



VAMSHI RUDRAPATI

Director

1201 Main Street, Suite 300, Columbia, SC 29201

23 November 2021

Horse Creek Academy  
Kevin Murray, Chairman of the Board of Directors  
Dr. Ann Marie Taylor, Principal  
1200 Toolebeck Road  
Aiken, SC 29803

**RE: Request to Transfer to Limestone Charter Association**

Dear School Leader and Board Members:

The Charter Institute at Erskine (“Charter Institute” or “Institute”) is the charter school Sponsor and Authorizer of your School, Horse Creek Academy (“School”). In accordance with the South Carolina Charter Schools Act of 1996 as amended located at S.C. Code Ann. § 59-40-10 *et seq.* (the “Act”), the Sponsor of the charter is the charter school’s local education agency (“LEA”) and a charter school is a school within that LEA.

The Institute is in receipt of the School’s request to transfer its charter to the Limestone Charter Association that was submitted on November 2, 2021.

The Act and the charter contract executed between the School and the Institute require both parties to the contract to agree to a transfer or assignment of the charter. This letter is to inform you that the Institute has denied your request to transfer for the 2022-2023 school year.

**A summary of the reasons for the denial of Horse Creek’s transfer request are as follows:**

**S.C. Charter Schools Act**

Pursuant to S.C. Code § 59-40-115 of the Act, “A charter school may terminate its charter with a Sponsor before the ten-year term of contract if all parties under contract with the charter school agree to the dissolution.” S.C. Code § 59-40-115 (emphasis added). The Institute is a party to your charter contract and has not agreed to the dissolution as required by state law.

**Charter Contract**

Pursuant to Section 14.2 of the Charter Contract between the Institute and School, “Neither party to this Contract shall assign or attempt to assign any rights, benefits, or obligations accruing to the party under this Contract unless the other party agrees in writing to such assignment.” (Contract, Sect. 14.2 (emphasis added).)

The Institute is a party to the charter contract and does not agree to the assignment or dissolution of the contract.

## **South Carolina General Assembly Legislative Audit Council Report**

In June 2021, the South Carolina General Assembly Legislative Audit Council (“LAC”) issued a Report on the South Carolina Public Charter School District (the “District”), which expressed several concerns and recommendations related to South Carolina charter schools and charter school Authorizers (the “LAC Report”). The LAC expressed serious concerns in its Report about Authorizer Shopping, and stated:

“... ‘Authorizer Shopping’ occurs when an underperforming charter school ‘attempts to transfer to a new Authorizer to avoid accountability measures,’ such as school closure. This phenomenon presents a serious challenge to accountability efforts and overall charter school quality.” (LAC Report, p. 23.)

The LAC Report further noted:

“According to state law, a charter school can terminate its contract with one Authorizer and apply to transfer its remaining time to another ‘if all parties under contract with the charter school agree to the dissolution.’” (*Id.*)

Specific to the schools that transferred from SCPCSD to the Institute in 2017, the LAC Report noted in that case the transfers aligned with state law as the District agreed to allow the schools to transfer to the Institute, noting:

“The District entered mediation with these schools and signed memoranda of agreement with them dictating the process by which they would end their relationships with the District.” (*Id.*)

The LAC Report further noted that, although the Institute and District signed a Joint Memorandum of Agreement agreeing to suspend all school transfers,

“this is only a temporary measure and does not guarantee Authorizer shopping will not happen in the future. More entities may apply to become statewide Authorizers in the future, and more Authorizers raise the risk of Authorizer shopping.” (*Id.* at p. 24.)

As you are aware, were Horse Creek to transfer to Limestone next year, this would constitute the school’s third Authorizer in the last four years.

### **Timeliness of Transfer Request**

Pursuant to Section 1.2 of the charter contract between the Institute and the School, “...the School must comply with all applicable and reasonable Sponsor policies and procedures, as amended from time to time, as well as all federal statutes and regulations applicable to public charter schools.” (Contract, Sect. 1.2.)

In response to the LAC Report, the Institute and District adopted Transfer Policies to ensure schools could not seek to transfer Authorizers in an attempt to escape accountability. The Institute’s Transfer Policy was adopted by the Institute Board on August 11, 2021. The Transfer Policy has a September 1 deadline to receive transfer requests. This date aligns with requirements related to the legislative budget process.

The School’s transfer request was submitted many weeks after the September 1<sup>st</sup> deadline and is therefore ineligible for consideration for the coming (2022-23) school year. In alignment with the Transfer Policy, the Institute will place the School’s request on a Board meeting agenda in the fall of 2022 with a potential effective date for transfer for the 2023-2024 school year.

### **Institute’s Support for the School**

The School’s transfer request letter states that the School has not “felt supported.” However, when the School completed surveys on the Institute Student Services team, the Institute was rated at the highest level with positive comments. Specifically, on May 21, 2021, the School awarded the Institute the highest ratings for school support including assessing communication, understanding of information, friendliness, access to information, and

receiving timely information. Again, in this school year the feedback provided via a survey on September 20, 2021 by the School rated the Institute a perfect 5 out of 5 for the level of support that has been provided.

On June 11, 2021 the School completed the Institute Team Quality Survey and awarded an “Extremely Effective” rating for *all* departments. (See Survey, **Appendix A.**)

### **School Autonomy**

The Institute is required by law to hold schools accountable based on their academic performance on state assessments. The School’s leadership has made public statements that indicate a different philosophy which places a lesser emphasis on academic results. While Charter Schools are afforded a higher level of local autonomy than traditional public schools, they are not autonomous from the requirements of South Carolina law, the charter, or the charter contract which allows the school to exist.

### **Additional Concerns**

The following are some of the concerns the Institute has shared with the School during its regular data meetings. As you are aware, these meetings are conducted to not only hold schools accountable for their academic performance but to also support them by analyzing root cause(s) for the academic challenges so that Schools can make meaningful improvement.

### **Grade Inflation**

As a part of Horse Creek’s data meetings, the Institute analyzed how students performed in the classroom against how they performed on the South Carolina State Assessments. These State assessments reveal a student’s true knowledge against the standards of grade level content. (See Assessment, **Appendix B.**)

- 28 percent of Horse Creek students were issued an “A” in the classroom; however, only 7 percent earned “Exceeds Expectations” on the State Assessment (an “A” equivalent).
  - *A classroom grade inflation of 299 percent*
- 50 percent of Horse Creek students were issued a “B” or “C” in the classroom however only 30 percent earned “Meets Expectations” on the State Assessment (“B” or “C” equivalent).
  - *A classroom grade inflation of 73 percent*
- 18 percent of Horse Creek students were issued a “D” in the classroom however 38 percent earned “Approaches Expectations” on the State Assessment (“D” equivalent).
  - *A classroom grade deflation of 112 percent*
- Only 4 percent of Horse Creek students were issued an “F” in the classroom however 26 percent earned “Does Not Meet Expectations” on the State Assessment.
  - *A classroom grade deflation of 617 percent*

In summary, Horse Creek appears to be systematically and drastically over-representing to families the percentage of their students who are excelling academically and likewise drastically underrepresenting the percentage of students who are failing.

### **Academic Performance**

According to SC Code of Laws 59-40-20, one of the purposes of charter schools is to improve student learning and to assist South Carolina in reaching academic excellence. Currently, Horse Creek Academy is failing to meet this statutory requirement. The school is underperforming Aiken County School District in Elementary Mathematics, Middle School English Language Arts, and Middle School Mathematics.

## Teacher Certification

According to SC Code of Laws 59-40-50(B)(5), a charter school may hire noncertified teachers in a ratio of up to twenty-five percent of its entire teacher staff. On many occasions, School leadership has declared that Horse Creek Academy has an extensive waiting list of teachers desiring to join the School's staff. However, Horse Creek Academy's current teacher composition is only 58.7 percent certified teachers and 41.3 percent noncertified teachers. 219 of Horse Creek's 530 classes currently do not have a certified teacher.

## Minority Student Performance

Approximately a year ago, the Institute leadership noticed that there was no African American representation on the School's leadership team. The Institute suggested including an African American team member on the leadership team. Today, Horse Creek Academy is the only school in the Institute's portfolio that has been placed on the State Department of Education's Additional Targeted Support and Improvement Schools (ATSI) list as a result of academic struggles with the School's African American students. (See SCDE letter, **Appendix C.**)

## Summary

As an Authorizer, the Institute must fulfill the requirements set forth in state law. The law requires that charter schools, like Horse Creek Academy, meet the academic and governance expectations of the state. Additionally, the LAC has made it clear that the Legislature has no desire to see schools attempting to transfer Authorizers to escape accountability. Authorizer Shopping is not beneficial for students or taxpayers.

The Institute is still committed to working with Horse Creek Academy to ensure that the children of your community receive the education they deserve. Please let me know when you are available to meet so that we can collectively work on a path forward for your school and the wonderful students of Horse Creek Academy.

Sincerely,



Vamshi Rudrapti, Director

cc: Cameron Runyan, Superintendent

Form Name: Institute Team Quality Survey - June 2021  
Submission Time: June 11, 2021 9:54 am  
Browser: Chrome 91.0.4472.77 / Windows  
IP Address: 24.145.81.72  
Unique ID: 822352513  
Location: 33.448299407959, -81.692100524902

**Select Your School Name** Horse Creek Academy

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**Please rate the support provided from Institute Leadership (Cameron Runyan and Vamshi Rudrapati)?** 5 - Extremely Effective

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**Please rate the support provided from the Department of Accountability (Richard Melzer and Kusuma Buddhiraju)?** 5 - Extremely Effective

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**Please rate the support provided from the Department of School Support (Christy Junkins and Sherri Herbst)?** 5 - Extremely Effective

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**Please rate the support provided from the Department of PowerSchool (Jason Jones)?** 5 - Extremely Effective

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**Please rate the support provided from the Department of Authorization (Kirby Jerry and Grace Rubenzer)?** 5 - Extremely Effective

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**Please rate the support provided from the Department of Communications (Ashley Epperson and Jacob Carter)?** 5 - Extremely Effective

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**Please rate the support provided from the Department of Federal Programs (Haley Perez, Ashley Sturkie, Sarah Shealy, and Sally Fickling)?** 5 - Extremely Effective

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**Please rate the support provided from the Department of Finance (Ciera Bing, John Li, and Charity Glasgow)?** 5 - Extremely Effective

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**Please rate the support provided from the Department of Human Resources and Benefits (Paula Gray and Robbie Anderson)?** 5 - Extremely Effective

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**Please rate the support provided from the Department of Student Services (Celina Patton, Laura Merrick, and Kathy Griffin)?** 5 - Extremely Effective

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**Please rate the support provided from the Department of Student Services - MTSS (Sophie Ellis)?** 5 - Extremely Effective

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**As you know, the Institute works hard to eliminate burdensome requirements for our schools that are not required by external agencies, laws and the like. In an effort to ensure that we are continuing to fulfill our commitment in this area, please provide any examples of requirements from the Institute that you believe may not be required by charter, state, or federal law, or fulfillment of Authorizer/LEA obligations. Please ensure that any requirements mentioned were requested by one of the above departments.** Unsure

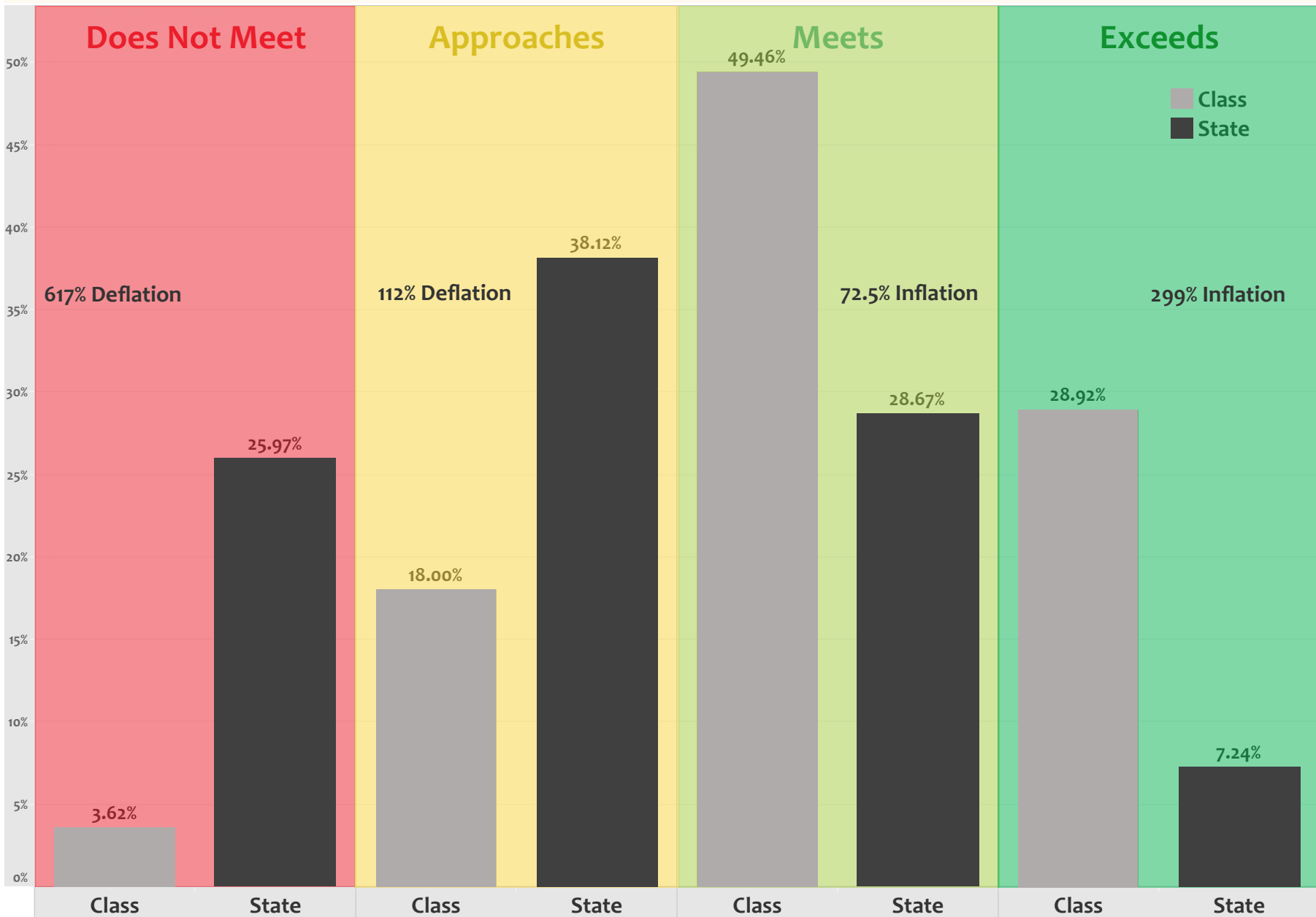
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**Please provide any additional feedback using the text box below.** Thank you. I really need some additional help with the ESSR funds! :)

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Horse Creek Academy  
Grade Inflation 2020-2021

Class Grades & State Grades Across the School 2020-2021





**STATE OF SOUTH CAROLINA**  
**DEPARTMENT OF EDUCATION**

**MOLLY M. SPEARMAN**  
*STATE SUPERINTENDENT OF EDUCATION*

**MEMORANDUM**

**TO:** Additional Targeted Support and Improvement School Superintendents

**FROM:** Kimberly Mack, Director, Office of School Transformation  
Sarah Longshore, Director, Office of Federal and State Accountability

**DATE:** March 2021

**RE:** 2020-2021 Additional Targeted Support & Improvement Federal Funding

The purpose of this memo is to outline the 2020-2021 federal funding and requirements for Additional Targeted Support and Improvement Schools (ATSI) in your district identified in April of 2019. As a reminder, South Carolina's new *Every Student Succeeds Act Consolidated (ESSA)* plan defines ATSI schools as follows:

- Any Title I or Non-Title I school with one or more subgroup(s) of students performing at or below the all student group at the 5<sup>th</sup> percentile for that respective school type (elementary, middle, or high)
- Subgroups that meet the minimum n-size requirement in any of the categories below are subject to analysis for identification:
  - Students with disabilities;
  - Students with limited English proficiency
  - Students of poverty
  - Students of all racial groups/ethnicities

The South Carolina Department of Education (SCDE) will identify ATSI schools (schools with low-performing subgroups) every three years. In accordance with the approved ESSA waiver from March 27, 2020, all schools *“identified for comprehensive or targeted support and improvement or additional targeted support and improvement in the 2019-2020 school year will maintain that identification status in the 2020-2021 school year and continue to receive supports and interventions consistent with the school’s support and improvement plan in the 2020-2021 school year.”*



In the April 2019 identification, the following school(s) in **Charter Institute at Erskine** met the criteria for ATSI and are again eligible for federal improvement funding for the 2020-2021 school year:

- **Students with Disabilities**
  - Mevers School of Excellence
- **Black**
  - Horse Creek Academy

2020-2021 Requirements

As outlined in ESSA and South Carolina’s ESSA Plan, districts are required to work with their schools identified as having low-performing subgroups (ATSI). To support this work, districts must submit an application to the Office of Federal and State Accountability, for federal funds to improve outcomes for the applicable subgroup(s).

Each school district is eligible to receive 2020-2021 federal improvement dollars based on the following formula:

- \$36.00 per pupil based on the previous 135 Day Count + \$30,000 per school. The breakdown for each school is included in the table below.

<b>School</b>	<b>135 Day Count</b>	<b>Per pupil (\$36.00)</b>	<b>Per School (\$30,000)</b>	<b>School Total</b>
Horse Creek Academy	553	\$19,908	\$30,000	\$49,908
Mevers School Of Excellence	781	\$28,116	\$30,000	\$58,116
<b>District Total</b>				<b>\$108,024</b>

- Applications for these funds are now available in GEMS. We are asking districts to submit their applications, sign and return the GAN by April 15, 2021.
- **Districts must update and include at least one goal in their District Strategic Plan that addresses the identified subgroup.**
- Funds must be expended by September 30, 2022 and final claims made by the date that will be issued on the Grant Award Notification (GAN).

Districts are encouraged to consider:

- Partnering with other districts or working collaboratively through existing consortia to develop and implement common evidence-based interventions, practices, and strategies as you work to improve outcomes for the applicable subgroup(s);
- Identifying ways of braiding and blending funds provided under ESSA along with funds provided under other federal sources (such as funds provided under the Individuals with Disabilities Education Act); and/or
- Implementing district-wide evidence-based programs or initiatives that target the low performing subgroup(s).

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We are committed to providing technical assistance that builds the capacity of leaders and makes a positive impact on student achievement! If you have immediate concerns or questions, please feel free to email Kimberly Mack at [kemack@ed.sc.gov](mailto:kemack@ed.sc.gov), or by phone at (803) 734-5849.

CC:

John R. Payne, Deputy, Division of Federal Programs, Accountability & School Improvement