



KRISTEN STOLPA
Chief of Authorization

1201 Main Street, Suite 300, Columbia, SC 29201

October 5, 2020

Coastal Leadership Academy
Mr. Joseph Greenberg, Principal
Ms. Bridgett Fowler, Chairman of the Board of Directors
3710 Palmetto Pointe Blvd
Myrtle Beach, SC 29588

RE: Notice of Noncompliance

To School Leader and Board Members,

The Charter Institute at Erskine College (“Charter Institute”) is the charter school sponsor of your school, the Coastal Leadership Academy (School). To fulfill this role and comply with the Charter Schools Act, the Charter Institute has a responsibility for regularly monitoring the performance and legal and fiscal compliance of the School. This specifically includes conducting oversight activities, notifying a school of perceived problems, and taking appropriate corrective actions in response to identified deficiencies (S.C. Code Ann. § 59-40-55(A)).

The Charter Institute team has worked in alignment with our review procedures to monitor key areas of school programming and operations that would assess school compliance with local, state, and federal requirements, as well as ensure that the needs of students served are being adequately met. As you are aware, Charter Institute staff has been monitoring the programming for students with disabilities served at the School. This letter serves to outline ongoing areas of noncompliance and concern identified by staff, and also serves to formally notify you that the School is in breach of the terms of its charter and contract, and ultimately, in violation of the commitment made to the students and families who attend the Coastal Leadership Academy.

As of September 30, 2020, Coastal Leadership has not executed a contract with a licensed speech therapist. This is a requirement under the Individuals with Disabilities Act (IDEA) in order to fulfill school obligations to students with identified speech-language therapy needs. Identified students have not received necessary services since the school’s opening on August 24th, indicating that the school has denied the students a free and appropriate education and at least four weeks of compensatory services will be required to mitigate the lack of service and attention these students have sustained.

In addition to being unable to serve students with speech and language impairments by providing an appropriately credentialed service provider, the Institute flagged additional instances of noncompliance during its recent annual desk audit of student Individual Education Programs (IEPs). This audit process reviews the IEP documentation at a school to assess fidelity in implementation of state required processes and approved procedures. In situations of noncompliance, this method can also reveal the frequency and severity of challenges within the special education program of a school. This desk audit revealed that the School failed to meet obligations in annually reviewing the IEP of all students and included progress report findings that students with disabilities demonstrated levels of performance against their IEP goals that were categorized as Unsatisfactory and/or stagnant.

The IDEA requires that the IEP must be reviewed annually and include statements of how the child's parents will be regularly informed of both progress toward goals, and the extent to which that progress is sufficient (20 U.S.C. § 1414(d)(1)(A)(viii)). The IEP is intended to ensure that it provides educational benefit to students, so if a student fails to make adequate progress within a reasonable period of time, the IEP team must convene an IEP meeting to address the student's lack of progress 34 CFR 300.324 (b)(ii)(A). Therefore, if a student fails to make adequate progress within a reasonable period of time, as documented in several student IEPs, the IEP team must convene to address the student's lack of progress 34 CFR 300.324 (b)(ii)(A). There is no documentation to indicate that IEP team meetings were called to review the IEPs of these students not making adequate progress.

In addition to the lack of adequate progress being made towards meeting annual IEP goals, the Charter Institute also found that 25 percent of students enrolled in a special education class titled "Resource" failed to pass the class and receive a high school elective credit. The Resource class was established using a standardized course code that is reserved for Local Board Approved (LBA) courses. The class itself does not meet the minimum standards to qualify as an LBA class. Further, there is no record of the school requesting the necessary approval from the Institute Board to offer an LBA. These course approval requirements and guidance were shared with school leadership in May 2019.

Since the School's transfer to the Institute in 2018, the School has been without appropriately certified staff for prolonged periods of time. This persistent noncompliance resulted in a previous Notice of Noncompliance sent to the school on January 21, 2020. Beyond staffing, this letter cited issues of noncompliance in failing to conduct annual reviews of IEPs and failing to conduct progress monitoring activities. Review of historical documentation revealed an additional Letter of Noncompliance from the school's previous sponsor, the South Carolina Public Charter School District, dated May 4, 2015. This included similar findings of a failure by the school to retain certified staffing, provide adequate services to students, conduct required progress reporting and engage in annual review requirements. This chronic level of noncompliance in the area of special education suggests the school is not equipped in structure or capacity to meet the needs of special populations.

This pattern of noncompliance, dating back to the school's inception, demonstrates the School's inability to remain in compliance with the IDEA and could be argued to have origins of malintent considering the training, corrective actions, and support provided in response to each instance of noncompliance. Coastal Leadership Academy is in now in its 8th year of operation and has historically had a composition of students with disabilities that far exceeds the state average (currently 34% of its overall student population is identified). This proportion and persistence raise grave concern over the ability of leadership at the School to prioritize and implement a sustainable Special Education Program that meets the needs of the School's students.

These concerns of prioritization are further compounded as analyses of resource allocation reveal that staffing efforts have instead been focused on filling non-academic positions for things like culture and activism and ancillary non-academic spending on contracting and legal fees that are amongst the highest in the charter portfolio. Specifically, for FY18-19, the School spent \$28,379 in legal fees, which is equivalent to approximately \$188 per pupil. The FY19-20 legal fees were comparably high, with a total cost of \$25,655, which is equivalent to \$151 per pupil. This is even more troublesome when laid against remarks made by school leadership during a meeting with the Institute on September 28, 2020 noting that one barrier to hiring a speech therapist was an unwillingness to pay a higher salary.

The Act requires the Charter Institute to place a high priority on ensuring its charter schools materially comply with the applicable laws, rules, regulations, and provisions of its Charter and Contract. The deficiencies outlined above are a violation of the School's obligations under federal, state, and district regulations and policies, as well as its Charter and Contract. As a result of the identified concerns, the Institute issues the School this *Notice of Noncompliance* and requires the School to complete a **Corrective Action Plan** ("CAP").

The Chief of Student Services at the Charter Institute will provide the School with a detailed CAP by **October 10, 2020**. This will outline required steps and actions against specified timelines that must be taken by the School to correct the identified areas of noncompliance identified in this *Notice of Noncompliance*.

To ensure the CAP is implemented with fidelity, the Charter Institute will continue to monitor and evaluate corrective activities according to the timelines agreed upon in the CAP, which may include unannounced site visits to the School.

Finally, due to the ongoing special education noncompliance issues outlined in this *Notice of Noncompliance*, the Charter Institute is **immediately freezing student enrollment** for the School. The Institute will allow the School to resume enrollment once the Institute Special Education team determines that the School is in compliance with the Special Education requirements outlined in the CAP.

Please note that failure to resolve all other issues and comply with the legal requirements outlined in this *Notice of Noncompliance* will place the School on “Breach of Contract” and may result in further corrective action that includes but is not limited:

- Continued freeze of student enrollment; and
- Initiation of charter revocation procedures in accordance with state law.

In efforts to further support the School, the Charter Institute is available at any time to answer questions around these legal requirements or talk through School plans for resolution to the outstanding areas of concern. We look forward to supporting the decisions you make and plans you develop to address these identified deficiencies.

Thank you in advance for your cooperation in this matter. Should you have any questions about the identified deficiencies or plan requirements, please contact Celina Patton, Chief of Student Services, at StudentServicesChief@erskinecharters.org. If you have any questions about this Notice or the determination made to freeze enrollment, please contact me.

Sincerely,



Kristen Stolpa
Chief of Authorization
Charter Institute at Erskine

Enclosures

CC: Cameron Runyan, Chief Executive Officer
Vamshi Rudrapati, Director
Celina Patton, Chief of Student Services