Doris Topsy-Elvord Academy

a Micro-Enterprise School

Address:
DTEA
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June 25, 2012

Michael Kirst, President
Members of the Board
California State Board of Education
1430 N. Street, Suite 5111
Sacramento, CA 95814

RE: Evidence to REMEDY Notice of Violation regarding Doris Topsy-Evlord Academy

Dear President Kirst and Board Members:

This letter is in response to the Notice of Violation pursuant to California Education Code (EC) section 47607(d), issued by the State Board of Education (SBE). As specifically noted, pursuant to California Code of Regulations, Title 5, Section 11968.5.2, Doris Topsy-Elvord Academy (DTEA), governing board has the right to respond through the following actions:

(1) Submit to SBE a detailed, written response addressing each identified violation which shall include the refutation, remedial action taken, or proposed remedial action by the charter school specific to each alleged violation.

(2) Attach to the written response supporting evidence of the refutation, remedial action, or proposed remedial action, if any, including written reports, statements, and other appropriate documentation.

It should be noted, that at the conclusion of the SBE meeting on May 9, 2012, agenda item 9 pertaining to Doris Topsy-Elvord Academy, that the State Board members present were in agreement that to remedy the situation, would be to provide empirical evidence of DTEA's progress forward. As it was brought forth and shared amongst board members, the process for a Notice of Violation pursuant California Education Code (EC) section 47607(d) seemed to be the WRONG process in addressing the matters noted by the California Department of Education staff, and for that matter, made changes to the issuances of this particular Notice of Violation, eliminating going before the ACCS and reporting directly back to the State Board for the July meeting. In consideration, board member Ruckers wanted DTEA to have more time in compiling evidence to remedy the noted concerns, as she was concerned with the process, Notice of Violation used in addressing the issues noted.

It was agree that there were legitimate concerns posed by CDE with regards to DTEA's fiscal situation, and it is a high priority that is being addressing by DTEA's board. To improve the viability of the school, but felt the Notice of Violation was unwarranted, and that there were other means of remedy to address the concerns. At this time, DTEA believes it has accomplished the empirical evidence remedying each alleged violation.

THE COMMUNITY

DTEA is a small urban middle charter school in North Long Beach that serves grades 6-8 and had an enrollment of 105 students for the school year 2011-12. DTEA student population is 78% free & reduced lunch eligible and 76% come from single parent households. DTEA is a valuable asset and a light of hope to the community of North Long Beach. North Long Beach is the poorest section of Long Beach. There is no school in Long Beach that is serving a population of high need middle school students with the kind of innovative approach that DTEA has taken. Claremont Graduate University, Teacher Education Department, has partnered with the DTEA to help ensure the success of the academic programming.

Long Beach is the fifth largest city in California with approximately a half million residents with only two charter schools that are district authorized, and does not serve North Long Beach. North Long Beach is riddled high crime with major social ills, and is among the most challenged communities in Long Beach; the forgotten part of town where fewer resources reach.

RESPONSE TO ALLEGED VIOLATIONS

CDE believes that DTEA has engaged in fiscal mismanagement for the following reasons:

- While DTEA has identified plans to eliminate its budget deficit, without supporting documentation that confirms actual grants and donations, the DTEA budget continues to rely on revenues that are not guaranteed. Specifically, the budget includes a total of $50,000 in projected local grant revenue from various sources including Southern California Edison, the NFL Players Association and the Anaheim Angels, and an additional $80,000 in fundraising revenue. The school's cash flow submitted on March 14, 2012, for the second interim reporting period (July 1 through January 31) reflects receipt of approximately $13,000 or 26 percent of local grants and approximately $40,000 or 50 percent of fundraising revenues. The school states that it is currently in the application process for the remaining amounts, however, at this time does not have firm commitments from donors or organizations that may provide local or private grants.

  Response… to Remedy
  - Donations raised, financial commitments, and operational reductions through June amounts to approximately $118,000
  - To date, DTEA has raised $52,450 or 68 percent in fundraising revenue
  - From March to June DTEA has received $23,450 with another $12,500 committed.
  - All though as shared, DTEA does not have firm commitments for the remaining fundraising revenue, however DTEA has personal relationships with the grantees and have support letters.

- DTEA has been operating with a negative balance with little empirical evidence of progress towards eliminating the budget deficit. Although the school has submitted details that describe donation and fundraising efforts, without confirmation from donors it is unclear whether the school will have sufficient resources to meet its obligations in the current year and sustain operations in future years.

Response... to Remedy

- This is quite the contrary; it is true that DTEA has been operating with a negative balance, but does have a definitive plan to eliminate the budget deficit over the next few years, and is detailed through the fundraising action plan. DTEA is working very diligently to follow its plan of action in this process.
- The DTEA's board has made major efforts in networking relationships, and is evident through the recent activities of donations received confirms the diligence of the DTEA's efforts. (See Fundraising Efforts & Action Plan)
- Although it was unclear to CDE whether the school would have sufficient resources to meet its obligations in the current year, DTEA was able to make proper adjustments (reductions) at the end of the school year to finish strong and sustain a position to continue operations in future years.

- Administrative costs appear excessive compared to the number of students served. DTEA employs an executive director and site principal to serve approximately less than 100 students. In total, salaries for these two administrative positions represent approximately 17 percent of the school's total budgeted revenues in 2011–12.

Response... to Remedy

- DTEA make adjustments to its staffing and was able to reduce the 17 percent seemly excessive cost to 14 percent which created a reduction $36,371 to the expenses. There was also an additional $40, 432 saving in overall staffing adjustment equaling $76,803.
- As stated by CDE, administrative costs appear excessive compared to the number of students served, but when compared to the overall staffing budgeted revenues, it is not excessive. It is also understood, administrative cost is higher in smaller school due to economy of scale.
- Although, over the years, CDE had never raised the question of excessive administrative cost until their recommendation for a Notice of Violation. There has never been a discussion sharing or indicating, what percentage to the overall total revenue for administrative cost between the executive director and principal should be.
- DTEA has approximately 104 students, considered high need students. The executive director is an administrator who is also very involved in the academic components of the school. The executive director is an active member of the special education CEO Council and serves on the executive committee of that council. He also participates with various IEP's and SST meetings. The executive director is actively involved with professional development especially around aspects of Social Emotional training for staff and board, and actively works directly with Claremont Graduate University administration as it pertains to the business of the partnership for teacher training.
- The principal's main function, in the design of the school model, is the acting instructional leader responsible for direct instructional oversight, ensuring teachers are teaching according to the model and compliance to our charter.

FISCAL ANALYSIS (AS APPROPRIATE)

Operation of DTEA **has essentially no fiscal impact on the state as a whole**. Parents who choose DTEA, want an alternative to the local public school, and believe that DTEA's teaching methods and single-minded devotion to its students, best meet the needs of their child/ren.

CONSIDERATION

It is believed, at this point, that there is substantial empirical evidence provided that remedies the alleged violations, which provides grounds for DTEA to sufficiently move forward as a state chartered school.

DTEA has been working diligently with CDE throughout the process in addressing concerns, and as an acknowledgement, our organization has maintained a sharp focus on the bottom line. We believe our relationship, over the past years, with CDE has been good. Stephen Work, our direct liaison at the CDE has done an excellent job in keeping the school informed and focused on all issues. Within the timeline of the Letter of Concern, DTEA had been and continues working cooperatively with CDE, with continued progress. DTEA is actively engaged in its fundraising campaign with progress made. Our goal over the next two years is to remedy fiscal concerns and to have a surplus.

The proceeding documentation provides supporting empirical evidence of why DTEA believes a Notice of Violation is **NO LONGER an appropriate action** and because of the positive responsive interaction with CDE, DTEA should continue direct dialogue as charter school/authorizer without any further action/s addressed through the Notice of Violation process.

CONCLUSION

In conclusion, we hope that a skewed interpretation of the Education Code 47607 (c)(3), is not used as means to intervene and remedy the fiscal challenges of charters schools, and especially Doris Topsy-Elvord Academy. As noted, this section of the code only allows revocation proceeding to ensue for specific reasons and CDE has cited that DTEA has engaged in fiscal mismanagement as a cause for the Notice of Violation. Though we acknowledge the need to address the fiscal concerns on a go forward basis, we strongly refute the suggestion by CDE that DTEA ***may*** have committed material violations.

We strongly encourage the State Board of Education to deem the Notice of Violation remedied and give DTEA the opportunity to move forward with its strong plan of action. DTEA wholeheartedly committed to doing whatever is necessary to maintain its existence for the purpose of serving some of California's most needy students.

Thank you, in advance, for your fair consideration.

Sincerely,

Marvin Smith
Executive Director
Doris Topsy-Elvord Academy
a Micro-Enterprise Charter School

DTE Academy
Fundraising Efforts

Personal Donation		
Corporate Donation	$ 5,000.00	Donated Nov. 2011
Grant	$ 23,650.00	Donations Rec'd. from March 2012 - June 29, 2012
Board Member Annual Commitment	$ 28,650.00	Donations Rec'd. from Nov. 2011 to June 29, 2012
Employee Matching Gift	$ 12,500.00	Commitments
Event/Project Revenue	$ 41,150.00	Donations/Commitments Nov. 2011 - July 9, 2012
Commitment		

	Contribution Made By:	Amount	Type	Date Rec'd.	Check No.
1	Doris Topsy-Elvord 1048 E. 45th Way Long Beach, CA 90807	$ 5,000.00	Personal Donation	11/5/2011	7856
2	La Verne Duncan 3611 Lime Avenue Long Beach, CA 90807-4143	$ 500.00	School Board Member Annual Donation (Personal)	3/23/2012	1375
3	Capital Group 333 South Hope Street Log Angeles, CA 90071	$ 5,000.00	Employee (BOLDEN, Jason) Matching Gift Contribution	3/27/2012	62909
4	William Smith 2201 Hamer Drive Placentia, CA 92870	$ 2,500.00	School Board Member Annual Donation (Personal)	4/11/2012	4180
5	Michael and Terri Thompson 8630 Ellard Drive Alpharetta, GA 30022-1828	$ 1,250.00	Personal Donation	4/12/2012	10610514
6	Rick Eber The Eber Group, LLC 13 Stoney Pt. Laguna Niguel, CA 92677-1000	$ 500.00	Corporate Donation	4/15/2012	1006
7	Carl Kemp The Kemp Group 2235 Maine Avenue Long Beach, CA 90806-4134	$ 2,500.00	School Board Member Annual Commitment (Corporate)	4/15/2012	1181

DTE Academy
Fundraising Efforts

	Contribution Made By:	Amount	Type	Date Rec'd.	Check No.
8	James and Melissa Hankla 912 Lakeshore Boulevard P.O. Box 6084 Inclinde Village, NV 89450	$ 200.00	Personal Donation	4/21/2012	276
9	Bryan Bentrott DEXUS Property Group 4000 Westerly, Suite 110 Newport Beach, CA 92660	$ 1,500.00	Personal Donation	5/18/2012	246
10	Doris Topsy-Elvord World Fair (Project Fundraiser)	$ 600.00	Event/Project Revenue	6/25/2012	153006729 Cashier's Check
11	Gary and Cheryl Birch 221 Wolftone Drive Cripple Creek, CO 80813-9528	$ 50.00	Personal Donation	5/15/2012	1393
12	Edison International 2244 Walnut Grove Ave. Rosemead, CA 91770	$ 5,000.00	Grant	5/24/2012	1000012293
13	Bess J. Hodges Foundation C/O G.M. Consulting Inc. 5100 E. Anaheim Rd. Long Beach, CA 90815-4215	$ 1,000.00	Grant	5/29/2012	3875
14	Jameseta C. Hammons 1508 W. 145th St. Compton, CA 90220-1429	$ 50.00	Personal Donation	5/30/2012	2470
15	Kenneth and Laurie Reiner 26392 Dapple Grey Drive Laguna Hills, CA 92663	$ 3,000.00	Personal Donation	6/12/2012	5371
	Total Received:	$ 28,650.00	As of June 29, 2012		
16	Watts Law Firm	$ 5,000.00	Commitment for July 9, 2012		
17	(3) Board Member Commitments 2011-12	$ 7,500.00	Remaining BOD Commitments		
	Total Commitments:	$ 12,500.00			
	Total:	$ 41,150.00	Donations/Commitments Nov. 2011 - July 9, 2012		

DORIS-TOPSY ELVORD ACADEMY

FUNDRAISING PLAN 2012 – 2015

A good fundraising plan is -- a plan, -- within a plan, -- within a plan!

Fundraising Committee Members
LaVerne Duncan, Chairperson
Marvin Smith
David Letourneau
Sandra Holden
Samuel Ledwitz, Esq

SUMMARY

Overview of Process

This Fundraising Plan was created in support of Doris Topsy-Elvord Academy, a Micro-Enterprise School, in a concerted effort by the board of directors to create a strategic financial plan to address the financial crisis in public education.

A process to develop this plan was launched in the beginning of 2012, to develop, create and implement a sound fundraising plan that would sustain school operations, alleviate a current deficit and develop a cash reserve over the next three years. Assessing and understanding the complexities of the cash-flow problem, the board met numerous times, and has identified this topic as an ongoing priority agenda item for board meetings. A fundraising committee was developed to create the plan to address the funding needs. In the process, the fundamental principles of a good fundraising plan had been discussed in detail.

With much research and evaluating funding models, the process began with the choice of two simple models from which to build the foundation of the School's plan. The committee weighed the positive and negative aspects of both models with particular attention being paid to the predictability of funding which is critical now that state funding is having continued cuts and deferrals of cash payments.

After choosing a model, the committee developed a list of potential activities for the School to pursue, again with attention being paid to the predictability as well as the productivity in terms of funding. Activities are prioritized by predictability in funding and by labor requirement for execution, and the most important activity for all board members is to become fully engaged over the next three years in support of the plan.

Recognizing the value of outside scrutiny, and in understanding the debated pros and cons of the plan, knowing that this is a working document and never set in stone, soliciting outside help with the plan is also a priority. Weighing the urgency for a fundraising plan, the need to begin immediately on the execution of this plan and for the purposes of further refining the Fundraising Plan, it was understood that this process would continue to be refined as needed going forward.

A strategic plan is an organization's blueprint for carrying out its mission statement, and the School's mission and vision is the guiding light to keep everyone on the path of success for the best interest of the bottom line… the students!

Action Plan with Objectives and Milestones

1. Evaluate the effectiveness of the board of directors and make sure members are able and willing to make significant contributions and to solicit others for major contributions.
2. Create a large advisory board of directors of individuals that want to help with expertise but not as a committed board of directors.
3. Maximize the amounts contributed by donors.
4. Create the largest possible effective base of individual donors, corporate donors, and foundation donors.
5. Create the largest possible effective base of volunteers.
6. Plan and implement Annual Signature Banquet fundraiser.
7. Formulate new ideas and pursue additional fundraiser events.
8. Create a line of merchandize for sale.
9. Augment these programs with grant funds & corporate marking dollar.

Tactics

1. Maintain a development committee of the Board of Directors— consider renaming the committee from Fundraising Committee to Development Committee.
2. Institute programs to identify, rate, evaluate, and prioritize prospects, especially those who have the ability to make major contributions, both within the ranks of current support constituencies and from lists of prospective donors.
3. Identify major prospects that may find it attractive to underwrite or sponsor a specific program, service, or department on an annual, ongoing, or one-time basis.
4. Encourage directors to maximize their donations.
5. Encourage directors to solicit prospects with which they have influence and leverage as advisory board members.
6. Assist directors in developing a volunteer network of community leaders and executives who will champion the cause (solicit) for the organization.
7. Establish and maintain a development staff and/or train existing directors and staff to help direct and staff all fund-raising initiatives.
8. Develop compelling marketing materials that effectively communicate the organization's funding requirements to the board, other volunteers, and the public.
9. Strongly utilize social media sites and online presence support to create viral marketing opportunities.

Initiatives

1. Plan, initiate, and produce a social media campaign to provide viral marketing.
2. Plan, initiate, and produce an endowment campaign and planned giving program to provide income in perpetuity to support programs, services and growth.
3. Plan, initiate, and produce other appropriate campaigns: i.e., annual, capital, underwriting and sponsorship.
4. Institute a communication program to maximize awareness of the organization's value to the community coupled with social media.
5. Institute a recognition program to honor major donors or to utilize recognition ceremonies as fundraisers.

OBJECTIVES AND MILESTONES

❖ RECRUITMENT OF SKILLED FUNDRAISERS

Recognizing that some people excel in the area of fundraising and enjoy this work, it is important that every effort is made to recruit such gifted people to serve on the Fundraising Committee and Advisory Board or Board of Directors.

Objectives with Assessment Metrics

1. Recruit at least one, and preferably two members with fundraising skills and experience to serve on the Fundraising Committee.

Critical Input Milestones

1. Recruit one new Board member specifically skilled in fundraising who will serve on the Fundraising Committee.
   Beginning: 05/2012 **Completion:** When filled

2. Recruit additional advisory members specifically skilled in fundraising or who is willing to learn and be involved to serve on the Fundraising Committee.
   Beginning: 05/2012 **Completion:** Ongoing

❖ BOARD OF DIRECTORS & STAFF DEVELOPMENT

The Board of Directors can be the greatest asset for the School when it comes to fundraising. While it is important that every Board member participate in fundraising, having several Board members who excel in this endeavor and who are willing to work on an ongoing basis is paramount to the success of the School and the fulfillment of its mission. Likewise, staff can prove to be invaluable assets, and organizational support for staff training and recruitment should be ongoing.

Board member commitment to the school's mission, through their personal financial donations, is key to successful grant writing.

Objectives with Assessment Metrics

1. All Board members to contribute significant financial donations to the extent that is reasonable and never burdensome. The goal shall be to have 100% of the Board making a financial contribution every year.
2. Expand the fundraising knowledge base and resources of Board members and staff through training and recruitment.
3. Formalize organizational expectations of Board members, staff, and committee members by developing an Organizational Plan. Whenever possible, provide further understanding and clarity with effective written materials, periodic updates on successes and shortfalls, and informal discussions in small groups of three to five people.

Critical Input Milestones

1. Strongly encourage every Board member to donate financially every year in an amount that is designated as a board member.
   Beginning: 2012 **Completion:** Ongoing

2. Each year, have a minimum of two Board members and staff attends fund development training.
   Beginning: Spring 2012 **Completion:** Ongoing

3. At least two Board members and the executive director attend the annual California Charter School Association conference in March and with at least one person focused on budgetary and fundraising initiatives.
   Beginning: 03/2013 **Completion:** Ongoing

4. Provide quarterly reports on Board member fundraising initiatives, successes, and failures with the goal of enhancing Board willingness and effectiveness.
   Beginning: 06/2012 **Completion:** Ongoing

❖ INDIVIDUAL DONORS CAMPAIGN AND RETENTION

Predictability in generating funding and flexibility in spending of individual donations underlies the importance of marketing the success and good deeds of the school. While reports indicate that education makes of 14% of philanthropic giving, and with the poor state of education and the continued budgetary cuts through the government, the general population is concerned. Individual donors are more sensitive and want to help but need direction on where to help.

Current trends may indicate that an increasing percentage of people are willing to make educational matters a household priority hence setting the stage for innovate education that's making a difference get that financial support. The biggest problem is awareness. For that reason, social media and online donations is the priority and primary source of marketing the masses of individuals share and champion the school's cause.

Objectives with Assessment Metrics

1. All Board members to participate actively in social media campaign; recruiting individuals to advance the social media cause of the school.
2. All Board members, in teams of two or three, to host social house parties with the support of staff and committee members, and funded by the organization.
3. Committee, advisory board and staff to provide resources to Board members for fulfillment of the above two objectives.
4. Develop online donation program and strategies to increase the dollars raised with a goal.
5. Develop an e-mail messaging program for communicating regularly with donors and prospects.

Critical Input Milestones

1. Encourage Board members to work individually and collaboratively to recruit four new individuals on average each month to champion the cause.
   Beginning: 07/2012 **Completion:** Ongoing

2. Strongly encourage each Board member to collaborate in recruitment of key individuals for the social house parties.
   Beginning: 07/2012 **Completion:** 07/2013

3. Provide Board members with informative publications and staff support in order to facilitate social house parties for expertise/resource recruitment.
   Beginning: 07/2012 **Completion:** 07/2013

4. Track monthly online donations and evaluate the effectiveness of programs. Evaluate and update school's plan to increase website traffic by maximizing search engine rankings with improved meta tags, promoting school's fundraising campaigns on social media sites, and increase visibility on corporate partner's websites.
   Beginning: 06/2012 **Completion:** 09/2012

5. Research tracking tools for School's website to evaluate the online fundraising program by tracking the number of visitors that are converted into new donors and the number of gifts received from existing donors in direct response to an e-mail solicitation.
   Beginning: 05/2012 **Completion:** 07/2012

❖ EVENTS & ACTIVITIES

Fundraising events can provide a substantial percentage of funding into the overall organizational budget. "Leaders & Learners" of the 21st Century Awards Banquet is the annual signature event. This venue provides the School an opportunity to involve the community at large in a very positive manner while reaching all stakeholders in support of the event. Other smaller activities and events will be conducted through the year around the signature event in support of marketing and outreach.

While fundraising events are labor intensive, special event programs will provide a venue for Board members, Advisory members, staff, and volunteers to become involved in the school's overall fundraising. Opportunities to partner on fundraisers abound and could serve the School ways other than funding.

Objectives with Assessment Metrics

1. Market the "Leaders & Learners" event annually in early spring in a venue that will accommodate a large attendance.
2. Maximize corporate marketing sponsorships through effective recognition of key "Leaders & Learners" in the corporate arena.
3. Research and evaluate the possibility of adding two or three small fundraising event each year in support of the signature event.

Critical Input Milestones

1. Start marketing signature event – reaching pre-attendees of 250.
   Beginning: 06/2012 **Completion:** On-going

2. Research, evaluate and secure event location/s.
   Beginning: 05/2012 **Completion:** 09/2012

3. Research and evaluate adding one or two small support fundraising events.
   Beginning: 05/2012 **Completion:** 09//2012

❖ CORPORATE SPONSORSHIPS

Corporate giving is on the rise throughout the country and locally. Reliability of annual giving is quite high and, generally, more than half of corporate donations will be repeated the following year. Additionally, corporate donations are typically unrestricted in spending making them ideal for fundamental organizational expenses—expenses that are typically not funded through foundations and grants.

Objectives with Assessment Metrics

1. Expand and grow relationships with current corporate donors through effective and informative solicitation and thank you letters, public recognition campaigns and letters to the editor, and/or direct service to employees. Corporations who receive this attention will be more likely to give annually.
2. Increase the number of corporate partners/donors each year by soliciting new corporate sponsors, as well as encouraging partnerships.

Critical Input Milestones

1. Actively seek corporate sponsorship renewals year after year with the goal of retaining 80% as ongoing annual donors.
   Beginning: 07/2012 **Completion:** Ongoing

2. Increase corporate partnerships by three each year.
   Beginning: 2012 **Completion:** 2015

❖ MAJOR & FOUNDATION DONORS

Major donors and foundations can be valuable sources of programmatic funding, and in rare cases, sources of operational funding. Whenever the school's goals and pursuits are compatible with foundation grant programs, every effort should be made to apply for funding. While foundation funding does, from time to time, come to the School unsolicited, members should be encourage to continually ask about opportunities and to periodically look for new sources of foundation support.

Currently, the School has started the process of research, planning and outreach to foundations that are in alignment to the School's mission and goals. To date, the School has connected with Edison, Verizon, Professional Athletes, and Capital Group foundations. This funding is essential to the School's bottom line.

Objectives with Assessment Metrics

1. Continue to research and identify opportunities for programmatic funding from foundations and trusts whenever funding is compatible with the School's programming and mission, such as the STEM.
2. Continue to meet the goals and objectives of current funders.

Critical Input Milestones

1. Encourage Board members and staff to research grant opportunities on an ongoing basis with the goal of getting one or two new grant awards annually.
   Beginning: 2012 **Completion:** Ongoing
2. Comply with current funders requirements by applying, reporting and executing foundation deliverables.
   Beginning: 2012 **Completion:** Ongoing

Appendix A - Revenues Budget Goals 2012-2015

FUNDRAISING BUDGET 2012 - 2014			
REVENUES	2013	2014	2014
Individual Donations	20,000	40,000	80,000
Fundraiser "Leaders & Learners"	30,000	60,000	80,000
Special Event/s Fundraiser	10,000	20,000	40,000
Corporate Donations	15,000	20,000	30,000
Foundations and Trusts	50,000	75,000	100,000
TOTAL	**125,000**	**225,000**	**330,000**

COUNCILMEMBER STEVEN NEAL
Ninth District, Long Beach, California

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Long Beach, California 90802
Telephone: 562-570-6137
Fax: 562-570-6659
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www.longbeach.gov/district9

April 30, 2012

To California State Board of Education,

This letter represents my support of Doris Topsy-Elvord Academy, a Micro-Enterprise Charter School. As the councilmember of the 9th District of Long Beach, Doris Topsy-Elvord Academy is a steeple of the new development happening in North Long Beach and is a very valuable asset to this community I represent.

I have witnessed the hard work and dedication of Marvin Smith from the start of the school and his focus has always been about what's right for the students. The school board is a dynamic group of individuals, and I have had the opportunity to be a guest to various meetings and events at the school whereby I am always impressed with their integrity and acumen of the group.

I am fully aware and understand the financial difficulty the school is facing and has faced in its continued evolution of development. In this process, I am working diligently in helping to leverage resources to see the school move pass this temporary stage.

North Long Beach is a working class community. There are high levels of childhood obesity, asthma, hypertension and diabetes. Healthcare and access to education is a huge need for this community. As compared to other parts of the city, education levels are somewhat lower. This is a community that needs more infrastructures in the sense of employment opportunities, as well as education opportunities and the school serves a critical need in our community, my district.

I am confident the school is going to move beyond this phase because I have actively joined forces with the school to help change its bottom line on behalf of the students that need it the most.

Sincerely,

Steve Neal
Councilmember, 9th District
City of Long Beach, CA

Newsweek®

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(Left to Right)
Michael McGuire, J.D. (of counsel)
Martin Ledwitz, Director of Marketing
Brian Chou, J.D., M.B.A.
L. David Gomez, C.P.A.
Matthew C. Yu, J.D. (of counsel)
Caroline Borncamp, J.D. ◊
David Kozich, M.P.A., J.D., LL.M. (of counsel)
Samuel B. Ledwitz, J.D., LL.M. ◊ +
Paul Velasco, J.D. + (of counsel)
Kamila Ledwitz, Marriage and Family Therapist
Gary Talavera, J.D., LL.M. + (of counsel – not shown)
◊ Also admitted in Washington, D.C.
+ Certified Specialist in Estate Planning, Trust & Probate Law, State Bar of California, Board of Legal Specialization

Proudly Supporting Performing Arts in The South Bay Cities

Samuel B. Ledwitz and Caroline Borncamp with James A. Blackman, III Executive Director / Producer & Founder, CLOSBC

The largest producing civic light opera in all of Southern California, the Civic Light Opera of South Bay Cities is a not-for-profit cultural arts institution dedicated to the preservation and presentation of our unique American musical art forms.

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Helping a Long Beach Charter School Serve At Risk Youths

Based on Samuel Ledwitz's life-long passion for education, our firm is honored to be the Planned Giving Partner for the Micro-Enterprise Charter Academy (MECA).

Samuel B. Ledwitz and Marvin Smith, M. A., Founder of MECA

Founded by former NFL player Marvin Smith, MECA is a truly innovative non-profit middle school that serves disadvantaged youths. A NASA partner school expanding to K-12, MECA offers unique brain-based education that has inspired MECA students to outperform all other charter middle school students in Long Beach.

www.go-meca.org

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May 4, 2012

Mr. Marvin Smith
Executive Director
Micro-Enterprise Charter School
5951 Downey Ave.
Long Beach, CA 90805

The Law Firm of Bezaire, Ledwitz and Borncamp, APC is committed to supporting the Doris Topsy-Elvord Academy, a Micro-Enterprise Public School. The firm is using their resources to help the Academy with:

- Building a strong Social Media and Internet presence
- Printed literature and marketing materials
- Support from their staff in marketing, publicity and fundraising
- Establishing and managing a planned giving department

Bezaire, Ledwitz and Borncamp is Southern California's most comprehensive Estate Planning Law Firm that provides a uniquely credentialed and experienced team of professionals exclusively dedicated to Estate Planning, Administration, Litigation, Probate and related areas.

Our Firm's Managing Partner, Samuel B. Ledwitz J.D., LL.M., a former schoolteacher himself, has supported charities throughout his career . Mr. Ledwitz is a legal specialist in Estate Planning, Trust and Probate Law as Certified by the California Board of Legal Specialization of the State Bar of California. Additionally, he is a two-time winner of the prestigious Five Star Wealth Manager Award, has appeared in Newsweek Magazine, Los Angeles Magazine, and the Torrance Daily Breeze, and is rated an Excellent Rated Attorney by AVVO attorney rating services. He is a member of the Los Angeles, Long Beach and South Bay Trust and Estate Planning Councils.

Mr. Ledwitz attended Pepperdine University School of Law (J.D.) His emphasis was in estate and income tax. While at Pepperdine, he also served as a judicial extern in the Superior Court of Los Angeles. Mr. Ledwitz earned a master of law in estate planning while attending the University of Miami School Of Law (LL.M.-estate planning).

We are pleased to participate along with Apple, The NFL, The City of Long Beach, NASA, Edison, Verizon and other major organizations in the school's efforts to grow and continue to provide an invaluable resource to the surrounding community.

Our firm has an extensive network of professional and personal resources that we make available to the Academy. Through our contacts, we have arranged for The Lions Club of Long Beach to provide fundamental oral and eye care to students through the club members. We have also used our connections in the local banking industry to support the Academy. For activities such as this, we arrange press coverage and other media exposure to maximize the reach to the public and professional organizations. We have also been actively working with the Academy to provide professional technical expertise in building their donor base through Social Media channels such as Facebook and other Internet based communication methods. We began by establishing basic ways to donate over the internet (PayPal), and continue to expand in these areas.

Our firm also uses more traditional methods to raise funds for the Academy. We have been creating printed materials to bring awareness to our clients and potential donors who come to our Law offices. These individuals are capable and willing to contribute through planned giving. This has been an untapped resource up until now. However, with our Firm's backing and credentials, we now have the ability to bring in significant donations through estate planning methods.

Planned, charitable giving is defined as a method of supporting non-profits and charities that enables philanthropic individuals or donors to make larger gifts than they could make from their income. While some planned gifts provide a life-long income to the donor, others use estate and tax planning techniques to provide for charity and other heirs in ways that maximize the gift and/or minimize its impact on the donor's estate. Thus, by definition, a planned gift is any major gift, made in lifetime or at death as part of a donor's overall financial and/or estate planning.

Our Firm feels strongly that helping the children of today is what pays the most dividends for the children, their families and society as a whole. We are very pleased to be associated with the Academy and will continue to support their tireless efforts to provide for those in need.

Kindest Regards,

Samuel B. Ledwitz, J.D., LL.M.

Opus
Community Foundation

June 6, 2012

Mr. Marvin Smith
Executive Director
Doris Topsy-Elvord Academy
5951 Downey Avenue
Long Beach, CA 90805

Dear Mr. Smith:

Thank you so much for the wonderful tour of Doris Topsy-Elvord Academy. I very much appreciate your time. Our conversation was enlightening and I now have an understanding of your school's demographic, mission, and plan for the future, which I was not previously aware of.

I am so very impressed by you, your staff, and especially your students. It is evident that you are truly making a positive and meaningful impact in their lives, even beyond the classroom. You are helping them reach their full potential through powerful education and you are giving them the tools to succeed.

It is not every day that I meet people with the passion, drive, and ability to take head on what you are accomplishing. With your continued influence, these students will someday be leaders in their own communities.

This letter is to confirm that I will be presenting a grant proposal to our Foundation Board for approval. Please be informed that our meeting will take place at the end of June and the grant awards will be determined at that time.

It is important to spread the word about what you are accomplishing and share your story with others. I am pleased to say that I am an advocate and I have already started contacting people that could be good partners and funders for your cause.

Keep up the great work. You are an inspiration to us all.

Sincerely,

Katie Steele
Executive Director
Opus Community Foundation

19900 MacArthur Blvd., 12th Floor, Irvine, CA 92612 949.250.9800

ANTIOCH
Church of Long Beach

PASTOR WAYNE CHANEY JR.

OFFICE 562 591 8778
FAX 562 599 6048
www.antiochlb.com

April 30, 2012

To California Department of Education,

Doris Topsy-Elvord Academy is a valuable asset to our community of North Long Beach and I am wholeheartedly in support of the school. I am the Senior Pastor of Antioch Church, which is one of the largest congregations in Long Beach with membership over 2500.

I am impressed with the continued development of the school, but more so, seeing the impact and growth of the students. I have members that have children at the school who have been very pleased with the work of the school. I really like the focus of the school... developing the whole child. Mr. Smith has been invited to our church on various occasions to share with my congregation the uniqueness of the school and his passion to impact the lives of youth. I have witness the hard work and dedication of Mr. Smith and his work is not in vein. We are starting to see the fruits of his labor manifested in the student promoting from the school, and at this time there is a need for an elementary and high school aspect of Doris Topsy-Elvord Academy.

As it is well documented public education is facing financial difficulty and especially charter schools. Long Beach is a large city with very few charter schools; the need for support is great. There is no school in Long Beach that is serving a population of high need middle school student with the kind of innovative approach that Doris Topsy-Elvord Academy employs which is impressive.

Understanding a need for support to Doris Topsy-Elvord Academy to get out of this tough financial crisis, we are committed to making a financial commitment. We are also going to help in marketing the school for recruitment purposes. Making a commitment in these two areas will definitely help the school financial bottom line.

I am confident in Mr. Smith's leadership and the team around him to navigate through these tough financial times and we are here to help!

Sincerely,

Wayne Chaney, Sr Pastor
Antioch Church of Long Beach

PROFESSIONAL ATHLETES FOUNDATION
THE GENE UPSHAW PLAYER ASSISTANCE TRUST FUND

Mr. Marvin Smith
Executive Director
Doris Topsy-Elvord Academy
5951 Downey Avenue
Long Beach, CA 90805

Dear Mr. Smith,

This letter is to confirm receipt of your grant application.

The Professional Athletes Foundation (PAF) was created to provide vocational, educational and athletic opportunities for people of all races, religions and nationalities, who because of economic disadvantage or other reasons might not have the fullest opportunity to develop their abilities. Thus, we thank you and your school for your application and dedication to such causes.

Moreover, we commend you on the work that you do and continue to do in public education along with

From: "Murray, Michael T \(MIKE\)" <mike.murray@verizon.com>
Subject: Doris Topsy-Elvord Academy/Verizon
Date: Sun, May 27, 2012 8:00 am
To: "'marvin.smith@gomeca.org'" <marvin.smith@gomeca.org>,"'Carl Kemp'" <carl@kemp-group.com>

Mr. Marvin Smith
Executive Director
Doris Topsy-Elvord Academy
5951 Downey Avenue
Long Beach, CA 90805

Dear Mr. Smith:

This is to let you know that your grant application for the Doris Topsy-Elvord Academy's Micro Enterprise Academy has been received. Thank you for your application. The application is under review and a determination will be made within the next couple of months.

I admire the work you're doing with the Academy in the midst of the state budget crises and the impact it's having on all levels of education. You have set the example that we all need to work in our respective areas -- public and private -- to secure an education that gives all children the tools to compete. Your emphasis on technology and its expanding role in education bodes well for your students.

If you have any questions about Verizon's grant making process or the status of your application, please contact me.

Sincerely,

Mike

Mike Murray
Director -- Government & External Affairs
One World Trade Center, #206
Long Beach, CA 90831
562-435-9594 office
562-708-7886 cell
562-435-9810 fax

c: Carl Kemp, Chairman of the Board of Directors

Claremont
GRADUATE UNIVERSITY

Teacher Education Department

April 24, 2012

To the California Department of Education,

I am writing to state my support for the Doris Topsy-Elvord Academy run by the Micro-Enterprise Charter Academy. The Claremont Graduate University Teacher Education Program has been a significant partner in the academic growth of this school during the 2011-2012 academic year. I have worked with Marvin Smith and his instructional leader Troyvoi Hicks to provide professional development for their teachers, place student teachers under their best instructors, write grants and provide curricular and assessment advice. The mission of the school is close to my heart and my hope is that we may continue to partner with this charter organization to create a lab school environment where our faculty have a regular presence on the campus through mentoring student and intern teachers and providing professional development for all teachers. The draw for me is the flexible environment offered by the charter school, the willingness of Mr. Smith to employ our graduates and place our student teachers, and his desire to see us create a lab school environment where we can implement research based teaching strategies and measure student growth to drive real-time instructional improvement and learning.

This year we have had four faculty members working with the school. Dr. Wayne Snyder and Dr. Ilene Foster have provided professional development in brain-targeted teaching strategies (Mariale Hardeman), classroom management and formative assessment (Page Keeley). Professional development has been driven by observed needs and teacher feedback. Additionally, Kathryn Gough and Becky Orona have provided monthly support to two student teachers and one teacher intern.

The school's emphasis has been on the whole child and preparing kids for college and career. Our focus has been on helping teachers in the areas of curriculum and assessment to enhance their benchmark testing protocol to better assess student growth and drive instruction. I am aware of the school's vulnerable financial position. I have attended recent board meetings to assess for myself the new work being done in fund raising, both short and long term. While our contributions are not monetary, all support provided has been free of charge in an effort to grow the school in both quality and quantity. I feel confident that future fund raising endeavors will bear fruit and I personally have been helping the school with grant applications although CGU as an institution is not currently in any kind of financial arrangement with DTEA.

925 North Dartmouth Avenue • Claremont, California 91711-6160

Tel: 909.621.8076 • Fax: 909.607.7793

It is my assessment that with our partnership and the new fundraising leadership on the board, we can continue to judiciously place student teachers, interns and provide all staff professional development in ways that enhance the schools continued growth and economic feasibility.

I would be more than happy to answer any questions you may have.

Sincerely,

Lisa S. Loop

Co-Director

CCSA California Charter Schools Association

1107 9th Street, Suite 200 • Sacramento, CA 95814 • p 916-448-0995 • f 916-448-0998 • www.calcharters.org

May 4, 2012

Michael Kirst, President
Members of the Board
California State Board of Education
1430 N Street, Suite 5111
Sacramento, CA 95814

Dear President Kirst and Board Members:

I am writing on behalf of the California Charter Schools Association (CCSA) regarding recommendations of the California Department of Education (CDE) and your Advisory Commission on Charter Schools (ACCS) concerning the following items on your May agenda:

Item 9: Doris Topsy-Elvord Academy: Consider Issuing a Notice of Violation Pursuant to California Education Code section 47607(d).

Doris Topsy-Elvord Academy (DTEA) is a small charter school in Long Beach with an approximate enrollment of 100 students serving grades 6-7. DTEA has 81% free/reduced price lunch eligible students and has a 2011 API of 648. This school, like many charter schools and school districts in California, is facing a tough budget environment. For DTEA, the volatility of the state budget and deferred apportionments are further exacerbated by a transient student population and the schools small size.

The CDE has identified several areas of concern regarding the school's budget and ongoing fiscal viability. These issues were first raised with the school by CDE last October and the school has been responsive to CDE's inquiries. Their Board and Executive Director are actively engaged in a fundraising plan which will hopefully remedy their budgetary concerns. We agree that there are legitimate concerns with the continued successful financial operation of DTEA, and we commend the CDE for identifying these issues and bringing them to the attention of the board. Education Code section 47604.32 not only allows, but requires an authorizer to monitor the fiscal condition of each charter school under its authority. Ensuring that DTEA is fiscally viable is an important function of a charter authorizer.

However, CCSA has grave concern over the application of Education Code section 47607(c)(3) as the means to intervening and remedying the fiscal challenges facing this school. This section only allows revocation proceeding to ensue for very specific reasons. CDE has cited that the school "has engaged in fiscal mismanagement" as the cause for this Notice of Violation. We do not believe that the fiscal challenges facing this school constitute "fiscal mismanagement" for the purposes of issuing a Notice of Violation and, in essence, beginning revocation proceedings.

While there is no explicit definition in law for what constitutes "fiscal mismanagement," the term itself connotes some wrongdoing or negligence on the part of school officials in charge of financial operations. The CDE report in no way suggests that the school has engaged in any mismanagement, negligence or other wrongdoing.

We believe that enacting the revocation process for a school in financial difficulty, absent any suggestion of "mismanagement" is an improper and unnecessarily broad interpretation of the revocation statute. We further believe that there is ample authority of the board to intervene in its role as authorizer to request a correction plan from the school that ensures its financial vitality without unnecessarily applying the revocation statute. We are concerned that applying the revocation statute in this case would establish a precedent that could greatly expand the cause of revocation, while perhaps narrowing charter authorizers' authority to intervene in the scope of normal oversight authority.

Both the school and CDE have been responsive to each other through this process, beginning in October of last year when CDE first sent a letter of concern to DTEA, and progress has been made. Their interactions to date suggest that the school and CDE could continue this dialog as part of their authorizer-charter relationship without a Notice of Violation under the revocation law. We encourage you to reject the Notice of Violation, but alternatively take other appropriate action, which may include a request for a financial plan from the school or other monitoring and corrective intervention, as part of your ongoing oversight authority.

CCSA is willing and available to provide any support or assistance we can to the school or the board to resolve these issues and secure the ongoing success of DTEA. If you have any further questions about this item, please do not hesitate to contact me. CCSA appreciates your consideration on this item.

Sincerely,

Colin A. Miller
Vice President, Policy