervision via litigation against Charterholder brought by individuals affected by the actions of the charter school. The cost of this litigation can be substantial.

Notice: These are only a few of the charter school's legal responsibilities in this area, included here for illustrative purposes only.

- 12. Student Performance and Accountability. Charterholder shall satisfy Subchapters B, C, D, and G of Chapter 39 of the TEC, and related agency rules, as well as the student performance accountability criteria stated in its application for charter. Charterholder shall annually provide in a manner and form defined by the commissioner a written evaluation of the charter school's compliance with the statements, assurances,

commitments and representations made by Charterholder in its application for a charter, attachments, and related documents.

13. Criminal History. Charterholder shall take prompt and appropriate measures if Charterholder or the charter school, or any of their employees or agents, obtains information that an employee or volunteer of the charter school or an employee, officer, or board member of a management company contracting with the charter school has a reported criminal history that bears directly on the duties and responsibilities of the employee, volunteer, or management company at the school. Charterholder further represents that the Board and the agency shall be notified immediately of such information and the measures taken.
14. Reporting Child Abuse or Neglect. Charterholder shall adopt and disseminate to all charter school staff and volunteers a policy governing child abuse reports required by Chapter 261, Texas Family Code. The policy shall require that employees, volunteers or agents of Charterholder or the charter school report child abuse or neglect directly to an appropriate entity listed in Chapter 261, Texas Family Code.
15. Notice to District. Charterholder shall notify the school district in which the student resides within three business days of any action expelling or withdrawing a student from the charter school.
16. School Year. Charterholder shall adopt a school year with fixed beginning and ending dates.

<b>Financial Management</b>
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17. Fiscal Year. Charterholder shall adopt a fiscal year beginning September 1 and ending August 31.
18. Financial Accounting. Unless otherwise notified by the agency, Charterholder shall comply fully with generally accepted accounting principles ("GAAP") and the Financial Accountability System Resource Guide, Bulletin 679 or its successor ("Bulletin 679") published by the agency in the management and operation of the charter school.
19. Federal Requirements. Failure to comply with Internal Revenue Service withholding regulations shall constitute a material violation of the charter.
20. Workers' Compensation. Charterholder shall extend workers' compensation benefits to charter school employees by (1) becoming a self-insurer; (2) providing insurance under a workers' compensation insurance policy; or (3) entering into an agreement with other entities providing for self-insurance.
21. Annual Audit. Charterholder shall at its own expense have the financial and programmatic operations of the charter school audited annually by a certified public accountant holding a permit from the Texas State Board of

Public Accountancy. Charterholder shall file a copy of the annual audit report, approved by Charterholder, with the agency not later than the 120<sup>th</sup> day after the end of the fiscal year for which the audit was made. The audit must comply with Generally Accepted Auditing Standards and must include an audit of the accuracy of the fiscal information provided by the charter school through PEIMS. Financial statements in the audit must comply with Government Auditing Standards and the Office of Management and Budget Circular 133.

22. Attendance Accounting. To the extent required by the commissioner, Charterholder shall comply with the "Student Attendance Accounting Handbook" published by the Agency; provided, however, that Charterholder shall report attendance data to the agency at six-week intervals or as directed by the agency.
23. Foundation School Program. . Distribution of funds to the charter school under Section 12.106, TEC, is contingent upon charterholder's compliance with the terms of the charter. Charterholder is ineligible to receive Foundation School Program funds prior to execution of this contract by the board. Within 30 days of receiving notice of overallocation and request for refund under Section 42.258, TEC, Charterholder shall transmit to the agency an amount equal to the requested refund. If Charterholder fails to make the requested refund, the agency may recover the overallocation by any means permitted by law, including but not limited to the process set forth in Section 42.258, TEC.
24. Tuition and Fees. Charterholder shall not charge tuition and shall not charge a fee except that it may charge a fee listed in Subsection 11.158(a), TEC.
25. Assets of Charter. Charterholder shall not apply, hold, credit, transfer or otherwise make use of funds, assets or resources of the charter school for any purpose other than operation of the charter school described in the charter.
26. Indebtedness of Charter. Charterholder shall not incur a debt, secure an obligation, extend credit, or otherwise make use of the credit or assets of the charter school for any purpose other than operation of the charter school described in the charter.
27. Interested Transactions. All financial transactions between the charter school and (a) Charterholder; (b) an officer, director, or employee of Charterholder or of the charter school; or (c) a person or entity having partial or complete control over Charterholder or the charter school shall be separately and clearly reflected in the accounting, auditing, budgeting, reporting, and record keeping systems of the charter school. Charterholder shall not transfer any asset of the charter or incur any debt except in return for goods or services provided for the benefit of the charter school at fair market value.

28. Non-Charter Activities. Charterholder shall keep separate and distinct accounting, auditing, budgeting, reporting, and record keeping systems for the management and operation of the charter school. Any business activities of Charterholder not directly related to the management and operation of the charter school shall be kept in separate and distinct accounting, auditing, budgeting, reporting, and record keeping systems from those reflecting activities under the charter. Any commingling of charter and non-charter business in these systems shall be a material violation of the charter.

<b>Governance and Operations</b>
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29. Non-Profit Status. Charterholder shall take and refrain from all acts necessary to be and remain in good standing as an organization exempt from taxation under Section 501(c)(3), Internal Revenue Code. If Charterholder is incorporated, it shall in addition comply with all applicable laws governing its corporate status. Failure to comply with this paragraph is a material violation of the charter, and the Board may act on the violation even if the Internal Revenue Service, Secretary of State, or other body with jurisdiction has failed to act.
30. Records Retention and Management. Charterholder shall implement a records management system that conforms to the system required of school districts under the Local Government Records Act, Section 201.001 et seq., Local Government Code, and rules adopted thereunder; provided, however, that records subject to audit shall be retained and available for audit for a period of not less than five (5) years from the latter of the date of termination or renewal of the charter.
31. PEIMS Reporting. Charterholder shall report timely and accurate information to the Public Education Information Management System (PEIMS), as required by the commissioner.
32. Conflict of Interest. Charterholder shall comply with any applicable prohibition, restriction or requirement relating to conflicts of interest. If an officer or board member of Charterholder or of the charter school has a substantial interest, within the meaning of Chapter 171, Local Government Code, in a transaction, such interest shall be disclosed in public session at a duly called meeting of the governing body prior to any action on the transaction.
33. Disclosure of Campaign Contributions. Charterholder shall adopt policies that will ensure compliance with the disclosure requirements of State Board of Education Operating Rule 4.3 or its successor.
34. Indemnification. Charterholder shall hold the Board and agency harmless from and shall indemnify the Board and agency against any and all claims, demands, and causes of action of whatever kind or nature asserted by any third party and occurring or in any way incident to, arising



out of, or in connection with wrongful acts of Charterholder, its agents, employees, and subcontractors.

35. Failure to Operate. Charterholder shall operate the charter school for the full school term as described in the charter application in each year of the charter contract. Charterholder may not suspend operation for longer than 21 days without a revision to its charter, adopted by the Board, stating that the charter school is dormant and setting forth the date on which operations shall resume and any applicable conditions. Suspension of operations in violation of this paragraph shall constitute abandonment of this contract and of the charter.
36. Charter School Facility. Charterholder shall have and maintain throughout the term of the charter a lease agreement, title or other legal instrument granting to Charterholder the right to occupy and use one or more facilities suitable for use as the charter school facilities described by the charter. During any period of dormancy granted by the Board, this requirement may be waived by the Board. Facilities occupied and used as charter school facilities shall comply with all applicable laws, including, but not limited to, the Texas Architectural Barriers Act, Article 9102, Vernon's Texas Civil Statutes.

<b>Enforcement</b>
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37. Agency Investigations. The commissioner may in his sound discretion direct the agency to conduct investigations of the charter school to determine compliance with the terms of the charter or as authorized in Sections 39.074 and 39.075, Subchapter D, Chapter 39, TEC or other law. Charterholder, its employees and agents shall fully cooperate with such investigations. Failure to timely comply with reasonable requests for access to sites, personnel, documents or things is a material violation of the charter.
38. Commissioner Authority. The commissioner in his sole discretion may take any action authorized by Section 39.131, TEC or Chapter 29, TEC relating to the charter school. Such action is not "adverse action" as used in this contract. Charterholder, its employees and agents shall fully cooperate with such actions. Failure to timely comply with any action authorized by Section 39.131, TEC or Chapter 29, TEC is a material violation of the charter.
39. Adverse Action. The Board in its sole discretion may modify, place on probation, revoke or deny timely renewal of the charter for cause ("adverse action"). Each of the following shall be cause for adverse action on the charter: (a) any material violation of the terms of the charter listed in paragraphs 2, 3, and 20; (b) failure to satisfy generally accepted accounting standards of fiscal management; or (c) failure to comply with an applicable law or rule.

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parties. All prior representations, understandings and discussions are merged into, superseded by and canceled by this contract.

41. Severability. If any provision of this contract is determined by a court or other tribunal to be unenforceable or invalid for any reason, the remainder of the contract shall remain in full force and effect, so as to give effect to the intent of the parties to the extent valid and enforceable.
42. Conditions of Contract. Execution of this contract by the Board is conditioned on full and timely compliance by Charterholder with: (a) the terms, required assurances and conditions of Request for Application #701-97-028; (b) applicable law; and (c) all commitments and representations made in Charterholder's application and any supporting documents (to the extent such commitments and representations are consistent with the terms of this contract).
43. No Waiver of Breach. No assent, express or implied, to any breach of any of the covenants or agreements herein shall waive any succeeding or other breach.
44. Venue. Any suit arising under this contract shall be brought in Travis County, Texas.
45. Governing Law. In any suit arising under this contract, Texas law shall apply.
46. Authority. By executing this contract, Charterholder represents that it is an "eligible entity" within the meaning of Section 12.101 (a), TEC. Charterholder shall immediately notify the Board of any legal change in its status which would disqualify it from holding the charter, of any violation of the terms and conditions of this contract, or of any change in the chief operating officer of the charter school or Charterholder. Charterholder further represents that the person signing this contract has been properly delegated authority to do so.

Entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1999.


Texas State Board of Education



By Chase Untermeyer, Chairman

Charterholder

Dallas Advantage Charter School

By 

Chairperson

\_\_\_\_\_  
Chief Operating Officer  
Charter School