



Agenda Item Details

Meeting	Mar 20, 2023 - School Board Meeting - REVISED
Category	G. Non-Action Items
Subject	5. ASD Memorandum #129 - FAMILY PARTNERSHIP CHARTER SCHOOL RECOMMENDATION: TERMINATION OF CHARTER AND TRANSITION TO ALTERNATIVE, CORRESPONDENCE SCHOOL
Type	Information

ANCHORAGE SCHOOL DISTRICT ANCHORAGE, ALASKA

ASD MEMORANDUM #129 (2022-2023)

March 20, 2023

TO: SCHOOL BOARD

FROM: DR. JHARRETT BRYANTT, SUPERINTENDENT

SUBJECT: FAMILY PARTNERSHIP CHARTER SCHOOL RECOMMENDATION: TERMINATION OF CHARTER AND TRANSITION TO ALTERNATIVE, CORRESPONDENCE SCHOOL

ASD Core Value: *Public education should be responsive to an ever-changing world*

RECOMMENDATION

The Administration recommends termination of Family Partnership Charter School's (Family Partnership) charter and transition of the school from a charter school to an alternative, correspondence school.

PERTINENT FACTS

Family Partnership is a valued school within the Anchorage School District (ASD) which provides an alternative school format for Anchorage families who desire to homeschool their students. Unfortunately, for a number of years, Family Partnership's Academic Policy Committee (APC) has been engaged in repeated breaches of its charter and other unacceptable behavior. The APC has violated the laws, regulations and rules that govern the operation of charter schools. The Anchorage School District has repeatedly admonished the APC to take corrective action.

The ASD School Board recently renewed Family Partnership's charter. In December 2021, the ASD School Board modified the ASD Administration's recommendation that Family Partnership's charter be renewed only for a five-year term, and renewed the charter for a ten-year term. In making its recommendation, the Administration stated: "It is further recommended that District leadership, Family Partnership Charter School administration, and the APC Board Chair meet at the end of the 2024-2025 school year to review progress in having no charter contract violations. Pending a favorable review, Family Partnership Charter School could again begin the process for a ten-year renewal." Since renewal of the Family Partnership's charter, the APC's conduct has worsened, and repeated breaches of its charter have continued. Members of the APC are currently engaged in incessant infighting about the proper role of the APC, the principal's operation of the school, and whether other members violated various provisions of decorum, law, and policy. This conduct caused the Association of Alaska School Boards to take the unprecedented move of withdrawing their personnel from helping Family Partnership's APC, and contributed to negative impacts to the student experience. All of this conduct is unacceptable and detrimental to the success of Family Partnership.

The ASD Administration requests the Board terminate Family Partnership's charter and for ASD to take over its operations. This action would remove the APC but otherwise leave Family Partnership in place to provide its homeschooling format to the families with students currently enrolled there and for families who plan to enroll students in the future. The removal of the APC would eliminate these types of aforementioned concerns from occurring at the school. Family Partnership Charter School would turn into Family Partnership Correspondence School with the same teachers that currently work there.

BACKGROUND

The Family Partnership APC has a history of breaching its charter with ASD. During the 2018-2019 school year, the APC approved bypassing the principal in the curriculum approval process, even though the charter required principal approval of all curriculum. Upon investigation and as a result of this lack of administrative oversight, ASD learned that curriculum that was religious in nature was among the curriculum purchased with public dollars, which was a violation of federal and state law. That same school year, the APC breached the charter by having APC members who were teaching staff at Family Partnership participate in the annual evaluation of the principal, even though those members are subordinate employees of the principal and a violation of ASD Administrative Regulation 6181(h). During the 2020-2021 school year, the APC breached the charter by again allowing an APC member who was teaching staff to participate in the annual evaluation of the principal.

Because of these and other issues at Family Partnership, in 2021, ASD carefully considered whether to recommend the renewal of the charter. ASD was concerned that if the charter were renewed, the problems would become worse because the APC would believe its behavior would not be closely scrutinized by ASD for another ten years. In the end, the ASD Administration recommended that the charter be renewed only for a maximum of five years, with close monitoring of Family Partnership's conduct for improvement. If Family Partnership could show no breaches of its charter over a five year period, then it would be renewed for another five years. Ultimately, the ASD School Board renewed the charter for the maximum 10 year period.

Immediately following the charter renewal, the APC's conduct worsened. Starting in the spring of 2022, the APC became embroiled in a dispute about whether it can delve into the principal's operation of the school by halting her hiring of teachers and staff. This dispute lasted over the summer and into the fall of 2022, effectively preventing the principal from hiring what the principal determined was necessary personnel to carry out the school's mission. During this same timeframe, a member of the APC filed a Citizen's Complaint with ASD against the school's principal for the non-retention of a non-tenured teacher. The non-tenured teacher subsequently filed a lawsuit against ASD and the principal seeking monetary damages. The teacher's spouse who is a member of the APC did not disclose the impending lawsuit to the APC and continued to vote on matters pertaining to the principal's operation of the school. ASD sent a letter to the APC to take this conflict seriously and remind the APC that it must follow the law regarding the conflict. An independent five-member committee appointed by the APC investigated this member's conflict of interest and unanimously found that "in regard to all FPCS board issues there is a conflict of interest to have [that APC member] performing voting duties in regard to all FPCS board issues." A majority of the APC rejected this finding and ruled that the conflicted APC member was only conflicted out of participating in the principal's annual formal evaluation. A majority of the APC voted that the conflicted member could vote on all other matters regarding the principal's operation of the school.

The APC adopted bylaws that set its composition of its 11-member board as follows: two high-school students, six parents, two teachers, and one staff.^[1] It is hard to pinpoint the root cause of the current APC infighting, but what is clear is that current APC members strongly disagree about the principal's operation of the school.

Members of the APC are engaged in constant infighting and bad-faith conduct with one another. A review of the APC's 2022-2023 school-year meetings publicly available online shows a complete breakdown in the proper functioning of a charter school Academic Policy Committee. APC members have filed complaints against one another, alleging unprofessional behavior and violations of the code of ethics. An investigated member is stripped of his or her ability to vote on any matter before the APC, providing an incentive for different factions to level charges against one another. Only on rare occasion does the APC discuss matters relevant to the governance of the school. The vast majority of the APC's time is spent prosecuting internal disputes.

During a February 10, 2023 APC meeting, a member of the APC moved to place the then-APC chair under investigation for, among other things, communicating with ASD about issues with the Family Partnership APC. Another member continually accused the APC chair of violating Family Partnership's bylaws by communicating with ASD without the permission of the APC.

In light of this conduct, ASD, on behalf of the ASD School Board, issued a notice and demand letter on February 13, 2023. That letter put the APC on notice that ASD was contemplating terminating Family Partnership's charter, and demanded explanations of actions taken by the APC and individual members and assurances that the misconduct would stop. The Administration was unsatisfied with the APC's responses to its questions.^[2]

Following ASD's notice and demand letter, the APC's conduct has not improved. During its March 10, 2023 APC meeting, the APC spent nearly two hours discussing whether to place its chair under investigation. The meeting culminated in the APC voting to do so. The APC re-organized with the member who pushed to place the chair under investigation as the new chair. The APC's conduct is unprofessional, unproductive and does not support the mission of the Family Partnership school.

RELEVANT LAW

In Alaska, charter schools are part of the local public school district in which they reside.^[3] The charter school operates under the charter school's contract with the local school district.^[4] Alaska statute confirms that a:

charter school operates as a school in the local school district except that the charter school (1) is exempt from the local school district's textbook program, curriculum, and scheduling requirements; (2) is exempt from AS 14.14.130(c) [the state statute stating that the local school district's superintendent selects all other district employees]; the principal of the charter school shall be selected by the academic policy committee and shall select, appoint, or otherwise supervise employees of the charter school; and (3) operates under the charter school's annual program budget as set out in the contract between the local school board and the charter school[.]”^[5]

Besides buying its own textbooks, setting its own curriculum, and selecting its principal, Family Partnership is an ASD school the same way as any other K-12 school in ASD. AS 14.03.255(a)(2) clarifies that the principal, not the APC, is in charge of operations of the school, including the decision to hire teachers and staff.

Family Partnership's charter contains provisions requiring that it comply with all laws concerning public schools in the Municipality of Anchorage and allowing the ASD School Board to terminate the charter at any time for any cause:

1. Compliance with Regulatory Requirements: Charter School shall comply with all local, state, and federal laws and regulations applicable to public schools in Anchorage, Alaska. Charter School further warrants it has reviewed and fully understands all requirements imposed by District policy and regulation on the operation of charter schools, and warrants that it shall adhere to all such District policies and regulations, except as otherwise stated in Section 4 herein.^[6]
18. Termination: The District may, in its sole discretion, terminate this Contract for Charter School's failure to meet educational achievement goals or fiscal management standards, for a default in any provision of this Contract, or for any other cause. The District shall provide at least 30 days' written notice to Charter School of its intent to terminate this Contract and, if applicable, the reasons for doing so. If Charter School fails to remedy the cause for termination within the time provided in this notice, then this Contract shall automatically terminate at the date stated in the notice. Upon termination, Charter School shall immediately return any unused funds to the District. . . .

These provisions reflect that as an ASD school, the ASD School Board has sole discretion to terminate Family Partnership's charter for any non-illegal reason.

Family Partnership must comply with all ASD regulations pertaining to the operation of charter schools. ASD regulations require Family Partnership to cooperate in any ASD investigation of the school^[7] and to provide information sought by ASD.^[8]

ASD FINDINGS

ASD Administration recommends the School Board terminate Family Partnership's charter and transition the school into an alternative school. In that event, Family Partnership would continue on as a correspondence school within the ASD school district and continue to provide the homeschooling platform that has benefited so many families and students. The Family Partnership APC has shown that it is fundamentally dysfunctional and that productive relationships between its membership is irretrievably broken. The APC members are more concerned with policing each other's words and conduct than performing proper oversight of the policies that govern the school. The APC should be eliminated.

The APC's responses to ASD's notice and demand letter are a violation of ASD Administrative Regulation 6181(b), which requires Family Partnership to timely provide information sought by ASD. The APC's responses are deemed insufficient. For additional context, upon receiving ASD's notice and demand letter, several members of the APC voiced that they did not believe ASD had authority to demand information and assurances. Several members wanted to delay providing information so the APC could ask ASD questions and to push back on ASD's supervisory authority. It is clear that a working majority of the APC does not appreciate that Family Partnership is an ASD school subject to ASD oversight.

The APC's interference with the principal's hiring of teachers and staff is a violation of state law, specifically AS 14.03.255(a). For months, the APC blocked the principal's hiring of teachers and staff under the reasoning that the APC needed to ensure that the principal was staying within budget. That is not the APC's purview. Under AS 14.03.255(a), the principal is tasked with operating the school within the budget passed by the APC. It is the principal's, not the APC's, purview to hire teachers and staff within budget.

The dysfunction of Family Partnership's APC is a violation of AS 14.03.255 and a breach of the fiduciary duty each member owes to the school. The APC's incessant infighting prompted the Association of Alaska School Boards to formally withdraw their representative, who was assisting the APC during meetings from attending those meetings until further notice. The composition of Family Partnership's current APC does not help. As constituted, the APC has student members with voting powers (on some but not all issues) and relatives serving on the APC together (a parent and child). The APC also includes a member whose spouse was a former non-tenured teacher at Family Partnership and was non-retained and sued ASD and the current principal of Family Partnership. That lawsuit is still ongoing. A majority of the APC voted to allow that conflicted member to participate in all votes before the APC except for the principal's formal evaluation, despite the unanimous

conclusion of a five-member investigative committee that this member should not be involved in any votes regarding the school. It is unreasonable for the APC to conclude that a member whose spouse has sued the principal for monetary damages can impartially supervise that principal as a member of the APC.

The APC's infighting and refusal to accept Family Partnership as an ASD school has been harmful for Family Partnership students. For example, one member of the APC is also an employee of the school tasked with reporting grades to ASD. This member has repeatedly voiced during public meetings that ASD should not be involved in Family Partnership and voted to freeze the principal's hiring decisions. When Family Partnership missed the January 7 deadline to report the first semester grades for its students, ASD contacted Family Partnership's principal. In turn, the principal contacted the staff member in charge of grade reporting, who also happens to be an APC member. Instead of rushing to get the grades reported, the staff member told the principal that it was a violation of the charter to require that Family Partnership report grades by ASD's timeline. It took ASD's issuance of a formal memorandum on February 6, 2023, to get the APC member to recognize grades needed to be immediately inputted.^[9] For students who seek to attend post-secondary education, the timely reporting of first semester grades is crucial. Colleges want to see a student's most recent grades when they make admittance and scholarship decisions. The APC's infighting contributed to the breakdown in the chain of command between the principal and staff member (who happens to be an APC member) and further delayed Family Partnership's already untimely reporting of student grades.

The APC's behavior is likely to cause more harm to Family Partnership students in the future absent School Board intervention. It is also negatively impacting staff morale. There have been reports by Family Partnership families that teachers are divided between the factions of the APC and voicing their position to parents. Action must be taken to prevent further harm to students and families.

Family Partnership is a charter school in the Anchorage School District that the School Board has the authority and obligation to supervise. The charter recognizes that ASD has the sole discretion in determining whether Family Partnership continues as a charter school, and that ASD may terminate the charter for any cause ASD deems sufficient. The issues addressed in this memorandum demonstrate cause to terminate the charter and to transition the school to a correspondence school. Such action would leave Family Partnership's homeschooling format in place for Anchorage families but eliminate the Academic Policy Committee. The school's principal would be directly supervised by the ASD Administration rather than the APC going forward.

Attachment A - Family Partnership Charter

JB/SG/JH

Prepared by: Dr. Jason Hlasny, Director of Charter Schools

Approved by: Sven Gustafson, Chief Academic Officer

^[1] Currently, the APC has a parent and child serving on the board together, and a member whose spouse has sued ASD and Family Partnership's principal.

^[2] The referenced notice and demand letter, and responses are available upon request.

^[3] "A charter school operates as a school in the local school district" AS 14.03.255.

^[4] AS 14.03.255(a).

^[5] AS 14.03.255(a).

^[6] Section 4 establishes, among other things, that Family Partnership shall operate for ten years; that it will not discriminate in enrollment; that the APC shall set academic policies and goals; and that the APC shall include twelve persons, including parents, teachers, and other Family Partnership employees.

^[7] ASD AR 6181.

^[8] ASD AR 6181(b)3.a. (requiring charter schools to "respond in a timely manner to requests for information from the District.").

^[9] Family Partnership had improperly set January 10 as its deadline to report first semester grades, when grades had to be reported by January 7. However, Family Partnership missed its own deadline by a month.

