



Texas Education Agency

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Michael Williams  
Commissioner

116-801

**NOTICE OF INTENT TO REVOKE  
OPEN-ENROLLMENT CHARTER**

December 8, 2014

**Via Certified Mail**

Lula Turnipseed-Edwards, Superintendent  
Phoenix Charter School  
8501 Jack Finney Blvd.  
Greenville, Texas 75402

Maxine J. Thomas, Board President  
The Phoenix School  
8501 Jack Finney Blvd.  
Greenville, Texas 75402

**RE: Open-Enrollment Charter Held by The Phoenix School**

Dear Ms. Turnispseed-Edwards and Dr. Thomas:

This is to notify you that I, as Commissioner of Education, am revoking the open-enrollment contract for charter held by The Phoenix School (hereinafter referred to as the "charter holder") for the Phoenix Charter School pursuant to Texas Education Code (TEC) §12.115(c).

**I. Revocation under TEC §12.115(c)**

On or about July 25, 2001, a charter contract creating the open-enrollment charter school that is the subject of this action was entered into by The Phoenix School and the State Board of Education (SBOE). During the 83<sup>rd</sup> legislative session, TEC §12.115 was amended to include a statutory provision for the revocation of charters that fail to meet academic or financial accountability performance ratings for the three preceding school years, or any combination thereof. Charters failing to meet the specified criteria are subject to mandatory revocation of their charter. The specific school years that must be considered in reaching any revocation decision are also listed. TEC §12.115(c).

The commissioner shall revoke the charter of an open-enrollment charter school if: 1) the charter holder has been assigned an unacceptable performance rating under Subchapter C, Chapter 39, for the three preceding school years; 2) the charter holder has been assigned a financial accountability performance rating under Subchapter D, Chapter 39, indicating financial performance lower than satisfactory for the three preceding school years; or 3) the charter holder has been assigned any combination of the rating described by Subdivision (1) or (2) for the three preceding school years.

For revocation actions initiated following the issuance of the 2013-14 academic and financial accountability ratings, the three preceding academic accountability ratings that shall be considered are the 2010-2011, 2012-2013, and 2013-14 academic accountability ratings.<sup>1</sup> The three preceding financial accountability ratings that shall be considered are the 2011-2012, 2012-2013, and 2013-14 financial accountability ratings. TEC §12.115(c-1).

Specifically, Phoenix Charter School was assigned the following ratings:

- 2010-2011 academic accountability rating of "Academically Unacceptable" (Exhibit A);
- 2012-2013 financial accountability rating of "Substandard Achievement" (Exhibit B); and
- 2013-2014 academic accountability rating of "Improvement Required" (Exhibit C).

All rights to appeal the ratings identified above have been waived or exhausted, and these ratings are now final and not appealable. TEC §39.151(d). Accordingly, pursuant to TEC 12.115(c), the charter held by The Phoenix School is subject to mandatory revocation.

## **II. Appointment of a Conservator**

Further, I am assigning a conservator, pursuant to TEC §39.102(a)(7) and 19 Texas Administrative Code (TAC) §§ 97.1057, 97.1059 and 97.1073, due to the on-going and long-standing deficiencies and because such intervention is necessary to prevent substantial or imminent harm to the welfare of the charter school's students or to the public interest. I am appointing Jack Ammons to the Phoenix Charter School to serve as a Texas Education Agency (TEA) conservator.

As a TEA conservator, Jack Ammons's role will include, but is not limited to, the following:

- Overseeing the financial management and governance of the charter school to ensure the charter school complies with state and federal law;
- Attending board meetings, including executive session, and directing the board as necessary to address the findings in the Final Report required by TAC §100.1052(a); and
- Overseeing all close-out activities of the charter school.

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<sup>1</sup> No academic accountability ratings were issued for the 2011-12 school year due to the transition from the TAKS test to the STAAR test, and performance from that academic year is not considered for purposes of revocation under TEC §12.115(c)(1). TEC §12.115(c-1).

Please note that the appointment of Jack Ammons does not relieve the charter school and its governing board of the responsibility to, at all times, operate the charter school in compliance with all applicable statutes and rules. The agency reserves the right to implement all available interventions and sanctions under TEC, Chapters 39, and Title 19, TAC, Chapters 97, to address the current, or any future, deficiencies identified for Phoenix Charter School.

Agency staff will be present at the next meeting of the charter school's governing board to introduce Jack Ammons to the members of the board. The cost of the conservator's services will be paid by the charter school in accordance with TEC §39.110. The conservator's fee shall be \$85 per hour plus necessary travel expenses not to exceed the state per diem rate. Failure to make timely payments to the conservator may result in appropriate amounts being deducted from the charter school's Foundation School Program (FSP) funds.

### **III. Opportunity for Informal Review and Hearing**

This is your Notice of my intent, as Commissioner of Education, to revoke the open-enrollment charter contract held by The Phoenix School and to appoint a conservator. As set forth in 19 TAC §157.1123, the charter holder has the right to request an informal review regarding the Commissioner's intent to revoke the charter and to appoint a conservator. However, this informal review shall be provided only if the charter holder submits a written request for informal review **not later than January 12, 2015**. 19 TAC §157.1123(b).

**Failure to submit a request by January 12, 2015 shall result in waiver of any right to a hearing on the proposed revocation of the open-enrollment charter.**

If you submit a timely request and I do not change my decision regarding the revocation during the informal review, this issue will be sent to the State Office of Administrative Hearings for a hearing pursuant to TEC §12.116. Any hearing provided shall be limited to the specific findings and/or recommendations detailed in this correspondence. Under TEC §12.116(c), the administrative law judge must uphold my decision unless the judge finds the decision arbitrary and capricious or clearly erroneous. The decision of the administrative law is final and may not be appealed.

An email containing a letter informing you of the contract expiration date of the charter and its subsequent nonrenewal status was sent to you on December 3, 2014. Please be advised that the revocation and nonrenewal processes are not executed concurrently, and requests associated with the charter's nonrenewal status that are or were submitted to the agency on the part of your organization do not constitute a submission with respect to the charter's revocation status. Please fulfill all charter revocation requirements and requests separately. If you have questions regarding the renewal process, please contact the Division of Charter School Administration at (512) 463-9575.

Any written response or other correspondence pertaining to this Notice must be sent to:

Eric Marin, Legal Counsel  
Texas Education Agency  
1701 North Congress Avenue  
Suite 2-150  
Austin, Texas 78701-1494

Sincerely,



Michael Williams  
Commissioner of Education

MW/cc

Enclosures

cc: Dr. Gordon Taylor, Executive Director, Region 10, Education Service Center  
Lizzette Gonzalez Reynolds, Chief Deputy Commissioner, TEA  
Michael Berry, Deputy Commissioner, Policy and Programs, TEA  
Alice McAfee, Associate Commissioner, Complaints, Investigations, and Enforcement, TEA  
Lisa Dawn-Fisher, Associate Commissioner, School Finance, TEA  
Sally Partridge, Associate Commissioner, Accreditation and School Improvement, TEA  
Nora Hancock, Associate Commissioner, Grants and Federal Fiscal Compliance, TEA  
Von Byer, General Counsel, TEA  
Heather Mauze, Director, Charter Schools, TEA  
Chris Cowan, Director, Enforcement Coordination, TEA  
Ron Rowell, Director, Governance, TEA  
Eric Marin, Legal Counsel  
Jack Ammons, Conservator

DISTRICT NAME: PHOENIX CHARTER  
DISTRICT NUMBER: 116001

Analysis Groups used to determine ratings are marked with an 'X'.  
Accountability standards are shown in parentheses.  
Special formats (\*, >99%, <1%) are used to protect student confidentiality.

TEXAS ASSESSMENT OF KNOWLEDGE AND SKILLS (TAKS) TABLE

Performance Results	Number Met Std	Number Taking	Pct Met Std	Stu Grp %	Number Met Std	Pct Met Std	Mat Min Size	Act Chg	RI	Mat RI?	Required Improvement			Status by Measure		
											STD	RI	EXCP	***		
<b>Reading/ELA (70%/80%/90%)</b>																
X All Students	212	243	87%	100%	189	224	84%	*	3		RE	-	-	RE		
X African Amer	19	24	79%	10%	24	31	77%		2		-	-	-	RE		
X Hispanic	53	65	62%	27%	41	52	79%		3		RE	-	-	RE		
X White	120	132	91%	54%	123	139	88%		3		EX	-	-	EX		
X Econ Disadv	113	135	84%	56%	99	123	80%		4		RE	-	-	RE		
<b>Writing (70%/80%/90%)</b>																
X All Students	39	52	75%	100%	54	62	87%	Yes	-12	-4	No	AA	-	AA		
X African Amer	*	*	*	*	*	*	*		80%	80%	*	-	-	-	-	-
X Hispanic	*	*	*	*	*	*	*		85%	85%	7	-18	**	No	-	-
X White	21	30	70%	58%	38	43	88%	Yes	-18	**	No	AA	-	AA		
X Econ Disadv	18	27	67%	52%	27	33	82%		-15			-	-	-	-	-
<b>Social Studies (70%/80%/90%)</b>																
X All Students	*	*	*	*	98%	*	*		59	68	87%	11		EX	-	EX
X African Amer	*	*	*	*	> 99%	*	*		15	18	83%	*		-	-	-
X Hispanic	*	*	*	*	> 99%	*	*		31	35	89%	8		EX	-	EX
X White	*	*	*	*	97%	*	*		29	35	83%	*		-	-	-
X Econ Disadv	*	*	*	*	> 99%	*	*									
<b>Mathematics (65%/80%/90%)</b>																
X All Students	167	244	68%	100%	155	224	69%	Yes	-1	**	No	AA	-	AA		
X African Amer	14	24	58%	10%	17	31	55%		3	**	No	-	-	-	-	-
X Hispanic	43	66	66%	27%	35	52	67%	Yes	-1	**	No	AA	-	AA		
X White	97	133	73%	55%	102	139	73%		0	**	No	AA	-	AA		
X Econ Disadv	83	136	61%	56%	82	123	67%	Yes	-6	-1	No	AU	-	AU		
<b>Science (60%/80%/90%)</b>																
X All Students	79	94	84%	100%	64	92	70%		14			RE	-	RE		
X African Amer	*	*	83%	*	*	8	16	50%	33			-	-	-	-	-
X Hispanic	16	19	84%	20%	14	25	56%		28			-	-	-	-	-
X White	49	57	86%	61%	42	50	64%		2			RE	-	RE		
X Econ Disadv	39	49	80%	52%	33	51	65%		15			RE	-	RE		
** Met the minimum size requirement, but did not meet the 75% floor for Recognized.																
<b>ENGLISH LANGUAGE LEARNERS (ELL) PROGRESS INDICATOR TABLE (na/60%/60%)</b>																
Reading/ELA																
ELL Students	13	16	81%		*	*	*		93%	-12		-	-	-	-	-
<b>COMMENDED PERFORMANCE TABLE (na/15%/25%)</b>																
Performance Results	Number at Commanded	Number Taking	Pct at Commanded	Stu Grp %												
Reading/ELA																
X All Students	82	243	34%	100%												
X Econ Disadv	40	135	30%	56%												
Mathematics																
X All Students	23	244	9%	100%												
X Econ Disadv	8	136	6%	56%												

\*\*\* Summary column: The final outcome for this measure after use of RI and exceptions (if applicable).

DISTRICT NAME: PHOENIX CHARTER  
DISTRICT NUMBER: 116801

Analysis groups used to determine ratings are marked with an 'X'.  
Accountability standards are shown in parentheses.  
Special formats (\*, >99%, <1%) are used to protect student confidentiality.

## EXCEPTIONS TABLE

Number Mtrs Evaluated	Number Allowed	Number Needed	Floor(s) Met?	Mars(s) Used in 2010?	Exceptions Applied
15	3	N/A	N/A	N/A	N/A

COMPLETION RATE I TABLE (Gr. 9-12) (75.0%/85.0%/95.0%)

	Class of 2010						Class of 2009						Required Improvement -----
	# Comp- leters	# Dropouts	# in Class	Stu Rate	Grp %	# Com- pletars	# in Class	Comp Rate	Met Min	Act Chg	RI	Met RI?	
X All Students	13	8	21	61.9%	100%	13	15	86.7%	Yes	-24.8	-5.9	No	
African Amer	*	*	*	*	5%	*	3	*	*	*	*	*	
Hispanic	4	3	7	57.1%	33%	*	3	77.8%		-16.3			
White	8	5	13	61.5%	62%	7	9	77.8%		-20.0			
Econ Disadv	6	4	10	60.0%	48%	4	5	80.0%					

ANNUAL DROPOUT RATE TABLE (Gr. 7-8) (1.6%)

	2009-10						2008-09						Required Improvement -----
	# Dropouts	# 7-8 Graders	Dropout Rate	Stu Grp %	Dropouts	# 7-8 Graders	Dropout Rate	Stu Min Size	Act Chg	RI	Met RI?		
All Students	0	74	0.0%	100%	1	81	1.2%			-1.2			
African Amer	0	11	0.0%	15%	0	12	0.0%			0.0			
Hispanic	0	25	0.0%	34%	1	23	4.3%			-4.3			
White	0	35	0.0%	47%	0	43	0.0%			0.0			
Econ Disadv	0	40	0.0%	54%	1	39	2.6%			-2.6			

Dropout data not evaluated for your accountability rating due to small numbers or no data.

Analysis groups used to determine acknowledgement are marked with an 'X'.  
Special formats ('\*') are used to protect student confidentiality.

## Summary of Gold Performance Acknowledgments

Earned 0 acknowledgment(s) out of 13 evaluated.

Advanced Courses	NQ	Commended Reading/ELA	NQ
AP/IB	NQ	Commended Mathematics	NQ
Attendance Rate	NQ	Commended Writing	NQ
College-Ready	NQ	Commended Science	NQ
RHSP/DAP	NQ	Commended Social Studies	NQ
SAT/ACT	NQ	TSI ELA	NQ
		TSI Mathematics	NQ

++ = Acknowledged; NQ = Does Not Qualify; Blank = Not Applicable

## Advanced Course/Dual Enrollment Completion (2009-10): DOES NOT QUALIFY

Student Groups	Number w/Credit for an Advanced Course	Number w/Credit for Any Course	Student Group Percent	Percent w/Credit for Advanced Courses
X All Students	23	71	100%	32.4%
African American	2	9	13%	22.2%
Hispanic	6	17	24%	35.3%
X White	14	40	56%	35.0%
Economically Disadvantaged	7	27	38%	25.9%

## AP/IB Results (2009-10): DOES NOT QUALIFY

Student Groups	Number Taking AP and/ or IB	Number of 11th and 12th Graders	Student Group Percent	Percent Taking AP and/ or IB	Number Scoring At or Above Criterion	Number Taking AP and/ or IB	Percent Scoring At or Above Criterion
X All Students	*	27	100%	3.7%	*	*	*
African American	0	5	19%	0.0%	0	0	-
Hispanic	0	8	30%	0.0%	0	0	-
White	*	13	48%	7.7%	*	*	*

DISTRICT NAME: PHOENIX CHARTER  
DISTRICT NUMBER: 116801Analysis groups used to determine acknowledgement are marked with an 'X'.  
Special formats ('\*') are used to protect student confidentiality.**Attendance Rate (2009-10): DOES NOT QUALIFY**

Student Groups	Total Days Present	Total Days Absent + Total Days Present		Student Group Percent	Attendance Rate
		Total Days Present	Absent		
X All Students	56,751	59,981	100%	94.6%	
X African American	7,331	8,190	14%	95.6%	
X Hispanic	14,321	15,665	26%	95.3%	
X White	31,204	33,153	55%	94.1%	
X Economically Disadvantaged	32,884	34,718	58%	94.7%	

Attendance Rate standard for your acknowledgment is 95.0%.

**College-Ready Graduates (Class of 2010): DOES NOT QUALIFY**

Student Groups	Number Scoring At or Above Criteria on Both ELA & Math	Number Taking Both ELA & Math		Student Group Percent	Percent Scoring At or Above Criteria on Both ELA & Math
		Both ELA	Both Math		
X All Students	3	12	100%	25%	-
African American	-	-	-	-	-
Hispanic	*	*	*	< 1%	
White	3	7	58%	43%	
Economically Disadvantaged	*	*	*	33%	

**Commended on Reading/ELA: DOES NOT QUALIFY**

Student Groups	Number Commended	Number Taking		Student Group Percent	Percent Commended
		Both ELA	Both Math		
X All Students	82	243	100%	34%	
African American	7	24	100%	29%	
Hispanic	20	65	27%	31%	
White	50	132	54%	38%	
Economically Disadvantaged	40	135	56%	30%	

Reading includes second administration results for Student Success Initiative students tested at the same district.

Analysis groups used to determine acknowledgement are marked with an 'X'.  
 Special formats ('\*') are used to protect student confidentiality.

District Rating: Academically Unacceptable

**Commanded on Mathematics: DOES NOT QUALIFY**

Student Groups	Number Commanded	Number Taking	Student Group Percent	Percent Commanded
X All Students	23 *	24	100%	9%
African American	7	65	10%	8%
X Hispanic	12	133	27%	11%
X White	8	136	55%	9%
X Economically Disadvantaged			56%	6%

Mathematics includes second administration results for Student Success Initiative students tested at the same district.

**Commanded on Writing: DOES NOT QUALIFY**

Student Groups	Number Commanded	Number Taking	Student Group Percent	Percent Commanded
X All Students	9 *	52	100%	17%
African American	*	*	*	*
Hispanic	*	*	*	8%
X White	5	30	58%	17%
X Economically Disadvantaged	*	27	52%	7%

**Commanded on Science: DOES NOT QUALIFY**

Student Groups	Number Commanded	Number Taking	Student Group Percent	Percent Commanded
X All Students	23 *	94	100%	24%
African American	7 *	*	*	< 1%
Hispanic	7	19	20%	37%
X White	13	57	61%	23%
X Economically Disadvantaged	11	49	52%	22%

DISTRICT NAME: PHOENIX CHARTER  
 DISTRICT NUMBER: 116601

Analysis groups used to determine acknowledgement are marked with an 'X'.  
 Special formats ('\*') are used to protect student confidentiality.

**Commended on Social Studies:** DOES NOT QUALIFY

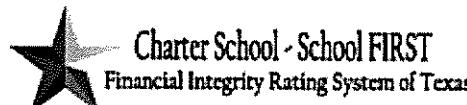
Student Groups	Number Commended	Number Taking	Student Group Percent	Percent Commended
X All Students	25 *	*	*	40%
African American	5	*	*	33%
Hispanic	14	*	*	45%
X White	9	*	*	36%
Economically Disadvantaged				33%

**Recommended High School Program (RHSP) /DAP (Class of 2010): DOES NOT QUALIFY**

Student Groups	Rec. HS Pgm. Graduates	Total Graduates	Student Group Percent	Percent Completing Rec. HS Pgm.
X All Students	13	13	100%	100.0%
African American	0	0	0%	-
Hispanic	6	6	46%	100.0%
White	7	7	54%	100.0%
Economically Disadvantaged	6	6	46%	100.0%

The count of RHSP graduates includes Distinguished Achievement Program (DAP) graduates.



**User: Public****User Role: Public**

<b>Rating Year:</b>	2012-2013 ▾	<b>CDN:</b>	116801 ▾	<b>Select An Option</b> ▾	<b>Help</b>
					<b>Home</b>
					<b>Exit</b>

## 2012-2013 Ratings Based on School Year 2011-2012 Data - Charter School Status Detail

[Charter School Status Detail](#)[Indicator Detail Summary](#)[Determination of Ratings](#)

### Size-Dependent Indicators

<b>Name:</b>	<b>PHOENIX CHARTER SCHOOL(116801)</b>	<b>Publication Level 0:</b>	6/20/2013 4:13:30 PM
<b>Status:</b>	<b>FAILED</b>	<b>Publication Level 1:</b>	9/12/2013 6:37:32 PM
<b>Rating:</b>	Substandard Achievement	<b>Publication Level 2:</b>	9/12/2013 6:37:32 PM
<b>Charter School Score:</b> 0			
<b>Passing Score:</b>	50	<b>Last Updated:</b>	9/12/2013 6:37:32 PM

## Options

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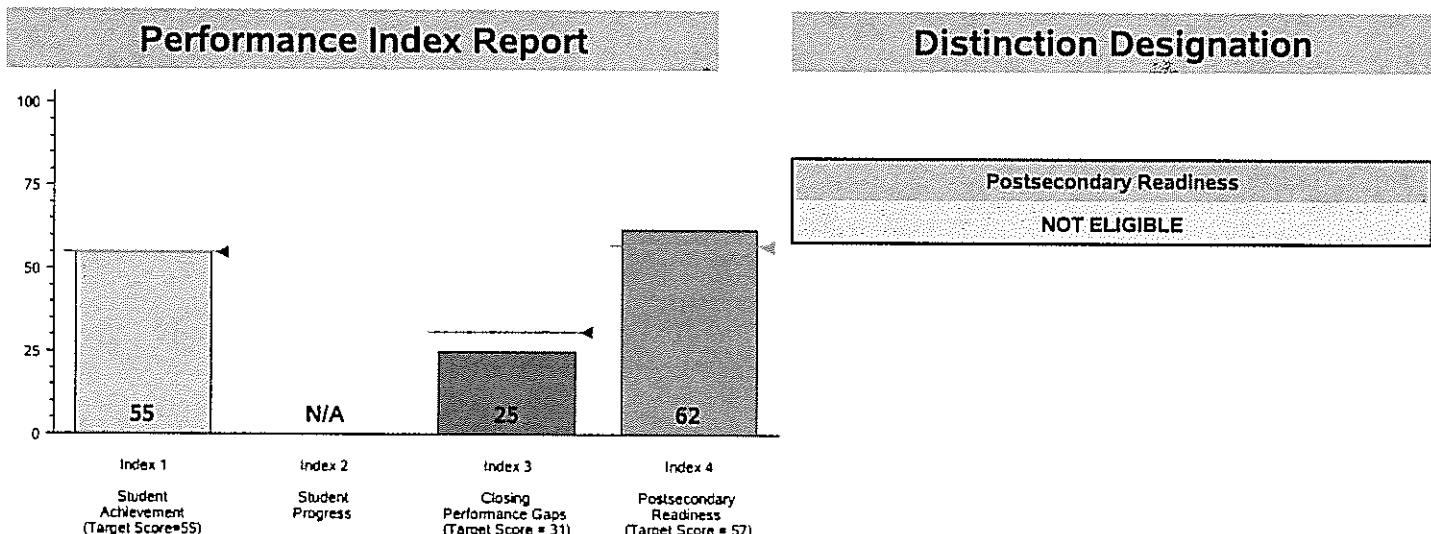
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CSSF 1.1.0.15

**TEXAS EDUCATION AGENCY  
2014 Accountability Summary  
PHOENIX CHARTER SCHOOL (116801)**

**Accountability Rating  
Improvement Required**

<b>Met Standards on</b>	<b>Did Not Meet Standards on</b>
- Student Achievement	
- Postsecondary Readiness	- Closing Performance Gaps



**Performance Index Summary**

Index	Points Earned	Maximum Points	Index Score
1 - Student Achievement	410	741	55
2 - Student Progress	N/A	N/A	N/A
3 - Closing Performance Gaps	497	2,000	25
4 - Postsecondary Readiness			
STAAR Score	4.6		
Graduation Rate Score	25.0		
Graduation Plan Score	23.5		
Postsecondary Indicator Score	9.0		
		62	

**System Safeguards**

	Number and Percent of Indicators Met
Performance Rates	10 out of 24 = 42%
Participation Rates	14 out of 14 = 100%
Graduation Rates	1 out of 1 = 100%
Met Federal Limits on Alternative Assessments	0 out of 1 = 0%
<b>Total</b>	<b>25 out of 40 = 63%</b>

For further information about this report, please see the Performance Reporting Division web site at <http://ritter.tea.state.tx.us/perfreport/account/2014/index.html>