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OKLAHOMA STATE DEPARTMENT *of* EDUCATION

TO: Joy Hofmeister, State Superintendent of Public Instruction

FROM: Charter School Review Committee

DATE: May 28, 2020

RE: Charter School Appeal – Harlow Creek School

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The Oklahoma Charter Schools Act (the “Act”), at 70 O.S. §3-132(8), provides that the State Board of Education (the “Board”) may serve as the sponsor of a charter school when the applicant has been denied a charter by the local school district in which it seeks to operate. 70 O.S. §3-132(8). In March of 2019, Harlow Creek Charter School (the “Applicant”) applied to Tulsa Public Schools (the “District”) for the proposed sponsorship of its charter school. However, in May 2019, Tulsa Public School administration rejected the proposed charter school application. Subsequently, the Applicant submitted a revised application (the “Application”) to the District in June of 2019, which was again rejected by the administration. Subsequent to the denial of the Application, in September of 2019, the Applicant filed an appeal with the Board, requesting that it serve as the sponsor of the proposed charter school.

At the December, 2019 meeting, the State Board unanimously voted to remand the matter for a hearing and consideration by the Tulsa Public Schools board of education. The basis for the remand was that neither the Initial Application nor the Second Application had been presented to and/or considered by the Tulsa Public Schools board of education. As a result, the appeal by Harlow Creek was premature as it was not ripe for hearing by the State Board and Harlow Creek’s administrative remedies had not been exhausted. With its decision, the State Board instructed Harlow Creek to submit a final application to Tulsa Public Schools and that the Tulsa Public Schools board of education act upon that application within thirty (30) days of receipt, as required by the Act when presented with a revised application.

Upon remand, Tulsa Public Schools advised Harlow Creek that there was no need to resubmit an application as it was already in possession of the Second Application, which would be considered by its board of education on January 21, 2020.

At 3:00 p.m. on January 21, 2020, Harlow Creek provided Tulsa Public Schools with additional records, including an amended (third) application, for consideration by the Tulsa Public Schools board of education that evening. Subsequently, at 3:35 p.m. on January 21, 2020, Tulsa Public Schools provided Harlow Creek with a summary of deficiencies in the Second Application. A few hours later, after providing Harlow Creek with an opportunity to make brief comments (limited to 5 minutes) about its proposed charter school application(s), the Tulsa Public Schools board of education voted to reject Harlow Creek's application for charter school sponsorship. From there, Harlow Creek submitted the current appeal to the State Board.

Pursuant to the Oklahoma State Department of Education's (the "OSDE") policy relating to charter school appeals, the OSDE's review committee (the "Review Committee") utilized the enclosed rubric to evaluate the Application. Based on the OSDE review, and as set forth in more detail below, the Review Committee recommends that the Board may approve the Application on appeal. The Review Committee further recommends that if the Application is approved, the Board utilize its authority, including that at 70 O.S. § 3-135, to establish reasonable preopening requirements or conditions that SCS must satisfy during its proposed planning year (2021-2022 school year) prior to its planned opening in the Fall of 2021.

## **Harlow Creek Charter School Application Review Guide Summary**

	<b>High Quality Recommendation</b>	<b>Needs Improvement Recommendation</b>
<b>Mission Statement</b>	<b>3</b>	<b>4</b>
<b>Enrollment</b>	<b>4</b>	<b>3</b>
<b>Educational Programs</b>	<b>2</b>	<b>4</b>
<b>Goals</b>	<b>3</b>	<b>4</b>
<b>Special Needs</b>	<b>3</b>	<b>3</b>
<b>Student Discipline</b>	<b>3</b>	<b>3</b>
<b>Governance</b>	<b>4</b>	<b>2</b>
<b>Operations</b>	<b>3</b>	<b>1</b>
<b>Budget</b>	<b>3</b>	<b>4</b>
<b>Employees</b>	<b>5</b>	<b>1</b>
<b>Facilities</b>	<b>3</b>	<b>5</b>

\* 10 members of the Review Committee. Not all members of the committee scored the application in every area.

### **MISSION STATEMENT**

High Quality: 3

Needs Improvement: 4

Notes:

1. The mission statement is clear in the goal of the school; however, it lacks a clear focus on academics. While community engagement and respect is essential to a well-rounded education, schools do not meet their mission if academic success is not the primary focus. While statutorily required professional development is mentioned, the type of professional development one would assume is needed to carry out the educational model is given only a passing mention. With this model presumably being new to Oklahoma, it would seem a more comprehensive plan for teachers to learn the model well in advance of starting school is needed. Parent engagement is satisfactory, but appears no different than in a traditional school. This would not seem to support the community school model.
2. No comment.
3. Demonstration of support comes from many patrons outside the geographic boundaries inducing: Sand Springs, Jacks, Eufaula, Sperry, and Vinita.
4. No comment.
5. No comment.

6. "Embracing the Reggio1 philosophy, Harlow will prepare community minded, globally responsible students through rigorous STEM curriculum using project-based learning focused on real-life experience that expands the traditional classroom and utilize [sic] the natural world." (699) As a general mission statement, this is fairly clear in stating the school's educational philosophy and intended goals for student development (subject/verb agreement notwithstanding). However, a simple footnoted citation to the North American Reggio Alliance's website ([www.reggioalliance.org](http://www.reggioalliance.org)) is given, with no further explanation of what the school's interpretation of Reggio pedagogy entails. Referencing the Reggio Alliance website is not inappropriate, but outside reading should not be required in order to understand a proposed charter school's educational philosophy. For the mission statement itself brevity is appropriate and a full explanation could be cumbersome, but it is problematic that the application does not later include a comprehensive explanation of Reggio educational philosophy as the school understands it and intends to implement it.
7. No comment.
8. No comment.
9. The application provides a mission statement that does not support the intent of the Charter Schools Act.
10. Startup plan identifying tasks, time lines and individuals responsible was not found. It is unclear how Evolving Communities Development (EDC) is aligned to support the Charter Schools Act.

## **ENROLLMENT**

High Quality: 4

Needs Improvement: 3

Notes:

1. Enrollment plan seems complete.
2. No comment.
3. With the school placed inside a community, there was no documentation of what "attainable housing" may be. I am concerned with the possibility of the pricing of homes to exclude certain people.
4. No comment.
5. No comment.
6. The application states that the school intends to target families whose students are currently enrolled in virtual education or are homeschooled, with initial enrollment planned at 20-40 students in Kindergarten through Grade 2 (696, 700). A further grade level would be added each year, with total planned enrollment of 160 in grades Pre-K through Grade 5. The application materials anticipate that "most students will reside within the immediate area with many students residing in the 128-acre Evolving Communities Development" (702). This area is not currently populated, but rather a planned housing development, with the application projecting that "[o]ver time, hundreds of homes will be built within a 10-minute walk of Harlow" (779).

It is confusing what the intended target population of the proposed school is, given the concurrent statements that (1) the school intends to target students who are homeschooled

or enrolled in virtual education; and (2) the anticipated student population will live almost entirely within walking distance of the proposed school.

Taken together, these statements seem to mean that the school is primarily intended to serve students who are currently homeschooled or enrolled in virtual education, and whose families are able and inclined to move to the Evolving Communities housing development. While the application acknowledges a public charter school's legal obligation to admit all eligible students within its capacity (705), the planned school appears to be tailored to a specific community of students that does not currently exist.

7. No comment.
8. No comment.
9. The application meets these requirements.
10. Harlow has identified virtual and home school students as its target population but does not include a plan for outreach to recruit.  
Enrollment time line and dates appear outdated (pg. 49).

## **EDUCATIONAL PROGRAM**

High Quality: 2

Needs Improvement: 4

Notes:

1. The description of each of these items is included; however, there are some areas of concern. While the application includes adherence to the Oklahoma Academic Standards, there are multiple mentions of the Common Core State Standards (CCSS). Page 42 includes specific and clear adherence to the OAS for ELA. However, in Mathematics there is mention of both the OAS for Math and Common Core. Seeing as how the OAS for Math diverge significantly from the CCSS for Math, it is unclear what the expectations are for Math instruction. Class size is another area of concern. While the school touts it will keep small class sizes, as low as 10:1, the planned student to teacher ratio ranges from 20-25:1. For the grades served smaller class sizes than outlined are preferable. There does not appear to be a clear reason for why the school outlines small sizes yet, does not present a plan to adhere to that goal. The school does not appear to plan on the appropriate number of staff to serve the expected student populations. For example, the school does not plan for additional teachers to serve the anticipated 20% of students that will have disabilities and need an IEP or to work with the students they anticipate will be English Learners.
2. No comment.
3. No comment.
4. No comment.
5. No comment.
6. While the application can be read in a light consistent with one of the Charter Schools Act's stated purposes, to "[e]ncourage the use of different and innovative teaching methods" (70 O.S. § 3- 131(A)(3)), the applicants' critical engagement with Reggio-inspired educational methods is heavy on key words but does not show much depth or clarification. For example, "Using a Reggio approach, education will occupy a multidimensional space focused on STEM disciplines through project-based learning ('PBL')" (704). Where superficial references to "Reggio philosophy" were sufficient for a mission statement, the application remains at a low level of theoretical engagement with the school's chosen

educational philosophy throughout, thick on buzzwords but fuzzy on content.

I did ultimately find a 2-page general explanation of "The Reggio Emilia Approach to Education" among the many other supplemental materials (389), **which appears to be a large block of text copied without citation from [www.scholastic.com/teachers/articles/teaching-content/reggio- emilia-approach/](http://www.scholastic.com/teachers/articles/teaching-content/reggio-emilia-approach/).**

If this is intended as Harlow Creek's explanation of its educational philosophy, it needs to be clearly referenced by or incorporated into the application, and regardless of context an extended excerpt of that nature must credit its original source or risk being identified as plagiarized content.

There are solid pedagogical ideas underlying community-based and student-centered educational models like Reggio, and it may be that the applicants have a clear plan of learning in mind for the proposed charter school. But if that's the case, it does not come across in the application.

7. No comment
8. No comment
9. The application lacks a budgeted plan for transportation purposes for the population of students that may be served by the charter. In addition, the application provides a complex amalgamation of educational programming and educational philosophies, as such, the proposed budget for staff development is neither realistic nor likely to support effective implementation of the curriculum.
10. The application mentions several models and programs (Reggio, PBL, STEAM, etc.) but fails to detail how these would be coherently integrated. The application makes errors in referring to the kinds of academic standards used in Oklahoma (i.e. Common Core (pg. 45) and Next Generation Science Standards (pg. 46)). The plan for reading instruction does not sufficiently address early literacy, which would support a significant portion of the school's population. Some of the proposed instructional techniques are outdated and no longer supported by research as "best practices" (i.e. scientific method, p. 47).

## **GOALS, OBJECTIVES AND EVALUATIONS**

High Quality: 3

Needs Improvement: 4

Notes:

1. While the application contains a plan for student assessment, the reviewer did not find evidence of a performance framework. Clear academic goals for students were not outlined. Specific assessment requirements for students with disabilities, including mention of accommodations, and screening for English Learners, such as WIDA, is not mentioned.
2. No comment.
3. Does not show an alignment between OAS and benchmark data.
4. No comment.
5. No comment.
6. This is another area of the application where, despite generally insufficient depth in explaining Harlow Creek's educational philosophy and other matters of school operations, the proposed school's objectives come across clearly enough in broad strokes. For example, five key goals are stated explicitly:

Goal 1: Provide a Reggio approach to education with a focus on STEM  
Goal 2: Develop students who respect the environment and community  
Goal 3: Prepare students for secondary education and higher education

Goal 4: Prepare students for success in work and life, developing active citizenry  
Goal 5: Enable English language students to acquire a firm command of English (706)

7. No comment
8. No comment
9. The application lacks a comprehensive plan to measure and report student progress, including specific benchmarks based on reliable research and data, a structured time line for student evaluation, and the alignment of the referenced assessments to the expectations of the full depth and breadth of the Oklahoma Academic Standards.
10. The plan identifies five goals but does not state a plan to measure progress towards goals. (Ex. Goal 2- develop students who respect the environment and community (pg. 16)).

### **SERVING STUDENTS WITH SPECIAL NEEDS**

High Quality: 3

Needs Improvement: 3

Notes:

1. The plan did not include sufficient detail on how the school intends to serve its students with disabilities which it believes will make up 20% of its student population. There is no detail regarding evaluation and plan to provide services to these students.
2. Regarding students with special needs, the application needs improvement. The application does not reference a continuum of placements for which to serve students; rather, inclusion is the only model listed. Also, sufficient information is not included regarding their process for referral and evaluation of students with disabilities.
3. No comment.
4. No comment.
5. No comment.
6. I defer to our Special Education professionals on a qualitative evaluation of the proposed plan for serving students with special educational needs.
7. No comment
8. No comment
9. The application meets requirements.
10. Harlow plans to use an inclusion model. No additional information is given on how students will receive IEP accommodations in the general education setting (teacher professional development or co-teaching models with certified special education teacher). Plans for child study team lack specifics and there is no systematic method of progress monitoring mentioned (pg. 47).

## **GOVERNANCE**

High Quality: 4

Needs Improvement: 2

Notes:

1. The school meets these requirements.
2. No comment.
3. No comment.
4. No comment.
5. No comment.
6. I cannot locate an organizational chart showing the proposed governance structure. (There is an extremely basic "chart" on 753 that appears to show Tulsa Public Schools as having governance over co-equal entities referred to as "Harlow Creek Elementary School Board of Directors" and "Legal Counsel/Auditing Firm"—I don't know how to interpret this in terms of public school governance.)
7. No comment
8. No comment
9. The application meets requirements
10. No comment.

## **OPERATIONS**

High Quality: 3

Needs Improvement: 1

Notes:

1. The discipline policy contained in the application is lacking. There is no mention of discipline policies for special education students, bullying, Title IX, or whether or not the school will utilize suspensions. While "sanctions" for students is mentioned, examples of what those sanctions would include is not described.
2. No comment.
3. No comment.
4. No comment.
5. No comment.
6. The application refers to a "Code of Conduct" that is not included in the materials, unless that term refers to the very general outline on 740. The application materials do not address whether, or under what circumstances, a student may be suspended—required under the framework cited on 739.  
The application does explicitly prohibit corporal punishment, but it is not clear from reading the application what disciplinary measures for students might specifically entail, such as a list of graduated disciplinary consequences often found in student discipline policies.
7. No comment.
8. No comment
9. The application meets requirements
10. The application provides insufficient details regarding student policies and makes no mention of how policies will be communicated to students/families. Code of Conduct lacks details and there is no evidence of a plan to support student behavior (p. 51).

## **BUDGET AND FINANCE**

High Quality: 3

Needs Improvement: 4

Notes:

1. The school does not appear to have plans for how the school will survive financially if it does not meet its enrollment goals particularly after grants and one time funds run out.
2. No comment.
3. Concerned with an over estimation of State Aid. Application used 17% special education population, but didn't show or account for variations of eligibility inside special education.
4. No comment.
5. The application for Harlow Creek includes a detailed financial plan. This plan addresses the required annual financial audit conducted by an independent auditor approved by the Board. The independent auditor is selected from the list of individuals approved by the Oklahoma State Auditor and Inspector. The financial information presented outlines the budget and the long-range financial plans. The plan includes a five-year budget based on expected enrollment numbers. In the application Insurance Coverage is identified in Section 3, item D. The district shall purchase all insurance as required by federal and state statute. This includes but is not limited to Unemployment Insurance, Workers Compensation, liability insurance, property insurance, and all surety bonds for the staff that are in control of finances.
6. I defer to our school finance professionals on a qualitative evaluation of the school's projected financial information.
7. The growth of enrollment is extremely optimistic. Seldom have I seen growth be spread evenly throughout the grade levels. Uneven growth usually causes you to have more students in one grade and you either have larger classes or you are forced make a decision to have smaller classes, which creates a situation that puts additional strain on the budget. There are also many unknowns when allocating resources to Special Education students. There are many students that may require a full time teachers assistant. The cost of Physical Therapy and Occupational Therapy is always a major concern and these services can cause major financial challenges. Facility and transportation cost are also optimistic and could also strain the budget in the future. There were some revision to the budget and it was certainly more realistic than the previous budget.
8. No comment
9. The application's Five-Year Budget lacks realistic assumptions for the basis of cash-flow projections, and as noted, includes errors in the first-year calculations.
10. There does not appear to be any concrete plans in place for certain aspects of operation (i.e. custodial, cafeteria, student services etc.). It is not made clear that the "outsourcing" plan is fully developed (p.69). Ideas are outlined and assumptions are made (most children will walk to school) but few contingency plans nor specifics are identified ("prepared by an off-site vendor" p. 94).

## **EMPLOYEES**

High Quality: 5

Needs Improvement: 1

Notes:

1. The plan appears to meet these requirements.
2. No comment.
3. No comment.
4. No comment.
5. No comment.
6. No comment.
7. No comment.
8. No comment.
9. The application meets requirements.
10. There lacks a thorough plan for teachers' professional learning. Much remains ambiguous and no concrete details or plans are set forth. For example, who will provide the "intensive month-long training in integrating citizenship and project-based learning," (p. 86)?

## **FACILITIES**

High Quality: 3

Needs Improvement: 5

Notes:

1. The plan does not appear to include any contingency plans if the proposed community development does not progress on the expected timeline. If the buildings to house the school are not complete by the 21-22 school year, will the school still open? If so where will school be held?
2. No comment.
3. No comment.
4. No comment.
5. No comment.
6. The revised application submitted to the State Board of Education in March 2020 states that "the first Academy building will be built in 2019" (780), although it is my understanding no facilities have yet been built.
7. There are many unanswered questions when it comes the facilities. The growth, expansion of facilities, upkeep, and maintenance is very hard to manage from the per pupil funding amount in the State of Oklahoma. The costs of facilities such as a school cafeteria can certainly challenge the best financial planners.
8. No comment.
9. The application lacks backup or contingency facility plans.
10. It does not appear as though there is an updated and/or accurate time line regarding the construction of the planned neighborhood and associated facilities. There are stated goals to include a gym and cafeteria but there do not appear to be any current plans or preparations underway (p. 92).

## **RECOMMENDATIONS/ADDITIONAL COMMENTS**

1. The design of the school is audible and would make for an excellent school; however, the overall plans for the operations of the school - the nuts and bolts if you will - are lacking. The great school that is outlined cannot reach its potential without the foundation and strong start needed. I would propose that the applicant continue to work on the areas of deficiency and apply at another time. This school would make a nice choice for Oklahoma families once it, and the surrounding community, are further developed.

2. No comment.

3. No comment

4. I find their charter Application to be thorough & complete. It seems that all previous concerns were addressed & updated comments for those concerns are below:

\*First year of Operation: The 20-21 school year will be a planning year for a part time administrative person in which they can focus on any number of administrative duties to make the school ready to open for instruction during the 21-22 school year.

\*Staff Budgets: The first year appears to be in fine with a part time administrator salary. During the following year, first year of instruction (21-22), the school would open with grades KG-3 having 1 class of each. The personnel budget for these 4 teachers is set at an average of \$40,150 with a full time administrator pay of \$61,000. These salaries seems to be in much better alignment with the statewide pay scale.

\*Facilities: The school will be located at 4305 W. Edison in Tulsa, in a newly constructed building. When construction is complete & before starting school, SDE will need to tour the facility. Funding is appropriated in a building fund, as well as all zoning & permits to start construction in place.

Consultation & Guidance: They have contracted with OPSRC and Educational Mgmt. & Network, Inc. and hired treasurer, Jack Jenkins, who is experienced in School Finance & serves many Charter Schools. These contracted services certainly provide me with a high level of confidence for their success.

5. The application for Harlow Creek includes a detailed financial plan. This plan addresses the required annual financial audit conducted by an independent auditor approved by the Board. This independent auditor is selected from the list of individuals approved by the Oklahoma State Auditor and Inspector. The financial information presented outlines the budget and the long-range financial plans. The plan includes a five-year budget based on expected enrollment numbers.

In the application Insurance Coverage is identified in Section 3, item D. The district shall purchase all insurance as required by federal and state statute. This includes, but is not limited to Unemployment Insurance, Workers Compensation, liability insurance, property insurance, and all surety bonds for the staff that are in control of finances.

6. The application materials do not distinguish clearly between the proposed charter school's educational philosophy and the general intent of a private Tulsa housing development, as worthwhile as those intentions may be in terms of building community. Broad stroke references to "Reggio philosophy" do show an intent to explore innovative educational methods, but do not show a current or imminent capacity to implement them in student instruction.

This appears to be a proposed charter school in search of a community, rather than a school proposed to serve existing communities and student populations.

7. No comment
8. Areas of concern with their building facilities and the salaries for their employees in their initial application have been addressed in this application, satisfying concerns.
9. The Harlow Elementary Charter School application meets requirements in the following required areas: enrollment, serving students with special needs, student discipline, governance, operations, and employees. However, the application needs improvements in the following required areas:  
The application provides a mission statement that does not support the intent of the Charter Schools Act.  
The application lacks a budgeted plan for transportation purposes for the population of students that may be served by the charter. In addition, the application provides a complex amalgamation of educational programming and educational philosophies, as such, the proposed budget for staff development is neither realistic nor likely to support effective implementation of the curriculum.  
The application lacks a comprehensive plan to measure and report student progress, including specific benchmarks based on reliable research and data, a structured time line for student evaluation, and the alignment of the referenced assessments to the expectations of the full depth and breadth of the Oklahoma Academic Standards.  
The application's Five-Year Budget lacks realistic assumptions for the basis of cash-flow projections, and as noted, includes errors in the first-year calculations.  
The application lacks backup or contingency facility plans.
10. The plan articulates many aspirations and assumptions, without offering concrete plans, actionable steps or relevant time lines and details.