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Date of Receipt by TEA: _____	Date of Committee Review: _____
_____ Approved _____ Not Approved	Date of SBOE Review: _____
	Beginning Date of Operation: _____

**Application for Approval of an
Open-Enrollment Charter**

Instructions: The open-enrollment charter proposal must be submitted in contractual form including, in the order of the items below, these same components. Attach the following after the answers to the questions below: (1) signed facilities agreement, (2) evidence of parental/community support for the proposed charter, and (3) documentation of non-profit status.

Submit two copies of the completed application with attachments to the Texas Education Agency, Document Control Center, 1701 North Congress Ave., Austin, Texas 78701. For assistance, contact the Division of Charter Schools at (512) 463-9575.

Chief Operating Officer
of Proposed Charter: Richard Baumgartner Title: Founder/Director

Name of Sponsoring Entity: Rise Academy

The applicant is an "eligible entity" under the following category (check one):

- an institution of higher education (TEC 61.003);
- a tax-exempt organization [501(c)(3)];
- a private/independent institution of higher education (TEC 61.003);
- a governmental entity.

Sponsor Address: 824 Lakeway Avenue City: Kalamazoo, MI

Zip: 49001 Phone Number: (616) 382-0257 FAX: (616) 337-6698

- Type of charter sought: (check only one)
- an open-enrollment charter under TEC 12.1011(a)(1)
 - an open-enrollment charter under TEC 12.1011 (a)(2) (75% rule) (applicants for this charter must complete additional question #10 and sign the additional assurance found on page 30.)

Name of Proposed Charter School: Rise Academy

Date of proposed opening: September 1999

120/0782/98-014

Lots 1-8, Block 12,

Charter Site Address: Bozeman Heights Addition City: Lubbock
 Zip: 79403 S. W. corner of Guava & 3rd Place
 Phone Number: (616) 382-0257 FAX: (616) 337-6698

Correspondence Address: 824 Lakeway Avenue, Kalamazoo, MI
 City: _____ ZIP: 49001

Grade initially K Initial Est. Maximum
 Levels: ultimately K-8 Enrollment: 46 Enrollment: 180

The charter will primarily serve an area that is geographically: urban
 suburban
 rural

The proposed charter will be located in State Board District 17 (number).

In succinct terms describe the proposed school including grade levels offered, student populations served, educational focus and any other essential characteristics. For example, "The Seventh Avenue Charter School is designed to recover students who have dropped out of high school and prepare them through vocational training to be productive contributors to society."

Rise Academy is designed to provide minority, elementary-age children with

the opportunity for a quality, college preparatory education beginning with early

immersion in basic skills and continuing with a challenging, high standards curriculum

through the 8th grade.

Indicate the approximate percentage of each student population in as many categories as are applicable:

_____ pre-kindergarten; 4% special education; _____ migrant;

75% economically disadvantaged; _____ limited English proficiency;

_____ gifted _____ recovered dropouts; _____ at risk of dropping out;

_____ pregnant or parent students _____ other: _____

1. LONG RANGE VISION AND GOALS

A. Vision Statement

Rise Academy (RA) will be a Texas Open-Enrollment Charter School located in Lubbock and dedicated to providing inner-city elementary children with a better prospect in life through superior education. The school shall operate on the belief that every child has the right to adequate educational opportunity, and that, with proper instruction and support, every child can become an academic achiever if he or she so chooses. For this reason, admission to Rise Academy shall be open to those families who agree to abide by the standards, values, and educational philosophy of the school.

Rise Academy will vigorously address those fundamental problems facing contemporary public school education which lie squarely in the classroom: *the lowering of academic standards and expectations, the watering-down of curriculum, and the need for more effective teaching methodologies.* In short, in order for urban education to improve, we must change not only **what** we are teaching our children, but also the **way** in which we are teaching them.

The first and most basic objective of any educational system should be to provide each child with the academic tools necessary to become a productive and self-sufficient member of society. The second and more significant goal of education should be to encourage individual thinking and creativity. Such self-actualization can only come about when students possess a strong command of the basic skills: reading, writing, and mathematics. **The Rise Academy program, therefore, will place heavy emphasis, especially in the early grades, upon the mastery of these basics.** From such mastery the independent-thinking student—who thinks, reads, and writes critically and freely—can arise.

At Rise Academy, the traditional values of personal responsibility, industriousness, discipline, self-reliance, honesty, and the respect for others will be a regular component of daily instruction. So too will be the development of leadership skills in the students. *The aim of Rise Academy will be to develop children who are confident, possess strong self-esteem, and who are positive towards life in general.*

As so envisioned, Rise Academy shall serve as a beckoning phoenix upon which its children shall be pulled upward and forward by the promise of the future.

B. Long Range Vision

The long range vision for Rise Academy is to begin with approximately 46 students in two kindergarten classrooms and expand by adding one grade level each year until ultimately a complete K – 8th grade school is instituted. By its ninth year of operation, when 8th grade is added, Rise Academy is projected to reach a maximum enrollment of only approximately 125 students. This small-scale enrollment reflects the emphasis at Rise Academy on educational quality versus quantity. The minority student population targeted by the academy can be best served in a smaller scale setting where the children have a greater prospect of interacting from one year to the next with the same teachers and staff. In addition, in order for Rise Academy to reach its rigorous academic goals, a great deal of individual attention must be provided to each student, and this can be better accomplished with a smaller total student body.

Upon graduating from Rise Academy, 8th grade students should be equipped with strong academic skills and a solid knowledge base so as to successfully pursue a college preparatory curriculum with their high school peers.

C. Student Achievement Goals

Goal 1: Students will develop strong command of the basic skills: reading, language arts, writing, and mathematics, and perform at or above the average on state-wide and national standardized tests in these subject areas by year's end.

Goal 2: Students will think independently, critically, and creatively. Students will develop an ability to formulate opinions and offer rationale in classroom discussions and in writing. In addition, students will learn to connect knowledge gained both within each subject area, and among the several subject areas.

Goal 3: Students, beginning in the 3rd grade, will develop basic knowledge of: United States and world geography; major United States, world and ancient pre-Hispanic and African historical events, civilizations and time periods; the African American and Latin American experience through various perspectives.

Goal 4: Students, beginning in 3rd grade, will develop basic knowledge in the scientific disciplines of: human physiology and anatomy, biology and ecology, and elementary chemistry and physics. Students, particularly those in the upper grades (6-8), will learn the process of the scientific method.

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Goal 5: Students will articulate clearly and convincingly in a verbal presentation.

Goal 6: Students will honor the traditional values of industriousness, self-reliance, personal integrity, and respect for others, along with other basics aspects of character development.

2. GOVERNANCE STRUCTURE

General Description. The governing structure of Rise Academy shall consist of a board of directors of not less than three (3) members, of which one (1) member shall always be the RA Founder/Director. (Texas state law does not prohibit the inclusion of paid employees on the governing boards of charter schools. See TEA legal memo dated 6-30-98, attached.) For the purposes of description, this governing structure can be defined as Creator Inclusive Governance (CIG). Simply put, CIG states that those person(s) -- in this case, the RA Founder --who work, sacrifice, and risk the most in the creation of the charter school shall maintain a fundamental role in the formal, on-going governance of that entity.

Rationale for CIG. The crucial purpose of Creator Inclusive Governance is to protect and maintain the integrity of the charter school over time. Early experience from the charter school movement suggests that the original visions and founding principles of many schools are cast aside either soon after governing boards assume power, or after their initial boards change composition over time. Michigan, a leading state in the development of charter schools, provides several examples: West Michigan Academy of Environmental Science (Grand Rapids), El Shabazz Academy (Lansing), Learning Center Academy (Byron Center), Pansophia Academy (Coldwater), and Northside Preparatory School (Kalamazoo).

The reconfiguration of a charter school away from its original conception, as formally defined in its charter contract, poses a number of fundamental problems to the school's genuine stakeholders (students and parents) and to the public (taxpayers) in general. The whole concept of charter schools is to provide clear and definite educational choices to parents. For parents to make informed, discriminating choices, they must have assurances that the charter school they choose is really being operated, educationally and otherwise, as originally advertised. Similarly, taxpayers should have some assurance that the charter schools authorized by public officials (department of education personnel, etc.) really resemble the entities described in the charter contract and application. In too many instances in the charter school movement, this is not happening. And it is often not happening principally because charter school founders many times find themselves out of the governing structures of the very schools which they create.

In general, no one is better suited to preserve the original intent of a charter school than the individual(s) who create(s) it. In this respect, the Texas charter school legislation is superior to that of most other states, in that it allows school founders (who are likely to be career educators) to both serve as a school's paid administrator, and at the same time hold membership on the school's governing board of directors. A few states do recognize this crucial linkage between founders-teachers and their necessary inclusion in the charter school's governance. Minnesota law, for example, *requires* that a majority of the members of the board of directors be teachers in the school. (Nathan, *Charter Schools*, 1996)

De facto creator inclusive governance is already in place in the structure of many charter schools, in the form of professional management company school administration. Officially, the local charter school board retains formal governance under contract arrangements with a management company. But in practice, these professional, for-profit, corporations have preponderant practical control of the school, since such companies typically provide start-up capital, hold the leases on school facilities, maintain the teaching and administrative staff on their payrolls, and even recruit local individuals in a community to serve on the charter school board. In such instances, then, the impetus for the establishment of the school, as well as the material investment in its establishment, comes from the management company. With such an arrangement, functional control lies with the corporation -- de facto CIG. The good news about this type of relationship is that management company schools frequently operate more effectively and remain more consistent to their original missions than non-management schools which are often racked by local board infighting, particularly when the original school founder(s) are not empowered to exercise a stabilizing influence due to a lack of governing board membership.

Rise Academy will not operate as a management company school. However, to protect the stability and integrity of the academy, RA will include the concept of Creator Inclusive Governance in its board structure to inhibit the possible reconfiguration of its promising mission and instructional design by individuals not intimately involved in the task of the school's creation.

Board Composition. The Rise Academy board of directors shall consist of not less than three members, of which one member shall always be the RA Founder/Director. For the purposes of obtaining legal recognition as a non-profit corporation, the RA director has established a three-member initial board of directors which presently constitute the governance of the Rise Academy initiative. Once formal charter status is achieved, Rise Academy will seek qualified persons from the Lubbock community to partially replace or add to its current board of directors.

Selection of Board. Selection of qualified persons to serve on the Rise Academy board of directors will be a very careful, thorough process. All efforts will be made to first attract experienced leadership which is representative of the minority communities in Lubbock. Personal references of all candidates will be verified. Criminal background checks will be conducted. Above all, board candidates must demonstrate a genuine commitment to the vision and educational philosophy of Rise Academy. All necessary time will be allotted before the appointment of any new additions to the board takes place. Again, the protection and furtherance of the founding mission and principles of Rise Academy must remain of foremost consideration.

Board Responsibilities. The full governance of the business, property, and affairs of Rise academy shall be managed by its board of directors. The RA board of directors may exercise any and all powers granted to it under the Texas Non-profit Corporation Act or pursuant to Chapter 12, Subchapter D of the Texas Education Code. The board may delegate such powers to the officers of the board as it deems necessary, and as permitted by law. The RA board of directors must at all times bear in mind that its role in school governance is defined as general, policy-making, and oversight in nature. Day-to-day administrative operation of the charter school is the appropriate role of the RA executive director, and the members of the board of directors must refrain from encroaching on the executive's proper realm of authority. In all cases, members of the board of directors must refrain from "micro-managing" the routine affairs of the school.

Executive Director's Role & Responsibilities. Day-to-day administrative operation of the charter school is the appropriate role of the RA executive director. The director is the head administrative and instructional leadership position. The director is responsible for the planning, direction, oversight, and implementation of the daily functions of the school, including, but not limited to: personnel management, including staff recruitment, hiring, training, performance appraisal, and employee discipline and termination; school administration, including curriculum development, selection of educational materials, enrollment, student testing, data collection and reporting, and student discipline; operations management, including strategic planning, designing administrative procedures, directing business, finance, and accounting systems, and purchasing activities; community relations, including facilitating parental involvement, community support, and producing effective marketing and fund-raising strategies.

Parent/Community Advisory Board. To enhance the input of key elements of the school community, Rise Academy will establish a parent/community advisory board. This board shall consist of a maximum of 5 members, of which 2 shall be parents of students currently enrolled in RA, and 3 shall be representatives of the community within RA's designated service area. The role of this parent/community group will be to provide the RA board of directors with advisory input into the academy's decision making process. To facilitate this

process, advisory board members will be encouraged to communicate with parents at large, attend meetings of the RA board of directors, and otherwise play an active, constructive role in forwarding the Rise Academy mission.

Faculty Input. RA teachers and staff members will be encouraged to offer suggestions, provide input, or otherwise contribute to the school's decision making process, in an advisory capacity. All faculty must accept the RA director as the administrative and instructional leader of the school, and any suggestions with respect to the program design, or any other matter, must be in line with the original vision of Rise Academy. All staff concerns must be first brought to the attention of the RA director. Staff should approach the board of directors only when serious matters which have not been adequately dealt with by the RA director within an appropriate period of time remain at issue.

Line of Authority. The hierarchy of authority of the governance and supervision of Rise Academy begins at the top with the Board of Directors. Second in the line of authority is the RA executive director. Teachers and staff constitute the third level of authority. (Within the classroom, teacher assistants are subordinate to the teachers with respect to issues such as classroom management, student discipline, and communications with parents.) Any school related issues must be brought forth in a manner consistent with this straight-forward line of authority. Staff concerns must be first brought to the attention of the RA director. Under no circumstances should staff appeal directly to board members regarding school issues unless the director has repeatedly refused or failed to address a particular matter. Similarly, if a teacher's aide has an issue or concern with a lead teacher, the aide must first address it with that teacher, and only approach the RA director if the matter remains unresolved. Parental concerns must follow the same chain of command.

3. EDUCATIONAL PROGRAM

A. Curricular Scope & Sequence as Related to Essential Knowledge & Skills

What we teach children does matter. Great expectations can only materialize into actual achievement when matched with an above-average curriculum. At Rise Academy, the curriculum will be challenging, high interest, and rich in language and vocabulary. Subject matter will emphasize moral reasoning, and for this purpose, among others, the classics of literature will be prominent. RA will feature a universal curriculum and education. The debate regarding a "Euro-centric" versus a culturally-specific (such as Afro- or Latino-centric) curriculum is needlessly limiting to students from either perspective. Minority children are not better educated with an exclusively culturally-specific curriculum. But neither should such children be subjected to a body of knowledge that excludes or minimizes the

contributions of their ancestors. What is needed is a wholistic curriculum which is inclusive of various peoples and cultures.

The Rise Academy educational program will incorporate the required curriculum under Texas Education Code Chapter 28, including the Texas Essential Knowledge and Skills (TEKS).

Reading. Grades kindergarten through 2 shall encompass the foundation years at Rise Academy. Again, the stress during these early years will be on developing a strong grasp of the basics. Reading instruction will be grounded on an integrated, phonics-based program drawing significantly from Siegfried Engelmann's Direct Instruction methodology, as well as the Open Court system. By the end of their kindergarten year, all children will be reading. Reading selections for the foundation years will be drawn from the best of children's literature, including such classic sources as Aesop's Fables, English Folk Tales, and Grimm's Fairy Tales, to name but a few.

Reading material for the middle grades (3,4,5) shall come principally from Open Court's *Collections for Young Scholars* as well as the late edition *RISE* (Reading Instruction for Superior Education) series, which again features classics ranging from Greek mythology to children's stories by Tolstoy. For the upper grades (6,7,8) there will be a strong emphasis on the direct reading of the Great Works themselves, including, for example, selections such as Shakespeare's *MacBeth*, Euripides' *Medea*, Dr. Martin Luther King, Jr.'s *The Three Dimensions of a Complete Life*, Steinbeck's *Of Mice and Men*, and the plays of James Baldwin. Really any age-appropriate material that contains great ideas, that is engaging, and that stimulates thought is acceptable as reading curriculum. The curricular objective will be to expose students to the significant ideas, concepts, and literary works of Western culture, as well as those of other cultures of the world. By encouraging students to compare and contrast characters, ideas, concepts, and themes of one work with another, teachers will foster a realm where knowledge begins to connect for students in a way that provides for them a framework with which to analyze new concepts in light of what is already known. It is this solid frame of reference that will later serve Rise students well in the arena of rigorous high school and college subject matter.

Sample -- Knowledge & Skills Objectives, Reading --Kindergarten

- * Recognize and write all upper and lower case letters of alphabet.
- * Match all letters with their primary sounds.
- * By Christmas-time, read words and sentences composed of basic long & short vowel words which have been introduced and taught by teacher.
- * By year's end, read material containing long and short vowel words, as well as words with consonant blends and basic vowel digraphs.

Language Arts. At RA, the basics of the language arts will be taught at the blackboard, where children will take dictation and be assisted with proper letter formation, spelling, punctuation, and the identification of the basic parts of speech. Such dictation is almost extinct from the modern classroom, and yet it remains as one of the most effective methods of teaching a wide variety of skills all at the same time. There will also be a strong emphasis on correct grammar, both written and spoken, as standard English will be the rule at Rise Academy.

Children at RA will be immersed from the very beginning in an enriched vocabulary. Words will be selected from **Vocabulary for the College-Bound Student**; even the youngest children will be exposed to these words. The emphasis will be on using such words in sentences and repetitively in everyday speech so that the children develop a "feel" for using vocabulary for themselves in an appropriate context.

Sample -- Knowledge & Skills Objectives, Language Arts -- 2nd Grade

Capitalization & Punctuation

- * use of commas between items in a list;
- * using apostrophes in contractions and to show possession;
- * placing quotation marks for words directly spoken;
- * how to handle dates, (day, month, date, year), addresses, and titles (Dr., Mr., etc.)
- * Capitalization of proper nouns

Grammar & Usage

- * Identification of basic parts of speech: subject, verb, adjective
- * Correct usage: subject/verb agreement, correct verb forms, use of pronouns

Spelling

- * various spellings of long vowels;
- * vowel digraphs ('oi' as in poison; 'ou' as in fountain, etc.);
- * spelling of 'f' as in frighten. (f, ph, [ou]gh);
- * spelling of 'j' as in justice. (j, ge, gi, gy, __dge);
- * spelling of 'ir' as in thirsty. (er, ar, ir, ur, or, ear);
- * spelling of 'sh' as in shoulder. (sh, ch, su, ti, ci, si)
- * etc.

Writing. No other skill has declined so dramatically among American students in recent times than that of writing. Therefore, as Rise students begin reading they will also begin the crucial process of learning to write. The children will first learn to write sentences -- complete sentences. They will then write a simple summary or precis of the stories that they have read in class. This early writing must be strongly teacher-led, as children learn the rudiments of outlining and structuring their thoughts by working from a class-generated outline written on the blackboard by the teacher. To teach and encourage proofreading, teachers will also "lift" sentences from the children's

works which contain common errors that can then be addressed and corrected with the class at large.

By the middle grades, Rise children will begin to write their own outlines, and learn the process of paragraph development. Upper grade students will be expected to utilize the writing process to state a main idea, or theme, and then support their ideas and conclusions with a coherent and reasoned argument.

Sample -- Knowledge & Skills Objectives, Writing -- 4th & 5th Grades

- * responding to short-answer questions with complete, grammatically correct sentences;
- * writing a precis of a story or passage;
- * proofreading passages and successfully correcting for grammar, punctuation, capitalization, and spelling errors;
- * identify and create topic sentences;
- * learning basic paragraph development (topic sentence, supporting sentences, sticking to topic, conclusion).

Mathematics. The mathematics curriculum will strike an appropriate balance between the conceptual aspects math and computational proficiency. *Saxon Math*, along with SRA's Direct Instruction math materials will constitute the primary but not exclusive RA mathematics curriculum. The *Saxon Math* program, especially, has been selected for its thorough and incremental introduction, practice, and review of the wide variety of mathematical skills and concepts that children need to be exposed to and ultimately master. One key goal of the math program will be to present math to students as a logical, orderly method of problem solving.

Rise Academy does not subscribe to the notion that computational skills are now less significant with the advent of the pocket calculator. The human mind is a child's greatest calculator, and it must be computationally exercised on a daily basis. Therefore, various drills, timed tests, and other worksheets will be given to students each day to facilitate the learning and quick recall of basic sums, differences, and multiplication tables. Such materials will be tailored to each student or group of students to fit their particular level of mastery and to incrementally move them on to the next level.

Also included will be "mental math" on a regular basis. Mental math exercises will be used in a variety of ways to enhance children's listening skills, concentration, and to stimulate mental quickness with numbers.

Sample -- Knowledge & Skills Objectives, Math -- Kindergarten

- * recognizing number and counting to 100;
- * counting by 2's, 5's, 10's, 20's, and 100's;
- * adding and subtracting single digit numbers;
- * adding and subtracting 2-digit numbers involving both borrowing & carrying;

- * telling time to the quarter hour;
- * handling money--counting money, mixed coins; \$1, \$5, \$10, and \$20 bills.
- * greater, less than, equal to relationships;
- * etc.

Oratorical Recitation. Oratorical recitation will be a key component of the RA curriculum. The merits of the study of poetry and other forms of oratory are several. First, children simply gain intellectually from a greater appreciation for the richness of life through the learning of poetry. Second, students' memorization is enhanced and expanded by the learning of such oration, and this facilitates other types of learning later in life. Third, oratorical recitation shall be a key element in the development of leadership skills in Rise students. An often crucial factor in the future success of children, particularly inner-city children, is their ability to clearly, articulately, and convincingly project themselves in the context of a verbal presentation. Oratorical practice beginning at an early age can provide the poise and confidence necessary to be successful in such a manner.

Science & Social Studies. Science and social studies will be emphasized beginning in the third grade. Initially the science curriculum during the middle grades (3 through 5) will stress classroom demonstrations and experiments to the greatest extent possible, to stimulate interest and curiosity in science generally. A more theoretical approach to science will begin with the upper grades (6 through 8), as RA students will be introduced to the basics of human physiology and anatomy, inheritance, cell biology, and elementary chemistry and physics. Students' understanding of science as a logical and systematic process of inquiry will be a major goal of the Rise science curriculum. It is also planned that upper RA students will conduct basic laboratory procedures and experiments and then summarize their findings in writing in accordance with the dictates of the scientific method.

Sample -- Knowledge & Skills Objectives, Science -- Upper Grades

- * Life Science (age-appropriate human anatomy, biology, and ecology);
- * Earth Science;
- * Electricity & Magnetism;
- * Astronomy;
- * Energy & Work.

Social studies begins with the youngest children learning the most basic facts of geography -- the names and locations of the seven continents and four oceans of the world, the location of the United States on a world map, the location of Texas on a U.S. map, and the like. By the third grade, the basics of United States and world geography will be taught. Children will learn about our nation's 50 states, the various regions of the U.S., and the location and importance of major American rivers, landmarks and natural resources. The various countries, cultures, and religions of the world will

also be introduced, and children will be taught to locate nations on a world map and the globe.

Upper grade students will study the foundations of American democracy through the direct reading and discussion of the Declaration of Independence and the U.S. Constitution. Major historical events such as the American Revolution, Civil War, and the Great Depression will be examined. In addition, the most basic concepts of economics, with emphasis on the free enterprise system and its merits, will be introduced. Also examined will be the American experience from a black and Hispanic perspective through the study of notable leaders, writers, and scholars from these American minority groups.

Computer Literacy. As we enter the information age of the 21st century, technology training becomes an essential component of a superior educational program. Students will be exposed to the fundamentals of personal computer applications beginning with 3rd grade children during the 2002/2003 school year. Over time, NPS students will learn the basics of keyboarding, mouse operations, and computer terminology, and will demonstrate mastery of various software applications and audio-visual technology.

As students increase their technical knowledge base, they will integrate computer technology training with their academic studies. For example, students working on a science project may expand their reference skills and research strategies through the use of educational on-line services, encyclopedias on CDROM, or direct linkage to medical library databases. Students can then prepare a class presentation of their project utilizing various audio-visual devices to complement their written and oral work. In this way, students integrate academic studies (science, research, reference skills, and oratorical recitation) with the technological skills they have mastered, in a process that is relevant and useful.

Rise Academy is in the process of developing a targeted computer literacy curriculum and instructional design to be implemented when the academy's first group of students advance to the 3rd grade.

Reference Skills. Reference skills refer to a variety of information-utilization capabilities which are necessary supplements, particularly to the core subjects of science and social studies. Visual skills will include all types of graphs, charts, and tables. Map skills will encompass variously detailed formats, and include measures of longitude and latitude. **Research skills** will receive more emphasis at the 7th and 8th grade levels, as students learn how to take notes from sources such as encyclopedias, magazine articles, books, the Internet, and other materials.

Sample -- Knowledge & Skills Objectives, Reference -- 3rd-5th Grades

- * visual skills -- circle (pie) graphs, line graphs, bar graphs, charts, and tables;
- * map skills -- using a map key or legend, measuring distance with scale;
- * using dictionary entries, table of contents, title page, index;
- * referencing information from encyclopedias.

B. Description of Instructional Design and Methodologies

*The instructional design of Rise Academy is an eclectic synthesis of directed teaching strategies of proven, time-tested effectiveness. This methodology, especially at the early elementary level, shall draw heavily from the Direct Instruction model developed by Dr. Siegfried Engelmann of the University of Oregon. The RA pedagogy is also significantly reflective of the instructional techniques instituted and practiced by the Founder of Rise Academy while directing his first charter school which he established in Michigan.**

Academic success for disadvantaged children in the earliest elementary years is key to preventing the development of an academic deficit in such children as they progress through the grades. Rise Academy, therefore, will practice early immersion in academics beginning at the kindergarten level. The superiority of structured, teacher-led instruction was most convincingly demonstrated by Project Follow Through (PFT). Project Follow Through, sponsored by the U.S. Department of Education beginning in 1967, remains the world's largest educational experiment. Its purpose was to find ways to break the cycle of poverty through improved education. After 26 years of study, the results of PFT show that, of all the instructional models tested, the Direct Instruction program consistently showed positive, sizable effects on all measures of achievement -- basic skills, cognitive and affective performance. (See Figure 1, below.)

The essence of Engelmann's Direct Instruction (DI) model is the utilization of a scripted, tightly controlled instructional method, and highly structured teaching materials. The aim of DI is to accelerate learning by maximizing efficiency in the design and delivery of instruction. The DI approach uses a fast-paced series of programmed questions and answers. Teachers present specific questions to elicit a choral group response in addition to individual responses. Underlying this delivery system is the theory that children will

** Richard Baumgartner, Rise Academy Founder, taught for several years at Marva Collins' renowned Westside Prep School in Chicago, IL. It was this experience which convinced Mr. Baumgartner of the efficacy of directed teaching strategies in assisting disadvantaged children to reach their full academic potential.*

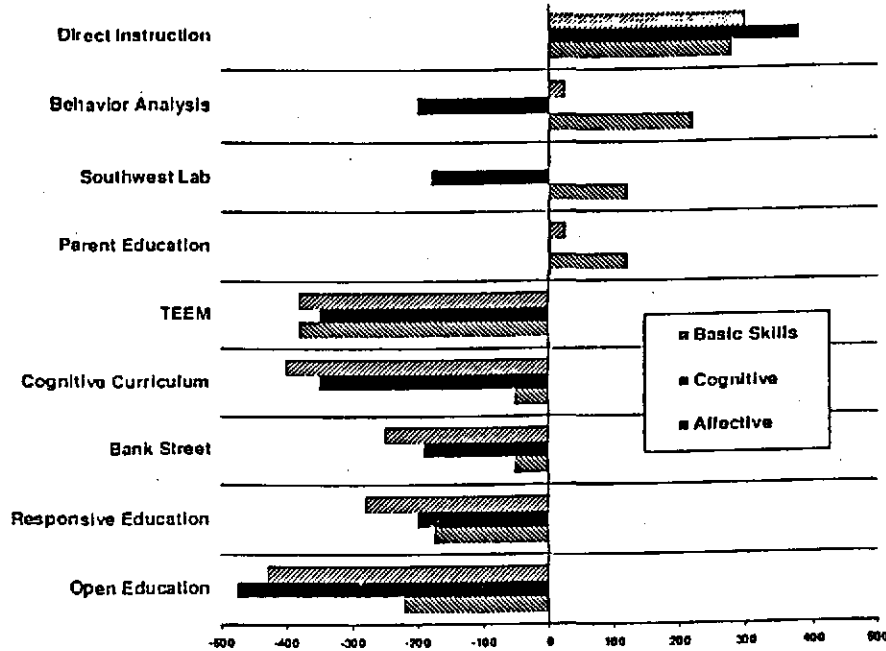


Figure 1

This figure shows the average effects of nine Follow Through models on measures of basic skills (word knowledge, spelling, language, and math computation), cognitive-conceptual skills (reading comprehension, math concepts, and math problem solving), and self-concept. This figure is adapted from Engelmann, S., & Carnine, D. (1982), *Theory of instruction: Principles and application*. New York: Irvington Press.

generalize their learning to new untaught examples and situations. For example, if children learn decoding skills according to the DI phonetic method, then such students will be able to sound out and read similar words which they have not been directly taught.

Additional data from PFT found that DI produced greater results by the end of the 3rd grade for those children who began Direct Instruction in kindergarten as opposed to those who did not start the program until 1st grade. DI also produced the most significant gains in IQ as opposed to other models tested, and high school follow-up studies showed a strong correlation between early direct instruction and later academic success and college attendance.

Perhaps the most inspiring example of the benefits of DI for disadvantaged children is the now well-chronicled story of principal Thaddeus Lott and Wesley Elementary in Houston. When Mr. Lott arrived at Wesley in 1975, he found it like many other urban public elementary schools – children performed far below grade-level (sixth graders were reading on a second-grade level), and discipline was nearly non-existent. Determined to improve the situation, Lott phased in the DI program, and positive results were noted almost immediately. Today Wesley Elementary now stands as a shining example of how economically disadvantaged children can perform at world-

class levels. In 1996, 100 percent of the school's third graders passed the reading portion of TAAS, and 80 percent or more have done so for years.

Similar success can be found in the story of Marva Collins and her renowned Westside Preparatory School in Chicago. Although her educational design (utilizing Open Court's reading program) is non-scripted, and less tightly structured than DI, Mrs. Collins' methods are nevertheless strongly directive and teacher-led, and consistently result in high academic achievement for her inner-city students.

Adoption of the DI model has been documented to be effective among limited English students. For example, the DI curriculum was initiated by principal Ramon Alvarez at Woodrow Wilson Elementary School in Houston. About 70 percent of Wilson's students come from homes in which Spanish is the first language. After one year of DI instruction, two-thirds of these previously English-limited first graders were reading at or above grade level in English.

Strong academic results at the early elementary level were also achieved using a highly directive methodology at Northside Preparatory School in Kalamazoo, MI. Northside Prep, a charter school with an at-risk rate of over 65 percent, was established and directed by Rise Academy Founder, Richard Baumgartner. The curriculum was based on the Open Court program, and, although DI was not explicitly employed, the instruction was programmatic and strongly teacher-led. First year results were very solid. For example, kindergartners averaged 10.3 objectives mastered out of 12 on the California Achievement Test, for an 86 percent mastery rate.

Consistently, it is the more direct methods, involving clear objectives, clear explanations, clear corrections of wrong responses, and a great deal of "time on task," that are associated with superior academic achievement. And the effects tend to be strongest with disadvantaged children.

Ramifications of the Rise Academy Educational Program on Different Student Learning Styles and Variety in Instructional Practices. The Rise Academy methodology, being highly directive and structured, will diverge significantly from those many contemporary educational approaches which are characterized as child-centered, open, or otherwise "progressive" in nature.

Results from Project Follow Through and other similar studies simply do not support the progressive claims that less directive techniques produce greater academic results. In fact, data from PFT consistently showed that child-centered, open classroom, and other approaches utilizing "individualized learning plans," tended to perform poorly on all measures of academic progress. On the other hand, Direct Instruction and other directive models reliably produced superior academic results for the widest variety of children.

The implications of such data are of profound importance, particularly with respect to the issue of the education of disadvantaged children. If the programs that failed most in terms of educational achievement were those oriented to "individual needs" in instruction, then the popular belief that it is necessary to teach different students in significantly different ways is, for the most part, a fiction. Further, it is next to educational malpractice to advocate such "open education" systems for the instruction of poor children, since they are most vulnerable to the documented deficiencies of these approaches.

Despite the fact that the RA program does not recognize the significance of differing student learning styles with respect to the efficacy of its instructional delivery, its directed methods actually incorporate a number of "multisensory" instructional features often emphasized by other teaching systems. For example, the RA phonics/spelling/early reading process may include students performing the following tasks:

1. Responding verbally in a choral-group and individual-student manner to auditory and visual signals by the teacher during DI early reading sessions (visual, auditory, interactive);
2. Reciting call-and-response style the Open Court wall sound cards which are designed to systematically teach letter--sound associations (visual, auditory);
3. Participating in *Touch Phonics* exercises at the board. *Touch Phonics* is a multisensory program using magnetic tiles which adhere to most black boards. Each tile displays a consonant, vowel, blend, or other phonetic letter combination. A wide variety of activities can be generated using these tiles. For example, tiles can be arranged in categories: long vowels, short vowels, consonants, and blends. A child is then given a word, say, "street." The child runs to the board, while the teacher sounds the word with phonetic emphasis: "str--- eeee---t!" The child scrambles to quickly assemble the various tiles whose letter or letters combine to spell the word. (visual, auditory, kinesthetic, tactile, associative)

The RA program will encourage variation in instructional practices, only as long as such innovations are consistent with and supplemental to the paradigm of a directed instruction approach. Any such variations must be approved by the RA director. Again, the key to the success of the Rise program will lie in its consistent adherence to the basic pedagogical tenets of direct instruction as the foundation of its educational design. We must vigorously embrace these approaches which are documented to produce the strongest and most concrete academic results for children. Meeting that aim is the basis for the Rise Academy educational program.

Limited English Proficiency Students (LEP). Extensive door-to-door canvassing of the East Lubbock neighborhoods to be served by Rise Academy strongly suggests that although RA is likely to enroll a significant number of Hispanic students, very few, if any, of these students will enter school with limited English proficiency. Virtually all young Hispanic parents surveyed spoke entirely functional English, as did their children. Further, such parents expressed a desire for their children to be instructed entirely in English, with perhaps a small segment of the school day devoted to Spanish language instruction. In view of this situation, Rise Academy does not expect a need to conduct any sort of formal LEP program. In the event that limited-English students do become enrolled, all efforts will be made as are practical to address the situation. Whatever the case may be, any bilingual program at Rise Academy will be focused on moving Spanish-speaking children as quickly and as effectively as possible to becoming functional in English.

C. Attendance Goals & Strategies

It is self-evident that chronic absences and tardiness interfere with a student's ability to succeed academically -- particularly in a school environment characterized by rigorously high educational expectations. Student progress and success at Rise Academy is dependent on consistent attendance. In addition, because school funding is also dependent on consistent, regular student attendance as calculated by the state's Average Daily Attendance formula, small-enrollment charter schools like RA are particularly sensitive to the consequences of high student absentee rates. Therefore, to maintain both student achievement goals and the financial viability of the school, attendance requirements for Rise Academy students will be stringent. RA will strive to maintain a daily attendance rate of 95 percent.

Parents are responsible for ensuring timely and regular classroom attendance. This requirement will be stressed to all parents prior to enrollment with great emphasis, particularly given the fact that Rise Academy will not provide transportation, at least in its initial years of operation. All parents must sign, as a condition of final admission to RA, a parental contract which specifies, among other requirements, that parents are responsible for transportation.

Requirements for student attendance, and the consequences for unexcused absences are as follows:

Attendance will be taken each morning. Students who have been absent must bring a note from home on the day they return to school. The note should contain the following information:

- Date of note
- Date of absence
- Reason for absence
- Signature of parent or guardian

Absences will be considered excused for the following reasons:

- Student illness
- Death in the family
- Doctor/Dentist/Counselor/Court appointments
- Exceptional transportation problems

Absences will be considered unexcused for the following reasons:

- Illness in household (in most instances)
- Transportation problems which are chronic or show a pattern of occurrence
- Family vacations, or out-of-town situations which do not include activities described above as excused absences
- Other excuses deemed by the Rise director as unacceptable

Consequences for Unexcused Absences. When the Rise director becomes aware of an unexcused absence, the parent will be notified. The director will explain, with reference to the Rise Academy Parent/Student Handbook and parent contract, that such an absence is not excused, and that it should not occur again. This notification will be documented. If unexcused absences/tardiness continue to occur, the following progressive steps will be taken:

- Director will provide written notification to parent that such absences are unexcused and not acceptable.
- Parent will be required to conference with the RA director, and must sign a written agreement to remedy the absences/excessive tardiness. This document will spell out further consequences for continued absences/tardiness, including expulsion.
- Director will suspend student until the Rise Academy board of directors can act on the matter.

The Rise Academy attendance policy is grounded on the concept of parental responsibility and active participation. RA is an opportunity school. Parents must demonstrate initiative and consistency in making their child's experience at Rise Academy a successful one.

D. Extracurricular Activities

Extracurricular activities, such as team sports, drama clubs, choir, and the like will not be a feature of the initial Rise Academy program. It must be remembered that RA will begin with only about 46 students in two kindergarten classrooms. Neither the age of the students, nor the size of enrollment are conducive to typical extracurricular activities. Over time, when the academy expands to full capacity, the addition of extracurricular activities can be considered. Until then, all efforts and school resources must be devoted to the pursuit of academic achievement. The regular Rise Academy student experience, however, will include activities such as Black and Hispanic history performances, plays, and events. Similar performances are planned for other times of the year, including Christmas and Spring programs highlighting the expressive and leadership aspects of RA students.

E. Disciplinary Procedures

Rise Academy Code of Conduct

Crucial to the success of Rise Academy is a foundation based on the traditional values of personal virtue and civility. Behavior unbecoming to such values will not be tolerated.

The Board of Directors of Rise Academy has set the policy and codes of conduct. The RA Code of Conduct is grounded upon a policy of progressive discipline, with emphasis on individual student and parental responsibility, and the involvement of the teachers, staff, and director of Rise Academy. All parents must sign, as a condition of final admission to RA, a parental contract which specifies, among other requirements, that parents understand, accept, and agree to abide by, the academy's Code of Conduct.

To ensure a learning atmosphere of mutual respect, self-discipline, safety, and integrity, all students of RA will adhere to the following guidelines of appropriate conduct:

Category I: Lower Level Code of Conduct Student Requirements

Obey all school and classroom rules, including school uniform, homework, and attendance policies. Students are required to accept disciplinary consequences assigned by an authorized staff member.

Refrain from disruptive behavior such as excessive talking and noise-making; the use of profane or inappropriate language, gestures, or pictures; and throwing objects;

Refrain from forgery, cheating or copying from other students' assignments. Verbatim copying of authors without appropriate acknowledgment or permission is considered plagiarism and is unacceptable.

Electronic devices such as record players, radios, cassette players, games, headphones, and beepers are expressly prohibited without prior authorization from NPS personnel.

Refrain from any other behaviors of equal magnitude.

Consequences for Lower Level Code Infractions

Students will always be made aware of a lower-level code infraction and will be verbally warned and/or given an appropriate consequence such as an extra work assignment or withdrawal of a privilege (loss of recess, completion of work during recess, etc.), or detention (after school).

Teacher will notify RA director or other appropriate staff of misconduct. The director and/or appropriate staff will in turn contact the parents/guardians regarding the unacceptable behavior and inform them, in writing, of the consequences of subsequent offenses.

An accumulation of three written violations of the Lower Level Code within any one school year period will result in suspension of the student. Students accumulating four written notices within any one school year period will be subject to additional suspensions and face possible exclusion by the Board of Directors. Exclusion is defined as the suspension of the student for the remainder of the school year. Students accumulating five written notices within any one school year

will be subject to additional suspensions and possible expulsion by the Board of Directors. Expulsion is defined as the permanent removal of the student from the school.

Suggestions for a plan of action may be recommended or required by RA staff before the return of a suspended or excluded student. In addition, a parent may be asked to spend one day with the child in school for direct involvement in the child's discipline program. RA considers this an in-school suspension for parents instead of children. Rise Academy believes that if parents are suspended from work, then the child may become more accountable to parents, staff members, and classmates. If a parental visit is required by RA, and the parent refuses to comply or does not show up for the visit as scheduled, the student will be immediately suspended and not readmitted to the school until the parent complies with the visitation requirement.

Category II: Higher Level Code of Conduct Student Requirements

- Refrain from intentional damage or destruction of property
- Refrain from inappropriate physical contact or sexual remarks
- Refrain from intimidation, taunting, and/or fighting
- Mandatory acceptance of assigned consequences
- Refrain from repeated disruptive behavior as described in the Lower Level Code, persistent disobedience, and/or defiance of school personnel
- Refrain from using tobacco and gambling
- Refrain from any behaviors of equal magnitude

Consequences for Higher Level Code Infractions

Students who are in violation of higher level code requirements will first be issued a written notice and suspended. The suspension will be reviewed by the Board of Directors with recommendation from the RA director, and may be converted to exclusion or expulsion, or be maintained as a suspension.

The definitions of suspension, exclusion, and expulsion are as follows:

Suspension: Immediate suspension from school for 1 - 10 school days may be used for violations of the code of conduct. The length of the suspension will be determined by the RA director based on the circumstances of the situation. Parents and guardians will be notified of all suspensions and students must remain off school property during the suspension period. Prior to re-entering the academy, a meeting among the parent, teacher, RA director, and possibly the student, is required.

Exclusion: Exclusion is defined as removal of a Rise student for the remainder of a school year with a possibility of readmission. Readmission following the exclusion period will only occur with satisfactory evidence that the problem for which the student was excluded no longer exists. Although exclusion requires the recommendation of the RA director and formal action by the RA Board of Directors, the RA director may assign an immediate suspension for Category II misconduct while a decision from the board is pending. Parents or guardians will be notified of a student recommended for exclusion and granted an opportunity for a due-process review prior to action by the Board. Prior to formal Board action, the parent or guardian may submit a written complaint to the RA Board of Directors.

Expulsion: Expulsion is defined as permanent removal of a student from attendance at Rise Academy. Although expulsion requires the recommendation of the RA director and formal action by the RA Board of Directors, the RA director may assign an immediate suspension for Category II misconduct while a decision from the board is pending. Parents or guardians will be notified of a student recommended for expulsion and granted an opportunity for a due-process review prior to action by the Board. Prior to formal Board action, the parent or guardian may submit a written complaint to the RA Board of Directors.

Category III: Illegal Infractions

Possession of explosives, fireworks, controlled substances, or weapons; acts of arson, bomb threats, or false fire alarms; extortion; use of an object as a weapon; extreme or repeated violations of Category II codes, and acts of equal magnitude are all considered illegal or extreme offenses requiring disciplinary action and will be reported to law enforcement officials as appropriate. Violations

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under Category III shall be consequenced by suspension, exclusion, or expulsion.

*Sample of RA Progressive Discipline Procedures
for Severe Misbehavior*

Problem: Repeated disruptive behavior; persistent disobedience;

1st Offense: Student sent to RA director's office. Parent notified. Mandatory meeting among teacher, staff member, RA director, and, possibly, student, prior to student re-entering classroom. Plan of action agreed upon and implemented.

2nd Offense: Student sent to RA director's office. Parent notified to pick-up student immediately. 1 to 3 day suspension and mandatory meeting among teacher, staff member, RA director, and, possibly, student, prior to student re-entering school. Plan of action agreed upon and implemented. Parent may be required to spend one day in classroom with child to assist with behavioral correction. Failure to comply will result in continuation of suspension and possible exclusion or expulsion.

3rd Offense: Student sent to director's office. Parent notified to pick-up student immediately. Long term suspension imposed, pending RA Board decision on exclusion or expulsion. Parent notified in writing of suspension and pending Board action. RA board notified of situation, including possible exclusion or expulsion.

Inappropriate Discipline

Verbal abuse (i.e., name-calling, ethnic/racial slurs, profanity, or degrading comments), or physical contact intended to cause injury *will not be used* by RA personnel to reprimand students. However, reasonable physical force may be used as necessary to maintain order and control in a school for the purpose of providing an environment conducive to safety and learning. Reasonable physical force may also be used to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district functions, if that student has refused to comply with a request to refrain from disruptive behavior.

Student Searches

RA reserves the right to inspect a student's person and/or personal effects whenever a reasonable suspicion exists that the safety of students and staff is threatened because the student is in possession of unauthorized, harmful, or illegal items. RA maintains control over student desks and storage areas, and reserves the right to inspect them at any time without student consent or notice.

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Right of Appeal

Parents and guardians have the right to appeal actions of exclusion, or expulsion taken by the school regarding their rights to procedural due process using the following steps:

1. If the parent or guardian is dissatisfied with the academy's disciplinary action, such dissatisfaction may be expressed at a due-process review arranged by the director which shall include the director or the director's designee, the student's teacher, and the parent.

2. If, after the above-described due-process review, the parent or guardian is still dissatisfied with the outcome, a formal written complaint can be filed within 5 school days with the Rise Academy Board of Directors who will consider the complaint while taking action on the proposed exclusion or expulsion at the next regularly scheduled Board meeting. The parent or guardian has the right to attend this Board meeting and provide input. The decision of the RA Board is final and may not be appealed.

Services for Excluded or Expelled Students

All attempts will be made to assist the parent or guardian of an excluded or expelled student with enrollment in another school system. Rise Academy will not provide an "alternative education program" for such students, as charter schools are not bound by Chapter 37 of the TEC, and RA's resources will be far too limited to institute and maintain such an alternative arrangement.

F. Special Education

Consistent with the Texas Education Code and the requirements regarding Free Appropriate Public Education (FAPE), Rise Academy will provide necessary services to special needs students.

Teachers and other RA staff members will remain watchful for any signs of disability or special needs among its student population. If such signs are noticed by school personnel, or by a student's parent or guardian, the RA director will be informed, and a referral for assessment can be made.

All diagnostic assessments or evaluative procedures will be carried out by appropriately trained personnel. If a special need is diagnosed, an individualized education program (IEP) will be developed by appropriately trained personnel, either on the Rise staff, or procured from an outside public or private educational organization. This ARD committee will ensure that the IEP is reviewed annually and modified as necessary to best direct the educational process for each special needs student.

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Rise Academy will make all attempts to reasonably implement the IEP within its own staff. If the requirements of the IEP are such that the RA staff cannot effectively meet the identified needs of the student, then measures will be taken to obtain appropriate assistance from outside sources. To this end, and because Rise Academy will operate on a rather small scale, RA may seek to purchase special education services through shared service arrangements with the local public school district, private providers, and the local regional education service center.

Rise Academy will make all attempts to reasonably mainstream special education students into the regular classroom setting. Such mainstreaming must not, however, come at the expense of the reasonable functioning of the classroom and the learning of regular education students. If the behavior and conduct of a special education student is consistently disruptive and persistently interferes with the learning of other students, an ARD committee will be convened to establish an alternative educational setting for that particular student. Any alternative placements or disciplinary actions taken by Rise Academy with respect to such matters involving a special education student may be appealed by the student's parents in a manner consistent with due process provisions of the TEC and the Rise Academy student code of conduct.

4. STUDENT PERFORMANCE ACCOUNTABILITY MEASURES

A. Specific Levels of Student Performance

TAAS testing will include RA students in grades 3 through 8 to assess competencies in reading, writing, mathematics, language arts, social studies, and science. In addition, to assess student progress in grades k through 2, the California Achievement Tests will be utilized.

The first purpose of assessing children with the above-mentioned standardized tests is to determine student achievement levels relative to grade level, and to allow parents to better make informed decisions when comparing Rise Academy to other schools in the Lubbock area. The second purpose is to discern which subject areas in general need to be improved upon by the teaching staff, and to identify diagnostically those specific subject areas in which individual students need more assistance.

Specific Student Achievement Goals.

Goal 1: Students will develop strong command of the basic skills: reading, language arts, writing, and mathematics, and perform at or above the average on state-wide and national standardized tests in these subject areas by year's end.

Measurement: Rise Academy will have successfully attained this goal if:

- a) 75% of students score at or above the national average in these subject areas on the California Achievement Tests; and
- b) 80% of students achieve a passing score on the TAAS (for grade levels 3rd -- 8th)

Goal 2: Students, beginning in the 3rd grade, will develop basic knowledge of: United States and world geography; major United States, world and ancient pre-Hispanic and African historical events, civilizations and time periods; the African American and Latin American experience through various perspectives.

Measurement: RA will have successfully attained this goal if:

- a) 75% of students score at or above the national average in social studies on the California Achievement Tests; and
- b) 75% of students achieve a passing score on the social studies section of the TAAS

Goal 3: Students, beginning in 3rd grade, will develop basic knowledge in the scientific disciplines of: human physiology and anatomy, biology and ecology, and elementary chemistry and physics. Students, particularly those in the upper grades (6-8), will learn the process of the scientific method.

Measurement: RA will have successfully attained this goal if:

- a) 75% of the students score at or above the national average in science on the California Achievement Tests; and
- b) 75% of students achieve a passing score on the science section of the TAAS

B. Additional Student Achievement Accountability Provisions

Various assessment methods in addition to standardized testing will be used by Rise teachers and staff to evaluate student progress in the core subject areas. Such methods may include: weekly/periodic testing, pop quizzes, portfolio evaluation, per-assignment letter grading, assessment through

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observation, and oral examination. All assessments will be combined to determine a final letter grade using a traditional letter-grade system:

A+, A, A-	(Excellent)
B+, B, B-	(Very Good, Good)
C+, C, C-	(Average)
D+, D, D-	(Poor, Improvement Needed)
F	(Failure)

Reading. Since this grade is a combination of verbal fluency, comprehension, and recall, teacher assessment through a combination of periodic testing and observation will be used.

Language Arts. Grammar, punctuation, capitalization, spelling, and vocabulary will be tested on a weekly basis.

Writing. Specific skills (such as writing complete sentences, correcting run-on sentences, etc.) will be tested on a weekly basis. All compositions (such as precis, paragraphs, letters, etc.) will be letter graded on a per assignment basis.

Mathematics. Math tests will be given on a weekly or bi-weekly basis. Also, math will be assessed through pop quizzes.

Science. Command of scientific concepts will be tested for as each unit of study is completed. Unannounced pop quizzes will also be used. Science labs and experiments will be graded on a per-assignment basis.

Social Studies. Mastery of social studies concepts will be tested for as each unit of study is completed. Unannounced pop quizzes will also factor into grading.

The educational goals of Rise Academy extend beyond the mastery of core subjects. Additional educational goals, and the methods of assessment, are as follows:

Goal 4: Students will articulate clearly and convincingly in a verbal presentation.

Measurement: Rise Academy will determine success in this area by teacher assessment of the students' ability to participate in Black and Hispanic History programs, as well as the students' overall ability in the Oratorical Recitation section coursework. The assessment method for this goal will be through teacher observation and the assignment of a traditional A

-- F letter grade. Rise Academy will have successfully attained this goal if half of the students earn a letter grade B or above.

Goal 5: Students will think independently, critically, and creatively.

Measurement: This goal will be measured by teacher assessment of the students' ability to formulate opinions and offer rationale in classroom discussions. In addition, the students' ability to connect knowledge gained both within each subject area, and among the several subject areas, will be evaluated. The assessment method for this goal will be a traditional A --F letter-grade scale. Rise Academy will have successfully attained this goal if half of its students score a letter grade B or above.

Goal 6: Students will honor the traditional values of industriousness, self-reliance, and respect for others.

Measurement: Success in this goal will be determined by teacher assessment of the students' ability to complete both homework and classroom assignments on a consistent basis. The quality of interpersonal relationships and self-control, along with other basic aspects of character development, will be evaluated by teachers. The assessment method for this goal will be a traditional A -- F letter grade scale. Rise Academy will have successfully attained this goal if half of the students score a letter grade B or above.

C. Performance Accountability Reporting Intervals

Student performance results for Rise Academy will be compiled annually. Results of the TAAS, the California Achievement Test, and other measures of achievement will be reported in the yearly state-mandated Campus Report Card and the annual Performance Report. The Campus Report Card shall include academic excellence indicator scores, student/teacher ratios, and administrative and instructional costs per student. The Performance Report will describe educational performance, including current performance relative to past performance, and relative to state-established standards. All performance reports will be made on a timely basis to the TEA or SBOE as required.

5. LIST OF POTENTIALLY AFFECTED DISTRICTS

The Lubbock Independent School District (LISD) is the only public school district that may be potentially affected by the establishment of Rise

Academy. The LISD superintendent was sent a *Statement of Impact* form, as well as a draft copy of the RA charter application, by certified mail on June 29, 1998.

6. GEOGRAPHICAL AREA TO BE SERVED

Rise Academy will be situated in the Parkway neighborhood of east Lubbock. By virtue of this location, as well as the community awareness efforts already underway, Rise Academy is most likely to draw its minority student population from the east Lubbock neighborhoods of Parkway, Bozeman, Dunbar-Manhattan Heights, and Chatman Hills. However, because at-risk minority children reside in many additional area neighborhoods, the official bounds of the school's service area will be defined by the entire Lubbock city limits. According to the most recently available (1996) results of the TAAS tests, roughly 50 percent of African-American and about 40 percent of Hispanic students did not pass in "All Tests" at the 3rd and 4th grade levels in the local public school system. As it now stands, these students have the fewest alternatives available to close this educational deficit, and are under-represented in existing private schools.

7. ENROLLMENT PROCESS

The admission policy of Rise Academy will comply with all state and federal laws applicable to civil rights and church-state issues.

Rise Academy shall not discriminate on the basis of: intellectual or athletic abilities, measures of achievement or aptitude, handicap or disability, religion, race, sex, or national origin.

Rise Academy shall not charge tuition.

Rise Academy is an equal opportunity institution. To that end, RA will promote its educational offering uniformly, among all communities in its service area and provide public notice of the enrollment period and application process. The enrollment period will be offered in time periods that include some evenings and weekends. Once open enrollment is officially announced, students will be enrolled on a first-come, first-served basis. Rise Academy shall maintain an official waiting list. If an opening at the academy exists, students on the waiting list will be offered the opening according to their position on the list. For openings that exist the following year, priority is permitted for siblings of already enrolled students.

All parents must sign a Parent Contract with Rise Academy prior to final admission to the school. This contract will clearly spell out parental

responsibilities regarding such matters as school uniforms, transportation, lunch policy, attendance, and acceptance of the Code of Conduct. No student will be admitted unless the parent signs this contract.

Rise Academy will require that all parents meet with the RA director or his designee prior to their student attending the school with the intent that each applicant is fully informed about the nature and scope of the academy before making a final decision to attend. RA will offer these individual parent meetings at different times to accommodate various work schedules. No student whose parent does not follow-through with this meeting will be admitted to the academy.

Rise Academy will reserve the right to exclude certain students with a documented history of criminal offense, juvenile court adjudication, or serious disciplinary problems in line with rules established under TEC, Chapter 37, Subchapter A. Any student with a criminal history involving a weapon will--under all circumstances--be barred from attending Rise Academy. Those students with a history of criminal offense not involving a weapon or violent action, or with a background involving juvenile court adjudication or discipline problems may be admitted at the discretion of the RA director. Such students will attend Rise Academy on a probationary basis for one school year. Student conduct during this probationary period that is unbecoming of Rise Academy's values or student safety will result in expulsion by the RA director.

8. PROFESSIONAL QUALIFICATIONS & TEACHING PHILOSOPHY

A. Faculty Qualifications

Director

This is the head administrative and instructional leadership position, subject to the control of the Board of Directors. The Director is responsible for the planning, direction, oversight, and implementation of the daily functions of the school, including, but not limited to:

Personnel Management: staff recruitment, hiring, and retention; training and development; benefits and compensation; performance appraisal; and employee discipline and termination.

School Administration: curriculum construction; selection and procurement of educational materials; enrollment; scheduling; compiling data for reporting purposes; student testing and evaluation; conflict resolution; and student discipline.

Operations Management: strategic planning and research; designing and implementing administrative procedures; assessing efficiency of systems; and directing finance, accounting, information systems, and purchasing activities.

Community Liaison: facilitating parental and community involvement; and producing effective marketing and fund-raising strategies.

Requirements: Must hold a BA or BS degree from an accredited college or university. The ideal candidate should have a solid liberal arts background, possess business and supervisory experience, and have 5 or more years of lead teaching experience in an elementary school. Must have a history of successful experience in producing consistently high academic results in students in an urban setting utilizing directed teaching strategies. The director will have an extraordinary commitment to excellence, an unfaltering belief in the ability and potential of all children to become academic achievers if they so desire, and the leadership skills to motivate, empower, and inspire teachers to successfully meet the educational needs of the children.

Lead Teachers

Lead teachers report to the Director. Responsible for planning and implementing lessons, evaluating students, producing high academic results, conferencing with parents/guardians, and maintaining a classroom environment of challenge and excellence.

Requirements: Must hold a BA or BS degree from an accredited college or university. Must be willing to be trained in Direct Instruction methodologies, and must be sincerely committed to the implementation of these methods consistently in the classroom. Previous experience in a successful urban environment is desirable. Must have the ability to execute a results-oriented teaching methodology; plan lessons and homework; analyze and evaluate student performance; administer tests and measurements of achievement, effectively manage a multi-grade classroom; build confidence and positive self-esteem in students, and design oratorical and presentation programs. The ideal candidate will be a highly committed individual who possesses a strong presence with children, and who motivates and inspires both students and parents alike.

Office Assistant / Time-out Supervisor

Reports to the Director. Serves as school secretary and receptionist, as well as time-out supervisor. Responsibilities include: word processing of documents and correspondence, appointment scheduling, filing, answering telephones, providing clerical support, and other related tasks. Duties may

also include brief supervision of students temporarily out of the classroom for behavioral reasons.

Requirements: Must have a high school diploma or equivalent. At least one year of experience in an office environment is preferred. Must type a minimum of 45 wpm, and must be computer literate with some experience with word processing and spreadsheet software. The ideal candidate will demonstrate knowledge of general office procedures, have good organizational skills, possess good verbal and written communication skills, have an aptitude for figures, and have the ability to run basic office equipment. Must also have an ability to effectively interact with children. Ideally the candidate will have some early childhood, day care, or elementary teaching assistant experience.

Teacher's Assistant

Reports to classroom teacher. Responsible for assisting lead classroom teacher with student instruction and classroom management. **Requirements:** Prior experience with children in day care or elementary setting preferred. Some college preferred. High School diploma or equivalent required. Must have the ability to effectively interact with children. Must be willing to be trained as necessary in Direct Instruction techniques.

Volunteer Business Manager -- Part-Time

Works under the direction of the Director. Provides administrative and technical assistance in the areas of: financial planning, accounting, and payroll; purchasing, operations, human resources, and information systems; fundraising and proposal writing; computers and technology; and marketing and public relations.

Requirements: Must hold a BA or BS degree in a business-related field from an accredited college or university. Candidate should have a minimum of 3 years of broad administrative and technical experience; preferably in a non-profit environment. Must have above-average analytical and writing ability, and a thorough knowledge of organizational design, system processes, and general management principles. The Volunteer Business Manager will be well organized and flexible, with the ability to prioritize and coordinate a variety of projects.

Criminal Background Check. Rise Academy will automatically run a criminal background check on all new employees.

B. Teaching Philosophy

As previously described, the educational philosophy of Rise Academy is grounded on an adherence to a set of directed teaching strategies of proven,

time-tested effectiveness. An additional fundamental belief of the Rise Academy philosophy is that children generally rise to the level of expectation. It is this combination of effective educational practices with an uncompromising commitment to high standards which characterizes the pedagogy of Rise Academy.

Early immersion in academics is a fundamental pillar of the Rise Academy approach. Children who gain basic skills earliest tend to maintain their advanced status in classwork and on standardized tests vis-a-vis their peers *throughout* their grade-school years, provided that they continue to attend schools that stress high achievement and offer a challenging curriculum. Thus the RA program diverges significantly from those "developmentally appropriate" early childhood models which tend to stress "socialization" over academics in the earliest elementary years. The popular notion that early academic immersion is largely of little value because children in a developmental setting tend to catch up with their academics-early peers by, say, third grade, is mostly unfounded. The reason that the head start of many academic early-birds diminishes by the second or third grade is because not enough schools reinforce and fully expand upon such early-gained skills. Naturally later-starters tend to catch up when early-birds are left repeating basic material which they have already mastered.

Traditionally structured classrooms with children sitting at individual desks engaged in lessons that are led by their teacher will be characteristic of the RA approach. The one variation of this structure will be the arrangement of students in a small group, either on the floor or in a semi-circle of closely set chairs, during intensive direct instruction in phonics and reading at the early grade levels (k & 1st). Order is very important. Inner-city children, especially, need the balance of a structured classroom with regular patterns and reliable expectations both to feel secure about themselves and to provide them with recognizable boundaries for their actions. At Rise Academy, children will be given this type of structure so that their attentions are focused on learning to the greatest extent possible.

Also crucial to the success of Rise Academy will be a **foundation based on the traditional values** of personal virtue and civility. At RA, character building will be paramount. Rise children will be groomed for leadership. The time-honored virtues of self-reliance, industriousness, discipline, stick-to-it-iveness, and honesty will be part and parcel to the entire educational experience. Unlike thousands of other urban youngsters who define their self-esteem by wearing inordinately expensive gym shoes, carrying unnecessary beepers, and speaking in tongues of gangsta rap, Rise Academy students will wear school uniforms and will be taught to define themselves inwardly based on their own uniqueness and character development. Our students will be encouraged to be creators and non-

conformists and to resist the kinds of peer pressure which often lead so many urban youngsters down the road of permanent failure.

Again, *the pedagogy of Direct Instruction* is characterized by the use of scripted, highly structured instructional methods. DI lessons are designed to limit the amount of "teacher talk" and to give students many opportunities to respond. Engelmann and others found that children learn by working through a sequence of tasks with carefully timed comments from the teacher. Too much deviation from a consistent script decreases the effectiveness of delivery -- students lose focus, lessons drag on too long, and the chance for confusion increases. Through the use of prompts or signals, DI teachers are able to maintain an effective pace, and keep the attention of the students to the greatest degree possible. Signals may be in the form of a hand gesture, hand clap, or finger snap. Each signal has three parts: a "focus," which tells the students to listen to the teacher, a "get-ready" which allows the students time to think, and a "do-it," which tells the students to respond.

At the beginning of the year, children are separated into groups of 10 -- 12 students, based on an initial skills assessment. These relatively homogeneous groupings allow teachers to move the most number of children at an optimal pace. Individual mobility of children from one group to another occurs if a child demonstrates performance that either exceeds or lags behind that of his or her initial group. Intensive, highly interactive direct instruction is carried out by the lead classroom teacher with each group of students in core subjects such as reading and math. While this "on" group is with the lead teacher, the "off" group is doing less directive, more independent work under the supervision of the teacher's assistant. The groups then switch, and the process repeats.

Despite the high degree of repetition and drill, DI does not produce robotic students through rote memorization -- quite to the contrary. Instead it soon makes possible the kind of teaching wherein the teacher draws out ideas, themes, and other knowledge while engaging in a dialogue with his or her students. The reason children advance to higher-ordered thinking more quickly under direct instruction is this: in order to get students to a level of engaging in a give-and-take dialogue with their teacher, they must first have an early, solid foundation in the basic skills. And this foundation can be best put in place through early academic immersion where repetition, constant reinforcement, and structured, incremental advancement of subject matter is the characteristic method. Less structured, non-directive approaches simply leave too much to chance. This is especially the case with disadvantaged children. Such students often struggle for years trying to grasp basic skills while their more advantaged peers, often taught the basics by their parents, advance.

The foundation for strong reading skills is phonics. And strong reading skills are the key to academic success. Children at Rise Academy, beginning at the kindergarten level, will be immersed in a structured, systematic phonics program with a code-based reader to ensure maximum reading success in all children. When children learn the various spellings for each sound in the English language, they then have a powerful tool at their disposal which is not dependent on, or limited to, the introduction of new "sight words" into their reading vocabulary. Careful attention to phonetic detail is especially important for inner-city youngsters whose vernacular speech often softens certain letter combinations and frequently omits word endings.

With phonics as a foundation, reading lessons stressing comprehension and other language arts skills can thus proceed more effectively. Such lessons really then become the heart of the learning experience. Rise children will read aloud to allow the teacher to monitor pronunciation and ensure good, expressive tone. Every child must be given an opportunity to read, with plenty of encouragement. Teachers must ask comprehension questions as the lesson proceeds, check for recall of pertinent facts, and build children's vocabularies with the frequent use and identification of synonyms and antonyms along the way.

Reading at the first and second grade level will continue to be strongly phonics based. Correct pronunciation and verbal fluency (reading aloud with tone and clear pronunciation) will be stressed. By second grade, as reading proficiency increases, various Open Court readers will begin to supplant SRA's Direct Instruction materials. The utilization of Open Court series readers beginning in second grade is due to their greater thematic content. Open Court selections tend to draw more from the classics of children's literature, are more interesting to teacher and students alike, and are rich in language and vocabulary.

As students transition to the Open Court series, RA teachers will continue to follow a consistent, structured approach to reading instruction throughout the grades. Each story to be read by the class is first introduced by the teacher to identify characters, provide background, and build curiosity and/or suspense. Then, prior to any reading of text, a list of "Words to Watch" is thoroughly reviewed by the class at the direction of the teacher. These "Words to Watch" include all words from the story that the children may be unfamiliar with, or have trouble pronouncing. Along with the "Words to Watch" is the explanation of the basic elements of literature as they relate to the specific story being read.

Each selection is read in class two to three times. The first reading is for the purpose of grasping the overall flow of the story. Children are called on one at a time to read aloud while the others follow. The story is read through to

the end with few, if any, stops or interruptions. The second reading focuses on comprehension, recall, and vocabulary development. Individual students are again called on to read aloud as the others follow. This time, the teacher stops frequently to ask questions, refer back to the "Words to Watch," clarify passages in the text, have children summarize what they have just read, and point out synonyms, antonyms, and homonyms. It is this sort of intensive, whole class teaching process that allows for the real dynamics of learning to flourish. Finally, a third reading may be done -- again, aloud, one child at a time. Here the emphasis is more on correct pronunciation and verbal fluency.

As with the subjects of phonics and reading, **a directive, teacher-led approach will be used to instruct children in mathematics.**

Early command of the basic computational skills of arithmetic will be fundamental to the success of RA students. To achieve this curricular objective, teachers will again employ Direct Instruction techniques, including homogeneous groupings, a scripted delivery, and the use of choral responses prompted by various signals. Skills will be constantly reinforced and reviewed so that mastery is achieved.

Chants and other mnemonics will be taught to children to provide students with reliable methods for recalling basic arithmetical operations. For example, to recall proper "carrying" from a lower place value to a higher one in a multi-digit addition problem, the child adds the numbers in the ones column, and then says: "If it's ten or more then you have to carry. If it's ten or more then you have to carry. Carry the one to the next-door neighbor, carry the one to the next-door neighbor. The next-door neighbor becomes one bigger, the next-door neighbor becomes one bigger. Add, add, add."

Common manipulatives, such as play money, number strips, and time-telling clocks will also be used to make math concepts more tangible and concrete to students. By the conclusion of second grade, students should have a solid handle on the operations of **addition**, **subtraction**, and **multiplication**. In addition, the understanding of mathematical concepts and applications should be solidly in place.

Saxon Math, with its incremental sequencing, will serve as the primary curricular resource for the Rise program. In addition, a variety of supplemental materials will be used, including daily practice sheets generated by RA teachers to reinforce concepts and problems previously introduced.

Math is learned vertically. That is to say, skills learned early on are then developed into more sophisticated concepts later. Basic skills must be first learned and mastered. In addition, students should gain a sense of direction as to where it all leads. RA math objectives, therefore, will, by third grade,

begin to promote the development of this "sense of direction," as well as reinforcing the basics.

To strengthen and maintain the quick recall of sums, differences, and multiplication tables, students will be given various timed drills and quizzes on a consistent basis at the beginning of each daily math session. As with virtually all the subjects taught at Rise Academy, the instructional approach to mathematics really centers on a focused, highly interactive exchange between students and teacher. The teacher must be sufficiently directive in technique until such time that the students have a reasonable grasp of the concept or process under study.

Additional key features of the Rise Academy teaching philosophy:

An Integrated Curriculum. To the greatest extent possible, knowledge gained in one subject area shall be connected with learning in other subjects. It makes no sense, for example, to have children finish reading a story and then turn to writing about some disconnected object, like an apple, as their composition theme. Instead have them write a summary of the story they have just read. Or, suppose 6th graders have just learned about the scientific method in their science texts. At RA, they might then read a selection about Aristotle in their general readers, since he is considered to be the first Western scientist. The purpose would be to determine to what extent Aristotle, an ancient, actually used our modern process of scientific inquiry. This look at Aristotle might lead back to Plato, his mentor, or instead to Galileo, another early western scientific thinker. Eventually knowledge begins to connect for children in a way that provides for them a framework with which to analyze new ideas and concepts in light of what is already known. This process is the real stuff of learning, and it shall be the ultimate method of teaching and learning at Rise Academy.

Motivation and Self-Esteem. When children are burdened with experiences that negatively impact their self-esteem, their learning process is often negatively impacted, as well. Any school, therefore, that aims at educational excellence must include student motivation as part of the teaching process. RA teachers will work continually to positively validate each child so that the negative labels which society often hangs on inner-city children never interfere with their potential for success. A child's answer will never be "wrong." Instead, teachers will correct students with, "good try,...think again," or, "let's proofread this." It will be the teachers' responsibility to initiate and maintain group support for each individual child's efforts, and to never allow students to ridicule one another, or to isolate one of their peers from the rest of the group.

Each day at Rise Academy will begin with all students reciting an affirmative school pledge testifying to the uniqueness, possibility, and responsibility of

each child. In addition teachers will foster the development of a new collective identity for the children based on a curriculum that includes the many positive contributions that people of color have made to American society and the world at large.

Education at Rise Academy will be challenging and demanding. But children will be reminded that hard work breeds discipline, discipline breeds character, and that with character and perseverance, students will find within themselves their greatest assets for the accomplishment of their life goals.

C. Staff Development Plan

Staff development in the form of teacher training will be crucial to the success of the Rise Academy initiative. Effective implementation of Direct Instruction especially requires an exact instructional design and the ability of teachers to execute a very specific instructional delivery system.

To this end, all Rise teachers will be required to participate in formal training sessions offered by the Association for Direct Instruction to learn the essentials of proper implementation of DI in the classroom. The Rise director will undertake ADI professional development training in school-wide implementation and supervision of Direct Instruction.

In addition to professional development provided by the ADI sessions, RA teachers will participate in a comprehensive, in-house training program conducted by the Rise Founder, prior to the school's opening in September of 1999. This in-house training will provide additional DI practice, as well as training in other fundamental aspects of the RA teaching philosophy and methodology, such as curriculum construction, lesson planning, homework objectives, teaching oratorical skills, and the integration of character education into the classroom.

A 6-week summer school practicum prior to September, 1999 will take place to allow teachers to practice newly-learned techniques in a realistic classroom setting. This practice teaching will be directed by the Rise Founder to improve teacher performance and make corrections before school actually begins in the fall.

9. SCHOOL SUPPORT

A. Adoption of Annual Budget

Adoption of an annual budget will be conducted in a step-by-step manner involving formal decision-making by the Rise director and the Rise Academy

board of directors, with parents, staff, and other school stakeholders providing advisory input into the process. Above all, the budgetary process must be carried out in a planned, rational, and business-like manner aimed at furthering the genuine interests of the academy and its students.

The first step of the budgetary process will involve the RA director analyzing the current-year budget to compare projected expenditures to actual costs, by category, of school operation. (In the preparation of the first-year budget, the director, with assistance from the board, will carefully project expenditures as accurately as possible, based in part on actual budget data from the Founder/director's previous small-scale charter school experience.) From this comparison, categorical adjustments in the budget can be made to better reflect actual spending levels.

In the second budgetary step, the director will factor into the picture any new elements of the Rise program, such as building expansion, the acquisition of computers, the purchase of additional texts, and the like. In addition, any initiatives from the RA board or staff which may impact the budget must be factored in. To obtain input from the staff, the RA director will meet with teachers to discuss their needs and desires prior to the development of a proposed budget.

The third step will involve the director developing a proposed budget to be presented to the RA board. When this presentation is made, parents and staff will be encouraged to attend and be allowed to offer, in an advisory capacity, input into the budget process.

The final step in the budget process will be for the director to make any adjustments to the budget as directed by the board as a result of the above-described review process. Once the budget is finalized by the RA director, it will then be presented again to the board of directors for final approval through majority vote.

B. Proposed First-Year Budget --see attachment.

Conduct of Business Office. Implementing and managing administrative procedures, including business operations, is the responsibility of the RA director.

Because Rise Academy will begin its operations on a rather small scale, much of the business operations will be directly carried out by the RA director, at least during the initial years of school operation. Activities to be handled by the RA director include: purchasing, review and okay of invoices for payment, review and okay of payroll, and bank transactions.

Purchasing -- Subject to the board of directors, the RA director will make purchases of texts, furniture, equipment, supplies, and the like in line with established budgetary parameters.

Accounts Payable -- RA director will review and approve all invoices before passing them on to outside accountant or volunteer business manager for payment.

Payroll -- Director will review and approve all employee timesheets before passing them on to outside accountant or volunteer business manager for payment.

Bank Transactions -- RA director will handle various bank transactions, tax deposits, etc., subject to the policies of internal control established by the board. Two checking accounts will be established -- a major account, and a petty checking account.

* Major Checking Account. The RA director will hold these checks, but shall not be a signer on the account. For control purposes, another board member(s) will be the signer(s) on this account.

* Petty Checking Account. The RA director will both hold these checks, and be the signer on the account. However, the director may not replenish the petty account from the major account, as that transaction requires the signature of another board member on the check from the major account. Further, the board of directors will replenish the petty account only upon submission by the RA director of receipts and an accurate ledger of transactions.

Accounting/Bookkeeping -- Maintenance of accurate financial statements will be carried out by a qualified accounting/bookkeeping firm or by the volunteer business manager. This entity or person will cut all checks, update the various financial statements and ledgers, and provide necessary financial information as may be needed by the RA board of directors from time to time.

A part-time office person will assist the RA director with business operations as appropriate. Such duties of this assistant may include: tallying hours on employee timesheets for payroll, making routine bank deposits, ordering items for purchase from a list or description pre-approved by the RA director, and assisting the director in preparation for the annual audit.

C. Annual Financial & Programmatic Audit

Rise Academy shall at its own expense have a financial and programmatic audit of its operations conducted annually by a qualified certified public

accountant. Rise Academy shall file a copy of this annual audit report with the agency not later than the 120th day after the end of the fiscal year for which the audit was made. The audit will comply with Generally Accepted Auditing Standards and will include an audit of the accuracy of the fiscal information provided by RA through PEIMS. Financial statements in the audit will comply with Government Auditing Standards and the Office of Management and Budget Circular 133.

D. PEIMS Participation

Rise Academy will participate as required in the Public Education Information Management System (PEIMS). To complete mandatory reporting in the areas of organizational, financial, staff, and student information, RA will likely purchase the charter school software package developed by Carol Thorne through the Charter School Resource Center, located in San Antonio. RA will also explore the possibility of carrying out necessary reporting with the assistance of a PEIMS coordinator from the Region 17 Educational Service Center.

E. Facility Description

Rise Academy will likely utilize modular/portable classrooms as its building facility. Initial space requirements are quite modest. To become operational, RA needs only roughly 3,500 sq. ft. of area, consisting of 2 classrooms, a small office, 2 --3 restrooms, and a small storage area.

Advantages of Modular Facility. The use of modular classrooms offers a number of advantages to the Rise Academy program. First, modular construction is less expensive, quicker to build, and can conform from the engineering stage to local fire and building codes. Second, the modular concept allows RA to add building facility incrementally, as needed. This feature greatly reduces overhead costs that are associated with procuring a conventional building large enough to accommodate grades k -- 8, when the school will initially only consist of 2 kindergarten classrooms.

Facility/Land Agreements. Rise Academy has obtained a tentative, pending agreement for the construction of such a classroom facility from Satellite Shelters, Inc., based in Lewisville, TX. (See attached agreement.) Financing of the modular units is likely to take the form of a lease-to-purchase or straight rental arrangement. Another portable classroom manufacturer, ILCOR, of Austin, TX, has expressed an interest in providing Rise Academy with its building needs. ILCOR's units are actually site-built portables, as opposed to modulars, but the basic concept is the same -- the placement of a pre-engineered unit on a prepared site. Rise Academy has also entered into a pending agreement (see attached) with a local realtor for

the acquisition of land upon which to place the portable classrooms described above. The property is an area of vacant land, several acres in size, and conveniently situated in the east Lubbock neighborhood of Parkway

F. Transportation

Initially Rise Academy will have no formal bus or transportation program for students. All parents/guardians who wish to take advantage of an RA education for their children are responsible for arranging safe and reliable transportation to and from school. Rise Academy will actively assist parents and guardians in combining their resources to form car pools and other transportation strategies.

G. Food Service

Rise Academy will have no school breakfast or lunch program or cafeteria. Therefore, ***parents and guardians are responsible for ensuring that children are provided with a well-balanced lunch brought from home each day.*** Parents will be instructed not to send children to school with food that must be kept refrigerated/frozen, or that must be heated. In the event of an emergency — i.e., a student is found to be without an appropriate lunch — RA staff will promptly obtain a meal for the child. The parents/guardians will be notified and reminded of their responsibility to ensure a daily lunch for their child(ren). With respect to the absence of a breakfast and lunch program at Rise Academy — a charter school expecting to enroll predominantly low-income students—

10. ADMISSION OF STUDENTS ELIGIBLE FOR PUBLIC EDUCATION GRANT

Rise Academy is not expected to attract PEG students seeking enrollment, since the criteria for such enrollment -- that such students come from school districts at which 50 percent or more of students did not pass TAAS, or that such school districts were identified as below acceptable standards by Subchapter D, Chapter 39 definition -- does not appear to exist in any Lubbock area school systems. However, in the event that a PEG enrollment situation does develop, Rise Academy will accept such a student, if there is adequate space available in the relevant classroom, and if the student meets all regular enrollment criteria aside from residence in the RA service area.

11. DESIGNATION AS 'AT-RISK' SCHOOL

Despite the fact that the school will be situated in a low-income, minority community, Rise Academy shall not be defined as an "At-Risk, 75 % Rule" charter school, but will instead be designated as an "open-enrollment" charter.

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Facility & Land Agreements for Rise Academy

As described in the charter application, Rise Academy is most likely to utilize a modular/portable classroom building as its facility. Attached are pending agreements from two portable/modular suppliers.

Also attached is a pending agreement with a local Lubbock realtor regarding the acquisition of vacant land upon which to place the modular building units.



John Walton Realtors®

4718 SW Loop 289
Lubbock, Texas 79414
Business (806) 793-8111
Fax (806) 799-2188

PENDING AGREEMENT

This agreement between Conservation Fund, 1800 N. Kent St., Suite 1120, Arlingtonm VA 22209 (Seller) and Rise Academy, 824 Lakeway, Kalamazoo, MI 49001 (prospective Buyer) states the terms under which Seller may sell to Buyer Lots 1-8, Block 12, Bozeman Heights Addition.

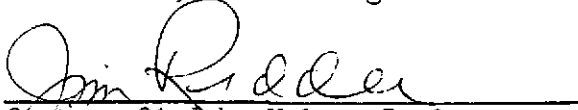
This agreement is pending, and is contingent on:

- 1) Buyer obtaining a charter license from the Texas State Board of Education;
- 2) Buyer raising funds sufficient to purchase the aforementioned land;
- 3) Seller and Buyer agreeing upon price and terms in regard to such purchase;
- 4) Buyer determining that Seller's property best suits Buyer's needs with respect to its operation of a charter school.

This agreement is not binding on either party; both Seller and Buyer shall retain full rights to render this agreement null and void, for any reason, or for no reason at all.

Jim Riddle, Sales Manager

Richard P. Baumgartner, Founder


Century 21 John Walton Realtors
(Representative of Conservation Fund)


for Rise Academy

Date: 7-1-98

Date: 7-1-98



PENDING AGREEMENT

This agreement between Satellite Shelters, Inc., 955 East Highway 121, Lewisville, TX 75057 (prospective Lessor) and Rise Academy, 824 Lakeway, Kalamazoo, MI 49001 (prospective Lessee) states the terms under which Lessor may lease to Lessee a relocatable modular classroom building.

Lessor tentatively agrees to lease to Lessee a 24' X 64' two-classroom modular unit, including 2 ADA approved restrooms, or a unit of similar dimensions to be determined.

This agreement is pending, and is contingent on:


- 1) Lessee obtaining a charter license from the Texas State Board of Education;
- 2) Lessee raising funds sufficient to enter into lease agreement with Lessor;
- 3) Lessee meeting lease terms required by Lessor, or a third-party leasing agent;
- 4) Lessee determining that Lessor's modular concept and leasing arrangements best suit Lessee's needs with respect to its operation of a charter school.

This agreement is not binding on either party; both Lessor and Lessee shall retain full rights to render this agreement null and void, for any reason, or for no reason at all.

Eric Mackie, Sales Representative


for Satellite Shelters, Inc.

Richard P. Baumgartner, Founder


for Rise Academy

Date: 6-18-98

Date: 6-18-98

APPLICATION



P.O. BOX 6070 • 1806 EAST 4TH STREET • AUSTIN, TEXAS 78762-6070
512-476-7566 • FAX 512-474-8038

June 23, 1998

Rise Academy
824 Lakeway Ave.
Kalamazoo, MI 49001


Dear Mr. Baumgartner,

The following is a non-binding agreement:


We propose to furnish all materials and labor to construct a moveable two classroom building with rest rooms, an office and storage facility.

Some of the conditions to this proposed agreement will be, to constructed on property owner or leased by Rise Academy in the state of Texas. Confirmation of a Texas Charter School license and approval of secured funding for above mentioned building. Also, an mutually agreeable price for the construction of such building.

Sincerely,



 Kathleen K. Wimbish
 Industrial Laminates Corp.
 President



 Richard P. Baumgartner
 Rise Academy
 Founder

APPLICATION



P.O. BOX 6070 - 1806 EAST 4TH STREET - AUSTIN, TEXAS 78762-0010
512-476-7568 - FAX 512-474-9008

June 12, 1998

Mr. Rick Baumgartner
Rise Academy
via fax: 616-337-6699

RE: Portable Classroom Building

Dear Mr. Baumgartner:

Thank you for your call regarding our portable buildings. ILCOR builds on-site and therefore conforms to local codes in regards to your portable building.

I would quote you A HIGH BALLPARK price of \$48,000.00 for a 24' x 64' two classroom portable with no plumbing and all utilities stubbed to the outside. To add restrooms would be an additional \$7,000.00, again utilities are stubbed to the outside. This price does include a porch and ramp.

1,536 sq. ft.

Should you have any questions, please call.

Sincerely,

Nick Hartje
Sales Representative

/pb

**Evidence of Parental
&
Community Support
for
Rise Academy**

Please Note:

Evidence of support for Rise Academy has been obtained in essentially two methods. The first and most extensive method of demonstrating support for the academy comes in the form of a community petition signed by parents, grandparents, and concerned citizens residing in the east Lubbock area. The second method of showing support takes the form of letters of endorsement from parents, church leaders, and other community groups and members.

A total of 250 parent/concerned citizen signatures were obtained during an 11 day period in late June and early July, 1998. East Lubbock neighborhoods were canvassed door-to-door. Each interested resident was given a 5-minute verbal presentation of the school initiative by the canvasser. This verbal description was supplemented by a nine page presentation guide which detailed the school's mission, educational goals, methodology, and the need for a high standards program focused on raising minority student achievement. This guide also contained information on the academy's founder, Mr. Richard Baumgartner, regarding his qualifications and personal references.

The majority of the signatures were obtained by Mr. Baumgartner himself, with crucial assistance from several key parents who also went door-to-door to add names to the petition.

The time frame for developing local support for Rise Academy was severely limited. The RA founder was never informed of the SBOE's decision to move-up the application submission date from Sept. 98 to July 98. Knowledge of this change came only inadvertently after the RA founder called the Charter School Office in mid June regarding a question unrelated to the submission date.

As a result, the ability to obtain letters of support from area community groups, churches, and the like has been limited by this reduced time frame. Such endorsements typically require formal approval by an organization's board of directors, and many boards do not even meet during the month of July. The support for Rise Academy is strong among those who have been introduced to the concept. Had more time been available, as many as a thousand signatures could have been obtained, and many more organizational endorsements, as well. Rise Academy expects that the SBOE will take this factor into consideration. In any event, we believe that the evidence of support which is attached is solid and indicative of the genuine desire of parents in east Lubbock to have educational choices such as Rise Academy available to them.

In order to conceal student identifiable information, per FERPA (Family Educational Rights and Privacy Act), 23 pages have been withheld. A sample page of the withheld documents follows this notice.

For more information or to request a copy of these pages, please contact:

Texas Education Agency
Division of Charter Schools
1701 N Congress Ave
Austin, TX 78701
512-463-9575 phone
512-463-9732 fax

Rise Academy

COMMUNITY PETITION

My signature indicates support of the establishment of Rise Academy

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All Lubbock

APPLICATION

Name: (Print)

Address:

Phone:

(Sign)

Parent: Ages of children:

Concerned Citizen? ___

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:

Name:



Mount Gilead Baptist Church
2512 Fir Avenue
Lubbock, Texas 79404
744-5363
Rev. J. Jerome Johnson, Pastor



**Letter of Endorsement
 for Rise Academy**

Date

To: Texas State Board of Education

Dear State Board Of Education Members:

This letter endorses the establishment of Rise Academy, a Texas charter school, in Lubbock.

We have met with Rise Academy's principal organizer, Mr. Richard Baumgartner, and have learned of the school's mission of providing a tuition-free, independent public school of choice aimed at providing community children with a quality, back-to-basics education.

We are further impressed with Rise Academy's high-expectations educational program of structured learning and early immersion in basic skills beginning at the kindergarten level.

As a charter school, we believe that Rise Academy offers Lubbock parents, particularly in the minority community, a solid and viable educational alternative for their children.

Sincerely,

"An Old Structure With a New Foundation"
 Matthew 16:18

[REDACTED]

JULY 8, 1998

TO: TEXAS STATE BOARD OF EDUCATION

DEAR BOARD OF EDUCATION MEMBERS

MY NAME IS [REDACTED] I AM A

[REDACTED]

I SUPPORT THE ESTABLISHMENT OF RISE ACADEMY BECAUSE I WANT THE BEST EDUCATIONAL CHOICE FOR [REDACTED], I BELIEVE THAT THE RISE PROGRAM OFFERS THE BEST ELEMENTARY ACADEMICS AVAILABLE TO ME.

RICHARD BAUMGARTNER, THE SCHOOLS FOUNDER, HAS PERSONALLY MET WITH ME TO EXPLAIN THE VALUE OF THE RISE ACADEMY PROGRAM.

PLEASE APPROVE RISE ACADEMY HAS A CHARTER SCHOOL.

SINCERELY,

[REDACTED]

E

Parent Letter of Support
for Rise Academy

July 7, 1998

To: Texas State Board of Education

Dear Board of Education Members:

My name is [REDACTED] and Lubbock has been my home for a few years now. I am currently living in [REDACTED] of [REDACTED] with my [REDACTED] year old [REDACTED]

When I first heard about Rise Academy I thought what a wonderful idea! True my [REDACTED] is [REDACTED]

but I also would like to see this happen for the children who are of age. I believe this is the kind of school we need all along for our children. After all they are our future!

I have personally met with Mr. Richard Baumgartner the school's founder who has explained the purpose

of Rise Academy, and I find
after listening to him that it
would be ashamed not to have
this school. He is willing to
provide the very help our children
have been lacking a few years
now. Once more I ask to please
approve Rise Academy as a
~~charter~~ charter school.

Sincerely,

**Projected First-Year
Budget
for Rise Academy
(Includes all Start-up Costs)**

Budget Overview for Charter Schools

	Object Code		Total
Net Assets at Beginning of Year	(contributions, start-up grants)		<u>\$60,000</u>
Estimated Revenues:			
Local Sources		<u>\$0</u>	
State Sources (ADA pymts: 46 stdnts x \$3,900 ea.)		<u>\$179,400</u>	
Federal Sources (At-Risk funds)		<u>\$17,500</u>	
Other Sources		<u>\$0</u>	
Total Estimated Revenues			<u>\$196,900</u>
Estimated Expenses:			
Payroll Costs	6500	<u>\$112,536</u>	
Prof. & Contract Sevices	6200	<u>\$6,500</u>	
Supplies & Materials	6300	<u>\$18,100</u>	
Other Operating Costs	6400	<u>\$81,760</u>	
Debt Expenses	6500	<u>\$0</u>	
Total Estimated Expenses			<u>\$218,896</u>
		<input type="text"/>	
Gains /	7950		
Losses	8950	<u>(\$21,996)</u>	
Change in Net Assets			<u>(\$21,996)</u>
Net Assets at End of Year			<u>\$38,004</u>

APPLICATION

CHARTER SCHOOL BUDGET CATAGORIES

Expenses	Function Code	Object Code	Total
Instruction:	11		
Payroll Costs		6100	\$66,030
Prof. & Contracted Services		6200	\$0
Supplies & Materials (btkbks, teach. materials)		6300	\$10,500
Other Operating Costs		6400	\$1,000
Debt Expense		6500	\$0
Total Instruction			<u>\$77,530</u>
Instr. Rsrcs. & Media Svcs.	12		
Payroll Costs		6100	\$0
Prof. & Contracted Services		6200	\$0
Supplies & Materials		6300	\$0
Other Operating Costs		6400	\$0
Debt Expense		6500	\$0
Total Inst. Rsrcs. & Media Svcs.			<u>\$0</u>
Curriculum Dev. & Instructional Staff Development:	13		
Payroll Costs		6100	\$7,659
Prof. & Contracted Services		6200	\$600
Supplies & Materials		6300	\$1,600
Other Operating Costs		6400	\$900
Debt Expense		6500	\$0
Total Curriculum Dev. & Instructional Staff Development			<u>\$10,759</u>
Instructional Leadership:	21		
Payroll Costs		6100	\$0
Prof. & Contracted Services		6200	\$0
Supplies & Materials		6300	\$0
Other Operating Expenses		6400	\$0
Debt Expense		6500	\$0
Total Instructional Leadership			<u>\$0</u>
School Leadership:	23		
Payroll Costs (Ex. Director salary, benefits)		6100	\$27,597
Prof. & Contracted Services (legal & audit costs)		6200	\$2,600
Supplies & Materials		6300	\$100
Other Operating Costs (liab. insurance)		6400	\$1,500
Debt Expense		6500	\$0
Total School Leadership			<u>\$31,797</u>

CHARTER SCHOOL BUDGET CATEGORIES (Continued)

	Function Code	Object Code	Total
Guidance, Counseling & Evaluation Services:	31		
Payroll Costs		6100	\$0
Prof. & Contracted Services		6200	\$800
Supplies & Materials		6300	\$0
Other Operating Costs		6400	\$0
Debt Expense		6500	\$0
Total Guidance, Counseling and Evaluation Services			<u>\$800</u>
Social Work Services: (Optional)	32		
Payroll Costs		6100	\$0
Prof. & Contracted Services		6200	\$0
Supplies & Materials		6300	\$0
Other Operating Costs		6400	\$0
Debt Expense		6500	\$0
Total Social Work Services			<u>\$0</u>
Health Services:	33		
Payroll Costs		6100	\$0
Prof. & Contracted Services		6200	\$0
Supplies & Materials		6300	\$0
Other Operating Costs		6400	\$0
Debt Expense		6500	\$0
Total Health Services			<u>\$0</u>
Student Transportation: (optional)	34		
Payroll Costs		6100	\$0
Prof. & Contracted Services		6200	\$0
Supplies & Materials		6300	\$0
Other Operating Costs		6400	\$0
Debt Expense		6500	\$0
Total Student Transportation			<u>\$0</u>
Food Services: (Optional)	35		
Payroll Costs		6100	\$0
Prof. & Contracted Services		6200	\$0
Supplies & Materials		6300	\$0
Other Operating Costs		6400	\$0
Debt Expense		6500	\$0
Total Food Services			<u>\$0</u>

CHARTER SCHOOL BUDGET CATEGORIES (Continued)

	Function Code	Object Code	Total
Co-curricular/Extracurricular	36		
Activities: (Optional)			
Payroll Costs		6100	\$0
Prof. & Contracted Services		6200	\$0
Supplies & Materials		6300	\$0
Other Operating Costs		6400	\$0
Debt Expense		6500	\$0
Total Co-curricular/Extracurricular Activities			<u>\$0</u>
General Administration	41		
Payroll Costs (ofc. assistant)		6100	\$7,900
Prof. & Contracted Services		6200	\$0
Supplies & Materials		6300	\$1,900
Other Operating Costs		6400	\$9,050
Debt Expense		6500	\$0
Total General Administration			<u>\$18,850</u>
Plant Maintenance & Operations:	51		
Payroll Costs (janitor)		6100	\$3,350
Prof. & Contracted Services		6200	\$0
Supplies & Materials		6300	\$4,000
Other Operating Costs (bldg. & land leases, utils)		6400	\$63,310
Debt Expense		6500	\$0
Total Plant & Maintenance Operations			<u>\$70,660</u>
Security & Monitoring Services:	52		
Payroll Costs		6100	\$0
Prof. & Contracted Services		6200	\$0
Supplies & Materials		6300	\$0
Other Operating Costs (ADT system)		6400	\$3,000
Debt Expense		6500	\$0
Total Security & Monitoring Services			<u>\$3,000</u>
Data Processing Service	53		
Payroll Costs		6100	\$0
Prof. & Contracted Services (pyroll servc; PEIM)		6200	\$5,500
Supplies & Materials		6300	\$0
Other Operating Costs		6400	\$0
Debt Expense		6500	\$0
Total Data Processing Services			<u>\$5,500</u>

CHARTER SCHOOL BUDGET CATEGORIES (Continued)

	Function Code	Object Code	Total
Community Services: (O	61		
Payroll Costs		6100	\$0
Prof. & Contracted Services		6200	\$0
Supplies & Materials		6300	\$0
Other Operating Costs		6400	\$0
Debt Expense		6500	\$0
Total Community Services			<u>\$0</u>
Fund Raising: (Optional)	81		
Payroll Costs		6100	\$0
Prof. & Contracted Services		6200	\$0
Supplies & materials		6300	\$0
Other Operating Costs		6400	\$0
Debt Expense		6500	\$0
Total Fund Raising			<u>\$0</u>
TOTAL EXPENSES (ALL FUNCTIONS)			<u>\$218,896</u>

Evidence of Status
as Eligible Entity:
Copy of Application
for IRS
Non-profit Status



Internal Revenue Service
District Director
Internal Revenue Service Center
P.O. BOX 192
COVINGTON KY 41012-01929

APPLICATION

Department of the Treasury
Southeast Region
F-5548 ALS EO
Refer Reply To:
17053-147-01302-8
F1023 /2B

Date: May 27, 1998

RISE ACADEMY
C/O RICHARD P BAUMGARTNER
7867 WILLOW HILL COURT STE 219
DALLAS TX 75230

Document Locator Number: 17053-147-01302-8
User Fee Paid: \$ 500

ACKNOWLEDGEMENT OF YOUR REQUEST

We have received your application for recognition of exemption from Federal income tax and have assigned it document locator number 17053-147-01302-8. You should refer to that number in any communication with us concerning your application.

We will review your application and send a reply as soon as possible. However, we must process applications in the order that we receive them.

You may normally expect to hear from us within (120 days). If you do not hear from us within that period and choose to write again, please include a copy of this letter with your correspondence. Also, please provide a telephone number and the most convenient time to call if we need to contact you. If you wish, you may call E. Wolf between the hours of 8:00 a.m. and 4:30 p.m. EST at (513) 241-5199 for assistance.

Thank you for your cooperation.

Form 5548 EOA ALS

Form **8718**
(Rev. January 1998)
Department of the Treasury
Internal Revenue Service

User Fee for Exempt Organization Determination Letter Request

▶ Attach this form to determination letter application.
(Form 8718 is NOT a determination letter application.)

Control number _____
Amount paid _____
User fee screener _____

1 Name of organization Rise Academy 2 Employer Identification Number 75:2759258

Caution: Do not attach Form 8718 to an application for a pension plan determination letter. Use Form 8717 instead.

3 Type of request

Fee

- a Initial request for a determination letter for:
 - An exempt organization that has had annual gross receipts averaging not more than \$10,000 during the preceding 4 years, or
 - A new organization that anticipates gross receipts averaging not more than \$10,000 during its first 4 years ▶ \$150
- Note: If you checked box 3a, you must complete the Certification below.

Certification

I certify that the annual gross receipts of _____ name of organization
have averaged (or are expected to average) not more than \$10,000 during the preceding 4 (or the first 4) years of operation.

Signature ▶ _____ Title ▶ _____

- b Initial request for a determination letter for:
 - An exempt organization that has had annual gross receipts averaging more than \$10,000 during the preceding 4 years, or
 - A new organization that anticipates gross receipts averaging more than \$10,000 during its first 4 years ▶ \$500
- c Group exemption letters ▶ \$500

Instructions

The law requires payment of a user fee with each application for a determination letter. The user fees are listed on line 3 above. For more information, see Rev. Proc. 98-8, 1998-1, I.R.B. 225.

Check the box on line 3 for the type of application you are submitting. If you check box 3a, you must complete and sign the certification statement that appears under line 3a.

Attach to Form 8718 a check or money order payable to the Internal Revenue Service for the full amount of the user fee. If you do not include the full amount, your application will be returned. Attach Form 8718 to your determination letter application.

Send the determination letter application and Form 8718 to:
Internal Revenue Service
P.O. Box 192
Covington, KY 41012-0192

If you are using express mail or a delivery service, send the application and Form 8718 to:
Internal Revenue Service
201 West Rivercenter Blvd.
Attn: Extracting Stop 312
Covington, KY 41011

Attach Check or Money Order Here

DATE 5-19-98

PAY TO THE ORDER OF Internal Revenue Service \$ 500.00

Five hundred and 00/100 DOLLARS

MEMO 501(c)(3) application

888

**Application for Recognition of Exemption
 Under Section 501(c)(3) of the Internal Revenue Code**

APPLICANTS 545-0056

If exempt status is approved, this application will be open for public-inspection.

Read the instructions for each Part carefully.

A User Fee must be attached to this application.

If the required information and appropriate documents are not submitted along with Form 8718 (with payment of the appropriate user fee), the application may be returned to you.

Complete the Procedural Checklist on page 7 of the instructions.

Part I Identification of Applicant


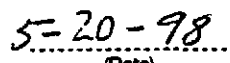
1a Full name of organization (as shown in organizing document) Rise Academy		2 Employer identification number (EIN) (If none, see page 2 of the instructions.) 75 : 2759258	
1b c/o Name (if applicable) Richard P. Baumgartner		3 Name and telephone number of person to be contacted if additional information is needed Richard P. Baumgartner (616) 382-0257 or () (214) 696-5826	
1c Address (number and street) 7867 Willow Hill Court	Room/Suite 219		
1d City or town, state, and ZIP code Dallas, Texas 75230			
5 Date incorporated or formed 4-28-98	6 Activity codes (See page 3 of the instructions.) 030	7 Check here if applying under section: a <input type="checkbox"/> 501(e) b <input type="checkbox"/> 501(f) c <input type="checkbox"/> 501(k)	
8 Did the organization previously apply for recognition of exemption under this Code section or under any other section of the Code? If "Yes," attach an explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
9 Is the organization required to file Form 990 (or Form 990-EZ)? <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
10 Has the organization filed Federal income tax returns or exempt organization information returns? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

11 Check the box for the type of organization. ATTACH A CONFORMED COPY OF THE CORRESPONDING ORGANIZING DOCUMENTS TO THE APPLICATION BEFORE MAILING. (See Specific Instructions for Part I, Line 11, on page 3.) Get Pub. 557, Tax-Exempt Status for Your Organization, for examples of organizational documents.)

- a Corporation—Attach a copy of the Articles of Incorporation (including amendments and restatements) showing approval by the appropriate state official; also include a copy of the bylaws.
- b Trust— Attach a copy of the Trust Indenture or Agreement, including all appropriate signatures and dates.
- c Association— Attach a copy of the Articles of Association, Constitution, or other creating document, with a declaration (see instructions) or other evidence the organization was formed by adoption of the document by more than one person; also include a copy of the bylaws.

If the organization is a corporation or an unincorporated association that has not yet adopted bylaws, check here

I declare under the penalties of perjury that I am authorized to sign this application on behalf of the above organization and that I have examined this application, including the accompanying schedules and attachments, and to the best of my knowledge it is true, correct, and complete.

Please Sign Here  Board President  (Signature) (Title or authority of signer) (Date)

Part II Activities and Operational Information

- 1 Provide a detailed narrative description of all the activities of the organization—past, present, and planned. **Do not merely refer to or repeat the language in the organizational document.** List each activity separately in the order of importance based on the relative time and other resources devoted to the activity. Indicate the percentage of time for each activity. Each description should include, as a minimum, the following: (a) a detailed description of the activity including its purpose and how each activity furthers your exempt purpose; (b) when the activity was or will be initiated; and (c) where and by whom the activity will be conducted.

Section 1. Activities & Operations

Rise Academy's purpose is to provide inner-city elementary children with a better prospect in life through high quality, back-to-basics education.

The academy is a forthcoming open-enrollment, tuition-free charter school, and may be situated in Dallas, TX, Atlanta, GA, Milwaukee, WI or in some other urban area as allowed by charter school legislation in various states. The school is planned to open for instruction in September of 1999. Like all publicly funded charter schools, Rise Academy may not discriminate in admissions, and enrollment is strictly a matter of parental choice.

Initially the organization will focus on efforts to solicit and raise start-up funds which may be distributed to pay the expenses of establishing the school in terms of site procurement, facility development, the purchase of educational materials, teacher training, and all other necessary start-up expenditures. From March, 1998 until approximately just before the academy's opening in September of 1999, virtually all organizational activity will be devoted to this purpose. The following is a listing of specific activities in order of importance based on the estimated relative time and other resources devoted to each activity:

1. **Development of Charter Application.** (a) Rise Academy organizers will be submitting an application for a charter to the state of Texas, and, possibly, to Georgia and other states. Charter school applications vary by state, but typically involve a lengthy, detailed description of the educational design, school philosophy, governance structure, facilities, staffing plans, budgeting projections and the like. This application process is necessary to the organization's purpose, in that without a charter, there is no school. (b) The application process is now underway (March, 1998). (c) The application process is being carried out by Richard P. Baumgartner, Rise Academy Founder from his current residence in Michigan. Once a final decision is made in terms of ultimate school location, the Founder will relocate to that area and complete the application process from that city. Estimated percentage of time devoted to this activity: 14%. Estimated resources to be allocated: \$75.

See Attachment " Part II, Section 1, Activities & Operations, Continued"

- 2 What are or will be the organization's sources of financial support? List in order of size.

a. State school aid payments* b. Federal funds (formula & competitive grants) c. State grants
d. Donations e. Fees and charges permitted to be charges by charter school law

* State school aid payments, by far, will constitute the bulk of funding. Such aid does not become available until after the academy opens. Thus the bulk of initial funding will come from private donations and some government seed money.

- 3 Describe the organization's fundraising program, both actual and planned, and explain to what extent it has been put into effect. Include details of fundraising activities such as selective mailings, formation of fundraising committees, use of volunteers or professional fundraisers, etc. Attach representative copies of solicitations for financial support.

Fundraising activities are described in Part II, No. 5, above.

As the organization is just beginning, the fundraising effort has yet to be put into effect. The effort may include selective mailings, probably little use of committees, and no anticipated use of professional fundraisers, due to the scarcity of funds available to pay such solicitors. See attached examples of solicitations (sample grant, brochure, etc).

Part II Activities and Operational Information (Continued)

4 Give the following information about the organization's governing body:

a Names, addresses, and titles of officers, directors, trustees, etc.	b Annual compensation
Members of the Initial Rise Academy Board of Directors are:	
1. Richard P. Baumgartner 824 Lakeway, Kalamazoo, MI 49001	0*
2. Harland William Orr 4117 Dreamcatcher Dr., Woodstock, GA 30189	0
3. John F. Baumgartner 7867 Willow Hill Court, #219, Dallas, TX 75230	0
* Pursuant to the corporation's Bylaws, directors will not be paid a salary for their services as board members or board officers.	

c Do any of the above persons serve as members of the governing body by reason of being public officials or being appointed by public officials? Yes No
 If "Yes," name those persons and explain the basis of their selection or appointment.

d Are any members of the organization's governing body "disqualified persons" with respect to the organization (other than by reason of being a member of the governing body) or do any of the members have either a business or family relationship with "disqualified persons"? (See **Specific Instructions** for Part II, Line 4d, on page 3.) Yes No
 If "Yes," explain.

5 Does the organization control or is it controlled by any other organization? Yes No
 Is the organization the outgrowth of (or successor to) another organization, or does it have a special relationship with another organization by reason of interlocking directorates or other factors? Yes No
 If either of these questions is answered "Yes," explain.

6 Does or will the organization directly or indirectly engage in any of the following transactions with any political organization or other exempt organization (other than a 501(c)(3) organization): (a) grants; (b) purchases or sales of assets; (c) rental of facilities or equipment; (d) loans or loan guarantees; (e) reimbursement arrangements; (f) performance of services, membership, or fundraising solicitations; or (g) sharing of facilities, equipment, mailing lists or other assets, or paid employees? Yes No
 If "Yes," explain fully and identify the other organizations involved.

7 Is the organization financially accountable to any other organization? Yes No
 If "Yes," explain and identify the other organization. Include details concerning accountability or attach copies of reports if any have been submitted.

Charter schools are publicly funded and thus are accountable to the public. Rise Academy will be financially and otherwise accountable to the Texas (or any other state) State Board of Education. Charter schools must provide an annual financial audit conducted by a CPA firm. Such audits must conform to state-specific Board of Education guidelines. No reports, of course, have yet been submitted

Part II Activities and Operational Information (Continued)

8 What assets does the organization have that are used in the performance of its exempt function? (Do not include property producing investment income.) If any assets are not fully operational, explain their status, what additional steps remain to be completed, and when such final steps will be taken. If "None," indicate "N/A."

See Attachment "Part II Activities & Operational Information, Continued" Section 8

9 Will the organization be the beneficiary of tax-exempt bond financing within the next 2 years? Yes No

10a Will any of the organization's facilities or operations be managed by another organization or individual under a contractual agreement? Yes No

b Is the organization a party to any leases? Yes No

If either of these questions is answered "Yes," attach a copy of the contracts and explain the relationship between the applicant and the other parties.

See Attachment "Part II..." Section 10b.

11 Is the organization a membership organization? Yes No

If "Yes," complete the following:

a Describe the organization's membership requirements and attach a schedule of membership fees and dues.

b Describe the organization's present and proposed efforts to attract members and attach a copy of any descriptive literature or promotional material used for this purpose.

c What benefits do (or will) the members receive in exchange for their payment of dues?

12a If the organization provides benefits, services, or products, are the recipients required, or will they be required, to pay for them? N/A Yes No
If "Yes," explain how the charges are determined and attach a copy of the current fee schedule.

b Does or will the organization limit its benefits, services, or products to specific individuals or classes of individuals? N/A Yes No
If "Yes," explain how the recipients or beneficiaries are or will be selected.

See Attachment "Part II..." Section 12b.

13 Does or will the organization attempt to influence legislation? Yes No
If "Yes," explain. Also, give an estimate of the percentage of the organization's time and funds that it devotes or plans to devote to this activity.

14 Does or will the organization intervene in any way in political campaigns, including the publication or distribution of statements? Yes No
If "Yes," explain fully.

Part III Technical Requirements

1 Are you filing Form 1023 within 15 months from the end of the month in which your organization was created or formed? Yes No
If you answer "Yes," do not answer questions on lines 2 through 7 below.

2 If one of the exceptions to the 15-month filing requirement shown below applies, check the appropriate box and proceed to question 8.

Exceptions—You are not required to file an exemption application within 15 months if the organization:

- a Is a church, interchurch organization of local units of a church, a convention or association of churches, or an integrated auxiliary of a church. See Specific Instructions, Line 2a, on page 4;
- b Is not a private foundation and normally has gross receipts of not more than \$5,000 in each tax year; or
- c Is a subordinate organization covered by a group exemption letter, but only if the parent or supervisory organization timely submitted a notice covering the subordinate.

3 If the organization does not meet any of the exceptions on line 2 above, are you filing Form 1023 within 27 months from the end of the month in which the organization was created or formed? Yes No

If "Yes," your organization qualifies under section 4.01 of Rev. Proc. 92-85, 1992-2 C.B. 490, for an automatic 12-month extension of the 15-month filing requirement. Do not answer questions 4 through 7.

If "No," answer question 4.

4 If you answer "No" to question 3, has the organization been contacted by the IRS regarding its failure to file Form 1023 within 27 months from the end of the month in which the organization was created or formed? Yes No

If "No," your organization is requesting an extension of time to apply under the "reasonable action and good faith" requirements of section 5.01 of Rev. Proc. 92-85. Do not answer questions 5 through 7.

If "Yes," answer question 5.

5 If you answer "Yes" to question 4, does the organization wish to request relief from the 15-month filing requirement? Yes No

If "Yes," give the reasons for not filing this application prior to being contacted by the IRS. See Specific Instructions, Line 5, on page 4 before completing this item. Do not answer questions 6 and 7.

If "No," answer question 6.

6 If you answer "No" to question 5, your organization's qualification as a section 501(c)(3) organization can be recognized only from the date this application is filed with your key District Director. Therefore, do you want us to consider the application as a request for recognition of exemption as a section 501(c)(3) organization from the date the application is received and not retroactively to the date the organization was created or formed? Yes No

7 If you answer "Yes" to question 6 above and wish to request recognition of section 501(c)(4) status for the period beginning with the date the organization was formed and ending with the date the Form 1023 application was received (the effective date of the organization's section 501(c)(3) status), check here and attach a completed page 1 of Form 1024 to this application.

Part III Technical Requirements (Continued)

- 8 Is the organization a private foundation?
- Yes (Answer question 9.)
- No (Answer question 10 and proceed as instructed.)

- 9 If you answer "Yes" to question 8, does the organization claim to be a private operating foundation?
- Yes (Complete Schedule E.)
- No

After answering question 9 on this line, go to line 15 on page 7.

- 10 If you answer "No" to question 8, indicate the public charity classification the organization is requesting by checking the box below that most appropriately applies:

THE ORGANIZATION IS NOT A PRIVATE FOUNDATION BECAUSE IT QUALIFIES:

- | | | |
|---|---|--|
| a | <input type="checkbox"/> As a church or a convention or association of churches
(CHURCHES MUST COMPLETE SCHEDULE A.) | Sections 509(a)(1)
and 170(b)(1)(A)(i) |
| b | <input checked="" type="checkbox"/> As a school (MUST COMPLETE SCHEDULE B.) | Sections 509(a)(1)
and 170(b)(1)(A)(ii) |
| c | <input type="checkbox"/> As a hospital or a cooperative hospital service organization, or a
medical research organization operated in conjunction with a
hospital (MUST COMPLETE SCHEDULE C.) | Sections 509(a)(1)
and 170(b)(1)(A)(iii) |
| d | <input type="checkbox"/> As a governmental unit described in section 170(c)(1). | Sections 509(a)(1)
and 170(b)(1)(A)(v) |
| e | <input type="checkbox"/> As being operated solely for the benefit of, or in connection with,
one or more of the organizations described in a through d, g, h, or i
(MUST COMPLETE SCHEDULE D.) | Section 509(a)(3) |
| f | <input type="checkbox"/> As being organized and operated exclusively for testing for public
safety. | Section 509(a)(4) |
| g | <input type="checkbox"/> As being operated for the benefit of a college or university that is
owned or operated by a governmental unit. | Sections 509(a)(1)
and 170(b)(1)(A)(iv) |
| h | <input type="checkbox"/> As receiving a substantial part of its support in the form of
contributions from publicly supported organizations, from a
governmental unit, or from the general public. | Sections 509(a)(1)
and 170(b)(1)(A)(vi) |
| i | <input type="checkbox"/> As normally receiving not more than one-third of its support from
gross investment income and more than one-third of its support from
contributions, membership fees, and gross receipts from activities
related to its exempt functions (subject to certain exceptions). | Section 509(a)(2) |
| j | <input type="checkbox"/> The organization is a publicly supported organization but is not sure
whether it meets the public support test of block h or block i. The
organization would like the IRS to decide the proper classification. | Sections 509(a)(1)
and 170(b)(1)(A)(vi)
or Section 509(a)(2) |

If you checked one of the boxes a through f in question 10, go to question 15. If you checked box g in question 10, go to questions 12 and 13. If you checked box h, i, or j, in question 10, go to question 11.

Part III Technical Requirements (Continued)

- 11 If you checked box h, i, or j in question 10, has the organization completed a tax year of at least 8 months?
 Yes—Indicate whether you are requesting:
 A definitive ruling (Answer questions 12 through 15.)
 An advance ruling (Answer questions 12 and 15 and attach two Forms 872-C completed and signed.)
 No—You must request an advance ruling by completing and signing two Forms 872-C and attaching them to the application.

12 If the organization received any unusual grants during any of the tax years shown in Part IV-A, attach a list for each year showing the name of the contributor; the date and the amount of the grant; and a brief description of the nature of the grant.

13 If you are requesting a definitive ruling under section 170(b)(1)(A)(iv) or (vi), check here and:

- a Enter 2% of line 8, column (e), Total, of Part IV-A. _____
 b Attach a list showing the name and amount contributed by each person (other than a governmental unit or "publicly supported" organization) whose total gifts, grants, contributions, etc., were more than the amount entered on line 13a above.

14 If you are requesting a definitive ruling under section 509(a)(2), check here and:

- a For each of the years included on lines 1, 2, and 9 of Part IV-A, attach a list showing the name of and amount received from each "disqualified person." (For a definition of "disqualified person," see Specific Instructions, Part II, Line 4d, on page 3.)
 b For each of the years included on line 9 of Part IV-A, attach a list showing the name of and amount received from each payer (other than a "disqualified person") whose payments to the organization were more than \$5,000. For this purpose, "payer" includes, but is not limited to, any organization described in sections 170(b)(1)(A)(i) through (vi) and any governmental agency or bureau.

15 Indicate if your organization is one of the following. If so, complete the required schedule. (Submit only those schedules that apply to your organization. Do not submit blank schedules.)	Yes	No	If "Yes," complete Schedule:
Is the organization a church?		✓	A
Is the organization, or any part of it, a school?	✓		B
Is the organization, or any part of it, a hospital or medical research organization?		✓	C
Is the organization a section 509(a)(3) supporting organization?		✓	D
Is the organization a private operating foundation?		✓	E
Is the organization, or any part of it, a home for the aged or handicapped?		✓	F
Is the organization, or any part of it, a child care organization?		✓	G
Does the organization provide or administer any scholarship benefits, student aid, etc.?		✓	H
Has the organization taken over, or will it take over, the facilities of a "for profit" institution? . . .		✓	I

Part IV Financial Data

APPLICATION

Complete the financial statements for the current year and for each of the 3 years immediately before it. If in existence less than 4 years, complete the statements for each year in existence. If in existence less than 1 year, also provide proposed budgets for the 2 years following the current year.

A. Statement of Revenue and Expenses

	Current tax year	3 prior tax years or proposed budget for 2 years			(e) TOTAL
		(a) From 4-30-98 to 6-15-98	(b) 1998 to '99 see start-up	(c) 1999... to 2000, see 1st yr.	
Revenue					
1 Gifts, grants, and contributions received (not including unusual grants—see pages 5 and 6 of the instructions)	600	61,435	205,825		267,860
2 Membership fees received	—	—	—		—
3 Gross investment income (see instructions for definition)	—	—	—		—
4 Net income from organization's unrelated business activities not included on line 3	—	—	—		—
5 Tax revenues levied for and either paid to or spent on behalf of the organization	—	—	—		—
6 Value of services or facilities furnished by a governmental unit to the organization without charge (not including the value of services or facilities generally furnished the public without charge)	—	—	—		—
7 Other income (not including gain or loss from sale of capital assets) (attach schedule)	—	—	—		—
8 Total (add lines 1 through 7)	600	61,435	205,825		267,860
9 Gross receipts from admissions, sales of merchandise or services, or furnishing of facilities in any activity that is not an unrelated business within the meaning of section 513. Include related cost of sales on line 22.	0	0	0		0
10 Total (add lines 8 and 9)	600	61,435	205,825		267,860
11 Gain or loss from sale of capital assets (attach schedule)	—	—	—		—
12 Unusual grants	—	—	—		—
13 Total revenue (add lines 10 through 12)	600	61,435	205,825		267,860
Expenses					
14 Fundraising expenses	0	300	300		
15 Contributions, gifts, grants, and similar amounts paid (attach schedule)	0	0	0		
16 Disbursements to or for benefit of members (attach schedule)	0	0	0		
17 Compensation of officers, directors, and trustees (attach schedule)	0	0	0		
18 Other salaries and wages	0	19,619	48,960		
19 Interest	0	0	0		
20 Occupancy (rent, utilities, etc.)	0	29,350	75,900		
21 Depreciation and depletion	0	0	0		
22 Other (attach schedule)	525	12,166	80,965		
23 Total expenses (add lines 14 through 22)	525	61,435	157,685	596	
24 Excess of revenue over expenses (line 13 minus line 23)	75	0	48,140		

Part IV Financial Data (Continued)

APPLICATION

B. Balance Sheet (at the end of the period shown)

Current tax year
Date 6-15-98

Assets		
1	Cash	600
2	Accounts receivable, net	-
3	Inventories	-
4	Bonds and notes receivable (attach schedule)	-
5	Corporate stocks (attach schedule)	-
6	Mortgage loans (attach schedule)	-
7	Other investments (attach schedule)	-
8	Depreciable and depletable assets (attach schedule)	-
9	Land	-
10	Other assets (attach schedule)	-
11	Total assets (add lines 1 through 10)	600
Liabilities		
12	Accounts payable	-
13	Contributions, gifts, grants, etc., payable	-
14	Mortgages and notes payable (attach schedule)	-
15	Other liabilities (attach schedule)	-
16	Total liabilities (add lines 12 through 15)	-
Fund Balances or Net Assets		
17	Total fund balances or net assets	0
18	Total liabilities and fund balances or net assets (add line 16 and line 17)	600

If there has been any substantial change in any aspect of the organization's financial activities since the end of the period shown above, check the box and attach a detailed explanation

Schedule B. Schools, Colleges, and Universities

1 Does, or will, the organization normally have: (a) a regularly scheduled curriculum, (b) a regular faculty of qualified teachers, (c) a regularly enrolled student body, and (d) facilities where its educational activities are regularly carried on? Yes No
 If "No," do not complete the rest of Schedule B.

2 Is the organization an instrumentality of a state or political subdivision of a state? Yes No
 If "Yes," document this in Part II and do not complete items 3 through 10 of Schedule B. (See instructions on the back of Schedule B.) See Attachment "Schedule B"

3 Does or will the organization (or any department or division within it) discriminate in any way on the basis of race with respect to:

a Admissions? Yes No

b Use of facilities or exercise of student privileges? Yes No

c Faculty or administrative staff? Yes No

d Scholarship or loan programs? Yes No

If "Yes" for any of the above, explain.

4 Does the organization include a statement in its charter, bylaws, or other governing instrument, or in a resolution of its governing body, that it has a racially nondiscriminatory policy as to students? Yes No

Attach whatever corporate resolutions or other official statements the organization has made on this subject.

5a Has the organization made its racially nondiscriminatory policies known in a manner that brings the policies to the attention of all segments of the general community that it serves? Yes No

If "Yes," describe how these policies have been publicized and how often relevant notices or announcements have been made. If no newspaper or broadcast media notices have been used, explain.

See Attachment "Schedule B"

b If applicable, attach clippings of any relevant newspaper notices or advertising, or copies of tapes or scripts used for media broadcasts. Also attach copies of brochures and catalogues dealing with student admissions, programs, and scholarships, as well as representative copies of all written advertising used as a means of informing prospective students of the organization's programs.

6 Attach a numerical schedule showing the racial composition, as of the current academic year, and projected to the extent feasible for the next academic year, of: (a) the student body, and (b) the faculty and administrative staff.

7 Attach a list showing the amount of any scholarship and loan funds awarded to students enrolled and the racial composition of the students who have received the awards.

8a Attach a list of the organization's incorporators, founders, board members, and donors of land or buildings, whether individuals or organizations.

b State whether any of the organizations listed in 8a have as an objective the maintenance of segregated public or private school education, and, if so, whether any of the individuals listed in 8a are officers or active members of such organizations.

9a Enter the public school district and county in which the organization is located.
 9a. Location yet to be determined. Most likely Dallas Public Schools; Atlanta Public Schools, Houston Public Schools, Milwaukee Public Schools are also possibilities.

b Was the organization formed or substantially expanded at the time of public school desegregation in the above district or county? Yes No

10 Has the organization ever been determined by a state or Federal administrative agency or judicial body to be racially discriminatory? Yes No

If "Yes," attach a detailed explanation identifying the parties to the suit, the forum in which the case was heard, the cause of action, the holding in the case, and the citations (if any) for the case. Also describe in detail what changes in the organization's operation, if any, have occurred since then.

Schedule B Explanations & Attachments

Section 2, regarding status as governmental entity:

Texas Education Code, Chapter 12, Subchapter D, "Open-Enrollment Charter School," Sec. 12.105. Status, states:

- a. An open-enrollment charter school is part of the public school system of this state;
- b. The governing body of the school is considered a governmental body for the purposes of Chapters 551 and 552, Government Code.

This means that Texas charter schools, like charter schools in most states, are considered governmental entities. If Rise Academy is a governmental entity, then the remainder of Schedule B need not be filled out. HOWEVER, Rise Academy will not have the status of a governmental entity until it is actually granted a charter from the state of Texas in March of 1999. But in order to be given a charter by the state, the organization applying (Rise Academy) must already be an existing 501(c)(3) organization. Therefore, Schedule B is completed here as if it were a non-governmental entity, since that is what it is until the formal granting of the charter.

Section 4, Nondiscrimination Statement.

-Texas Education Code, Chapter 12, Subchapter D, Sec. 12.103. "Applicability of Laws and Rules to Open-Enrollment Charter Schools," states that "an open-enrollment charter school is subject to federal and state laws and rules governing public schools." Public schools, of course, cannot discriminate, according to state and federal law.

-Attached is an excerpt from the Rise Academy Parent/Student Handbook, which contains a statement of non-discrimination.

Section 5a.

As an open-enrollment charter school, Rise Academy cannot engage in any discrimination based on race, religion, handicap, academic aptitude, or any other criteria. Texas charter law does allow, as do laws in most states with charter school initiatives, for schools to target at-risk students from minority populations. Any newspaper notices announcing enrollment dates or informational forums will include a nondiscriminatory provision, as will all brochures distributed for informational purposes.

Section 5b.

Most material of this nature has yet to be developed. A sample of typical literature is attached from _____ School located in Michigan which was also founded by Richard Baumgartner.

Section 6.

Projected Racial Composition of Students and Staff of Rise Academy

All figures are projections only, since Rise Academy has yet to enroll any students or hire any staff.

Student Body:		Staff:
African-American	85%	50%
Hispanic-American	10%	25%
White	5%	25%

Note: percentages are based on the projection that the academy will start with only about 45 students and 4 staff members. As the school expands, these percentages are not expected to change.

Section 8a.

Rise Academy Incorporators, Founders, Board Members & Donors

Founder: Richard P. Baumgartner

Incorporator: Richard P. Baumgartner

Initial Board Members: Richard P. Baumgartner, Harland William Orr, John F. Baumgartner

Donor(s) to date: Richard P. Baumgartner (pro bono, all organizational, legal, academic, and promotional activities).

8b. Certainly nothing in the efforts of Rise Academy is for the purposes of reinforcing racial segregation, quite to the contrary. The purpose of the school is to equip minority students with the academic and personal skills to achieve and succeed in an integrated fashion within mainstream society.

RISE ACADEMY

PARENT - STUDENT HANDBOOK

1999/2000

* * * *

*Dedicated To Providing Children
With A Better Prospect In Life
Through Superior Education*

MISSION STATEMENT

Rise Academy shall operate on the belief that every child has the right to adequate educational opportunity, and that, with proper instruction and support, every child can become an academic achiever if he or she so chooses.

PARENTAL/GUARDIAN RESPONSIBILITIES AND INVOLVEMENT

Your role as your child's first teacher is vitally important. Rise Academy is committed to uniting parents and guardians, teachers, and school officials in the educational process. Whenever possible, volunteer to help supervise field trips, tutor students, arrange car pools, or assist teachers in any way that you can. Attend board meetings to gain insight into policies and decisions of the school that may affect your child. Form relationships with the Rise director and your child's teacher. Share your ideas, questions, and interest with other parents and school officials. All parents and guardians of Rise students are invited to visit and observe a classroom while school is in session. When attending a parent-teacher conference, prepare your questions in advance. Ask about subjects being studied; ask how your child is progressing both academically and socially; and provide any information that will help the teacher better understand your child. Listen carefully to the teacher's recommendations on books, program, games, or community resources for your child.

In order for your child to get the most out of school, a concerted effort between students, parents or guardians, and Rise personnel is essential. To this end, all parents must read, accept, and sign the Rise Academy parent contract prior to your child's first day in attendance at the academy. (A copy of the parent contract is attached.) With your active participation, patience, and hard work, your child can have a fun, challenging, and successful educational experience at Rise Academy.

NON-DISCRIMINATION STATEMENT

Rise Academy will not discriminate against students, parents, or employees on the basis of sex, race, religion, age, color, creed, disability, or national origin with regard to the educational program, employment, or school activities.

SCHOOL AFFIRMATION

Each day at Rise Academy will begin with all students reciting an affirmative school pledge testifying to the uniqueness, possibility, and responsibility of each child. Students will be taught to define themselves inwardly based on their own uniqueness and character development. Our students will be encouraged to be creators and non-conformists and to resist the kinds of peer pressure which often lead so many others down the road of permanent failure.

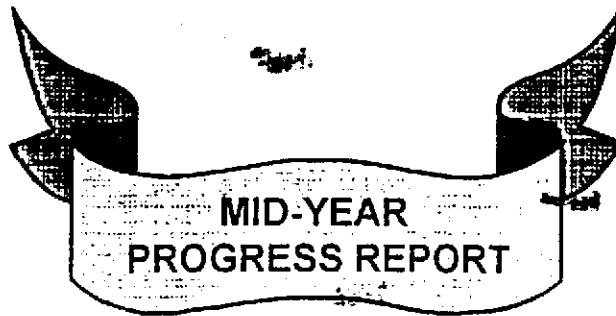
Section 5b.



[REDACTED]
[REDACTED]

SCHOOL

"A Michigan Charter School"



JANUARY, 1997

* * * *

Dedicated to Providing Children
With a Better Prospect in Life
Through Superior Education"

[REDACTED] Preparatory School
[REDACTED]
[REDACTED], Michigan 49007

Phone: [REDACTED]
Fax: [REDACTED]

MESSAGE FROM THE EXECUTIVE DIRECTOR...

[redacted] preparatory [redacted] opened its doors on Wednesday, September 4, 1996, to make history as [redacted] first charter school.

The mission of the school is clear. [redacted] seeks to provide tuition-free access to a college preparatory program for vulnerable children in the [redacted] area — particularly African-American children — who may not otherwise have an opportunity for intensive, academically-focused instruction. [redacted] is a school of educational excellence, individual responsibility, and high expectations.

Throughout 1996, committed [redacted] organizers and volunteers logged countless hours of time and effort to bring the school into existence. In addition, the assistance of numerous foundations, businesses, and individuals in the [redacted] community was instrumental in bringing the [redacted] vision of educational excellence to reality. Our heartfelt thanks to all those who have supported our efforts.

During the course of the year, [redacted] has encountered its share of obstacles and challenges. Nonetheless, we are pleased to note the many inroads and successes we have made in a relatively short period of time. As a community-based school, [redacted] has established itself as an active participant in the effort to positively impact the lives of [redacted] parents and students.

We have come a long way, yet we still have a long way to go. The road ahead will likely be challenging, and at times, difficult. But the hard work, unrelenting persistence, and tireless dedication that brought us to this place will help us meet our challenges, and will propel us forward. As so envisioned, [redacted] shall serve as a beckoning phoenix upon which its children shall be pulled upward and forward by the promise of the future.

Richard Baumgartner
Co-Founder/Executive Director



DEMOGRAPHICS

➤ Student Enrollment - 1st Friday Count: 45 Total Students

Male: 29 Female: 26

		Student/Staff Ratio*
Kindergarten:	24 students	24:2
1st Grade:	12 students	12:1
2nd Grade:	9 students	9:1

(Note: 1st/2nd grade combined class has 21:1 ratio for a portion of the day)

➤ Racial Composition

	[redacted]	Public Schools
African-American	98%	41%
Hispanic-American	2%	5%
Anglo-American	0%	51%
Native American	0%	1%
Asian-American	0%	1%
Multi-racial (Other)	0%	2%

➤ Neighborhood Origin:

Northside: 57% Vine: 15% East Side: 6% Other: 21%

➤ Household Income:

% Qualified for Free/Reduced Lunch:	46.7%
% Above Free/Reduced Lunch Level:	8.8%
% Unknown (data not provided):	44.5%

Note: Statewide Free/Reduced Lunch Average = 30.55%

➤ Retention Rate: 84% as of December 31, 1996. Students will be drawn from the official waiting list to fill these vacancies.

Reason For Drop-Out (7 Students):

Moved: 3	Dissatisfaction: 2	Unwilling to follow school policies: 2
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ACADEMICS

APPLICATION

- ▶ 90% of incoming kindergarten students were reading basic long vowel words in sentences by Thanksgiving break — surpassing our original goal by one month! Kindergartners are also beginning to master basic math skills such as addition, counting, etc. While most school systems prefer to emphasize socialization at the kindergarten level in 1/2 day increments, students are immersed in a full day of academics from the very first day of school.
- ▶ Through the daily phonics and language arts drills, students are mastering the spelling, pronunciation, and meanings of words such as: *pensive, gullible, jovial, zenith, folly*, and more.
- ▶ 2nd graders have progressed to adding and subtracting 3-digit numbers, and are beginning to learn their multiplication tables. These are skills that many schools do not introduce until 3rd grade.
- ▶ To ensure that more targeted instruction is provided for 1st and 2nd grade students, a seasoned professional with 25 years of teaching experience was hired in October. This allows more effective one-on-one student/teacher interaction by decreasing the student-to-teacher ratio to 10:1, for a minimum of 4 hours each day.
- ▶ instituted "Dollar Days" as a component of its character education focus. Students are rewarded for positive behavior and effort with "Dollars." From time to time, these dollars can be cashed in at the school store for toys, trinkets and other goodies. This system teaches children that there is a real connection between effort and reward, and that each child has the personal responsibility to make positive choices in his or her behavior.

Northside Prep School is open to eligible students of all races and will not discriminate on the basis of race, color, creed, sex, religion, age, handicap, or national origin. is independent of, and unrelated to, any other elementary school, public or private.

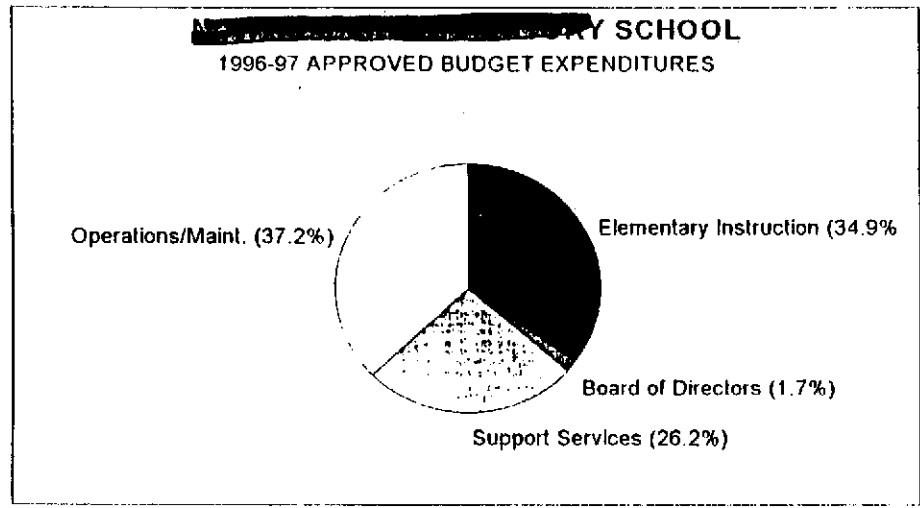


FINANCIAL UPDATE

105

The Board of Directors approved an operating budget for 1996/97 that is student-centered, fiscally responsible, and that does not supplant available resources.

A breakdown of the \$259,504 fiscal year budget shows that the percentage of the budget earmarked for **direct elementary instruction and student support categories totals 61.10%:**



THE [REDACTED] SCHOOL PLEDGE

This School Pledge is recited each morning by ALL [REDACTED] Students.
Even the youngest children have learned this pledge!**

I come into this world recognizing that society is largely indifferent to whether I succeed or fail. In fact, many predict that I will fail. Indeed, I may be tagged, labelled, and called many things. But to society I say this: It matters not what you call me; what is important is what I answer to. And what I answer to, quite simply, is the challenge which is my life.

In this life, I face my basic alternative: I can go forward in only one of two ways -- either by the code of excellence, or by the code of mediocrity. The excellent strive to achieve. The mediocre settle for being average. The excellent go the extra mile. The mediocre do just enough to get by.

My choice is the way of excellence, for I have seen far too many of my brothers and sisters lost for eternity to the ranks of the mediocre and the below average.

To pursue excellence, my basic need is freedom. Today the question is not what freedoms I am lacking, but what I do positively with the freedom that I already have. My freedom is my education and my intelligence. It is a freedom that is never free -- it requires hard work, discipline, effort, and persistence. I also recognize that my freedom is not without limits. I must respect the rights of others, and be tolerant of others who are different from me. If I choose to fail, I do not have the right to make others fail with me. It is proper for me to help others. I seek a healthy interdependence so that the help I give leads others to their own self-reliance, and not merely a reliance on me.

I am responsible. I am accountable. I am, for the most part, what I choose to be. I aim for success. I celebrate me. I begin now! In the end, at best, my triumph is high achievement; at worst, if I fail, at least I will have failed while daring greatly. Either way, I know my place will never be with those timid souls on the sidelines of life who know neither victory nor defeat.

1996/97 SCHOOL DIRECTORY

BOARD OF DIRECTORS

William Chapman, President
 William [REDACTED], III, Vice President/Co-Founder
 [REDACTED], Treasurer
 E. [REDACTED], Director
 [REDACTED], Director

STAFF

Richard Baumgartner, Co-Founder/Executive Director
 [REDACTED], Lead Teacher
 Michelle [REDACTED], Lead Teacher
 [REDACTED], Classroom Teacher
 [REDACTED], Teacher's Assistant
 Andrea [REDACTED], Receptionist
 [REDACTED], School Volunteer

PARENT-TEACHER ORGANIZATION

Lorena [REDACTED]
 Emmett [REDACTED]
 Angela [REDACTED]
 [REDACTED]

Part II, Section 1, Activities & Operations, Continued

2. Site Procurement & Facility Development. (a) Locating an existing building in an urban area which meets school fire codes, local zoning laws and other regulations requires a great deal of work. This effort involves working with local realtors, municipal assessor's offices, local and state fire marshalls, state engineers, and so forth. Typically the school must hire an architect or engineer to submit building plans for state approval. Often significant renovation and or construction must be undertaken in order to transform the building into a functional school facility. Land must be leased or purchased. (b) Site procurement and planning will begin approximately in July of 1998. Building renovation and necessary construction may begin in March of 1999. (c) Coordination of all the above related activities will be by Richard P. Baumgartner, Founder, from his forthcoming residence in the Dallas (or Atlanta or other) area.. Estimated percentage of time devoted: 25%. Estimated allocation of resources: \$29,000.

3. Curriculum Development. (a) Rise Academy's curriculum and educational design is derived from a similar charter school established in Michigan. However, additional work must be done to further develop the instructional program. This process involves the production of a comprehensive teacher's manual for all subjects, beginning with grades K - 2nd. In addition, promising curricula in reading instruction and mathematics will be studied and integrated into the Rise program. This process involves obtaining sample texts, attending training seminars, and implementation planning. Curriculum development is essential if Rise Academy is to uphold its mission of providing educational achievement for its students. (b) Curriculum development is now underway (March, 1998), and will continue until the school opens in September of 1999. (c) Such development is currently being carried out from Michigan by Rise Founder Richard P. Baumgartner, and will involve the forthcoming teaching staff when such staff comes into place in the Spring and Summer of 1999. Estimated percentage of time devoted: 15%. Estimated allocation of resources: \$1,000.

4. Public Relations. (a) Interested prospective parents must be informed of the Rise Academy opportunity. Students must be recruited, and the community must be made aware. Texas charter law specifically requires each forthcoming school to provide petitions signed by prospective parents in support of the school effort. All charter schools must conduct open enrollment, and make such enrollment known to as many parents as possible. Much of this awareness campaign will involve door-to-door solicitation (for informational purposes) in neighborhoods in the vicinity of the school's location. In addition, neighborhood informational forums may be conducted, informational brochures may be distributed, and other grass-roots efforts will be undertaken. Because charter schools are totally dependent on parental choice as the basis for enrollment, this process is crucial if the school is to come into existence. (b & c) This public awareness campaign will not begin until after a city has been finalized as the site of Rise Academy. These activities will then take place from late Summer of 1998 until Spring of 1999. Richard Baumgartner will conduct this process, with the hope of enlisting local parents and community members in the grass-roots promotion of the school. Estimated percentage of time devoted: 10%. Estimated allocation of resources: \$300.

5. Fund Raising. (a) Rise Academy will begin as a small charter school with only two classrooms, both of kindergarten-age students. The start-up costs may initially only reach \$70,000. Solicitation for such start-up funds will take the form of grant writing to various private philanthropic foundations, as well as application for state and federal grants available for newly-forming charter schools. In addition, localized fund-raising targeted at area businesses and private individuals may be conducted. This solicitation process is fundamental; if the money is not raised, then no school is established to carry out the educational mission set forth by the academy's Founder. (b) Fund-raising will be initiated in the Summer of 1998, and will continue until sufficient funds are obtained to meet the start-up needs as projected. Most of this work will take place from the city which is selected as the academy's location. (c) Richard P. Baumgartner will conduct the fund-raising process from his residence in the to-be-determined city. Estimated percentage of time devoted: 12%. Estimated allocation of resources: \$500.

6. Teacher Training. (a) Rise Academy cannot be successful in upholding its educational mission if the quality of instruction is not solid and effective. Promising teachers must be recruited and trained in the Rise methodology. This process requires extensive recruiting efforts involving the placement of newspaper classified ads, college campus recruiting, numerous personal interviews, and the like. Once teachers are hired, comprehensive training will begin prior to the opening of the school. Such training will involve attendance of teachers at various publisher-sponsored educational

workshops, in-house seminars conducted by the academy Founder, and a mini-summer school practicum in the Summer of 1999. (b & c) Teacher recruiting will begin in November of 1998. Training will begin in the Spring of 1999. Both activities will be conducted by Richard Baumgartner from the to-be-determined city in which the school is located. Estimated percentage of time devoted: 9%. Estimated allocation of resources: \$10,000.

7. Legal Organization of Academy. (a) Some states, like Texas, require that charter schools be organized as non-profit, 501(c)(3) entities. Therefore, non-profit legal status must first be obtained at the state level through the submission of Articles of Incorporation and Bylaws. These documents, together with this application must then be submitted to the IRS. Official federal non-profit status then allows for the granting of a charter by state officials, and makes possible the solicitation of funds from foundations and other philanthropic sources. (b & c) The legal organization of Rise Academy is now underway. Articles were approved by the state of Texas on 4-28-98. This process is being conducted by the academy's Founder from his residence in Michigan. Estimated percentage of time devoted: 5%. Estimated allocation of resources: \$575.

8. Budgeting, Development of Business Plan. (a) A projected start-up budget, along with at least a first year operating budget is necessary for school planning, (as well as IRS approval of this application, and state charter application approval). This budgeting will be based on the actual expenditures of an earlier-established charter school in Michigan to which Rise Academy will be similar in size and function. (b & c) This budgeting process is now being undertaken (April, 1998) by the Founder from his Michigan residence, and will continue from the city in which the school will be established. Some pro bono help may be obtained from accountants known by the Founder. Estimated percentage of time devoted: 6%. Estimated allocation of resources: \$50.

9. Purchase of Educational Materials. (a) Careful attention must be paid to the selection and purchase of instructional materials and texts so that at once the educational goals of the academy are met, while at the same time close budgetary control is maintained in terms of spending. (b & c) Richard Baumgartner will conduct this aspect of the project, beginning with extensive study of prospective classroom materials (now underway--March, 1998). This process will continue through the Summer of 1999, and will at that time involve the input of teachers. Estimated time: 4%. Estimated allocation of resources: \$3,500.

10. Operation of Rise Academy, On-Going. (a, b & c) Once Rise Academy opens to students in the Fall of 1999, all aspects of school operation will be conducted into the future as the academy actually begins to directly carry out its educational, tax-exempt mission. Both the educational and administrative operations will be managed by the academy's Founder. At some point, a separate business manager may be hired to allow the Founder more time to focus on educational matters. Each year, the school plans to expand by one grade, so that eventually a complete K-8th grade school is instituted. Future necessary activities will include fund-raising, student enrollment, continued development of curriculum, facility expansion, on-going teacher training, etc.

Part II, Activities & Operational Information, Continued

Section 8. Presently, the corporation has only the following operational assets: One IBM PS/1 personal computer with one Hewlett Packard ink-jet printer; several file cabinets; various office supplies of minimal value; and a variety of educational texts and instructional materials. Non-operational assets include textbooks, educational supplies, teaching materials, desks, furniture etc, all of which must be in place by September of 1999. Ultimately school assets will/may include the academy's building, land, computers, and all other typical educational assets.

Section 10b. Currently, Rise Academy is not party to any leases, but most certainly will be in the future as the school nears operational status. Leases are likely with respect to land use for the school site (see sample land contract from Michigan). The building will most likely be leased, and may consist of an already existing conventional building, or a new or used modular building specifically designed for school usage. (See sample lease for modular unit.) Also items such as copy machines may be initially leased. None of the lessors (providers of building, land or equipment) will have any relationship of a conflict-of-interest nature with the school Founder or board members (this is neither appropriate business practice nor allowable under charter law in most states).

Section 12b. The educational services of Rise Academy will be limited to specific individuals only in the following manner: 1) By age--the academy will serve only elementary age children; 2) By geography--students have to be residents of the state in which the school operates. But the school cannot limit enrollment by any other criteria .

(a)

RISE ACADEMY INITIATION BUDGET

April 30, 1998 -- June 15, 1998

REVENUES

Contributions

- from Rise Academy Founder, Richard Baumgartner \$600

- Other Sources \$0

Total Revenues \$600

EXPENSES

- Legal incorporation w/ State of Texas \$25

- Federal non-profit application w/IRS \$500

- Miscellaneous costs \$75

Total Expenses \$600

Excess Revenue Over Expenses: \$0

(b)

**RISE ACADEMY
PROJECTED START-UP BUDGET
APRIL 1, 1998 - OCTOBER 31, 1999**

as of 4/1/98

APPLICATION

REVENUES

Per-Pupil State Grant (funds not disbursed until 11/99)	\$0
Private Foundation Grants (projected)	\$43,435
Individual and Corporate Contributions (projected)	\$3,000
State Grant Aid - Texas Dept of Education (projected)	\$15,000
Total Projected Revenues:	\$61,435

EXPENSES**Occupancy**

Modular Building Installation, Set-up, and Downpayment	\$10,000	
Lease - Building (\$9,000) Land (\$1,000)	\$10,000	
Building Foundation Work	\$5,000	
Water and Sewer Hookup	\$3,000	
Electric	\$500	
Phone/Fax	\$500	
Building Maintenance	\$200	
Water/Garbage	\$150	
Total Occupancy:		\$29,350

Equipment & Supplies

Furniture - student desks -used(\$1,125); File cabinets (\$400)	\$1,525	
Blackboards	\$1,000	
Office Supplies, Printing, Postage	\$700	
Educational Texts and Materials	\$3,000	
Total Equipment and Supplies:		\$6,225

Rise Staff Salaries - not including training stipends

1 Teacher (\$2,100 x 2 mos.)	\$4,200	
Rise Director /Lead Teacher (2,200 x 2 mos.)	\$4,400	
1 Office Support ; 1 Teacher Assist. (\$7/hr x 240 hours x 2)	\$3,360	
Total Rise Salaries:		\$11,960

Teacher Training Program

Personnel Costs (\$8/hr x 1 teacher x 250 hrs; \$7/hr x 1 teacher assist x 250 hrs; Rise Director @ \$9/hr x 350 hrs \$6900); 11% payroll tax (\$759)	\$7,659	
Liability Insurance	\$300	
Training Supplies & Instructional Materials	\$1,600	
Printing and Duplication (\$250); Postage (\$50)	\$300	
Total Teacher Training Program:		\$9,859

Taxes, Insurance, Other

Payroll taxes (figured at 11% of \$ 11,960 staff salaries)	\$1,316	
Benefits (figured at 7% of \$8,600 full-time staff salaries)	\$602	
Teacher Retirement Fund - 5% of \$11,960 all salaries	\$598	
Miscellaneous Administrative & Start-up Costs	\$1,000	
Legal Incorporation and IRS Non-profit status Fees	\$525	
Total Taxes, Insurance, Other:		\$4,041

Total Projected Expenses: \$61,435

Excess Revenues Over Expenses:

\$0
=====

(C)

Part IV, Financial Data

RISE ACADEMY 1ST YEAR BUDGET		Budget
Code Numbers		
Revenue - 10		
10-150-0000	Interest-Investments	\$0
10-192-0002	Private Grants	0
10-199-0000	Misc. Income	0
10-211-0001	State Aid Mmbrship	188,325
10-295-0000	At-Risk Funding	17,500
TOTAL REVENUES:		\$205,825

Code Numbers		
Expenditures - 11		
Elementary - 111		
11-111-1240	Teacher Salary	16,800
11-111-1700		0
11-111-1630	Aide Salary	5,880
11-111-2130	Insurance Benefits	2,150
11-111-2140		0
11-111-2820	Retirement 5%	1,135
11-111-2840	Workers Comp	233
11-111-2850	Unemp. Comp	700
11-111-2880	FICA 6.2%	1,406
11-111-2881	Med 1.45%	349
11-111-3220	Workshops	0
11-111-3440	Postage/Shipping	300
11-111-5100	Teaching Supplies	1,000
11-111-5200	Textbooks	6,500
11-111-6400	Capital Outlay	400
11-111-7900	Misc. Expenses	500
SUBTOTAL		37,353
Code Numbers		
Expenditures - 11		
NPS Board - 231		
11-231-3170	Legal Services	800
11-231-3180	Audit Services	1,800
11-231-3220	Board Workshops	0
11-231-3430	Board Postage	50
11-231-3600	Board Printing	50
11-231-3900	Directors' Ins. Premiums	1,500
11-231-7900	Misc. Expenses	0
SUBTOTAL		4,200

RISE ACADEMY 1ST YEAR BUDGET		11/1/99	6/30/00 (Start-up budget runs thru Oct. 31, 1999)
Code Numbers		Budget	
Expenditures - 11			
School Administration - 240			
11-240-1110	Salary-Ex. Director	17,600	
11-240-1700			
11-240-1620	Salary-Receptionist	5,880	
11-240-2130	Insurance Benefits	2,184	
11-240-2140			
11-240-2820	Retirement - 5%	1,174	
11-240-2840	Workers Comp	148	
11-240-2850	Unemp Comp	625	
11-240-2880	FICA 6.2%	1,456	
11-240-2881	Med 1.45%	340	
11-240-3200	Travel	75	
11-240-3220	Workshops	0	
11-240-3440	Postage	300	
11-240-3500	Advertising	900	
11-240-3900	Gen. Liab. Ins. Premium	1,000	
11-240-5910	Office Supplies	700	
11-240-6400	Capital Outlay	3,000	
11-240-7200			
12-407-0000			
11-240-7400			
11-240-7900	Misc Expenses	1,500	
SUBTOTAL		36,882	
Expenditures - 11			
Operations & Maintenance - 254			
11-254-1640	Salary- Custodial	2,800	
11-254-2840	Workers Comp	75	
11-254-2850	Unemp. Comp	260	
11-254-2880	FICA 6.2%	174	
11-254-2881	Med 1.45%	41	
11-254-3410	Telephone	1,300	
11-254-3820	Electric	4,000	
11-254-3830	Water	500	
11-254-3840	Waste Disposal	900	
11-254-4110	Repair Land/Bldg	500	
11-254-4120	Repair/Maint. Equip	1,000	
11-254-4210	Rentals - Land	4,500	
11-254-4211	Rentals - Building	54,400	
11-254-4900			
11-254-5990	Misc. Suppl/Mater.	800	
11-254-6400	Capital Outlay	6,000	
11-254-7900	Misc. Expenses	2,000	
SUBTOTAL		79,250	
		Budgeted	
TOTAL EXPENDITURES:		157,685	
FUND BALANCE (DEFICIT):		\$48,140	

BUGETARY ASSUMPTIONS

- 1) School will enroll 45 students in two classrooms during its first year of operations.
- 2) School facility will consist of a modular building manufactured and brought to the school site.
- 3) Significant projected fund balance at end of first fiscal year is necessary to procure an additional modular for school expansion and to provide operating funds for school in the Fall of 2000 through Nov. 1, 2000 (state aid is not received until this time for the 2000/2001 school year.)

Credentials of Sponsoring Entity and Board Members

Note: As described in the charter application, Rise Academy is seeking qualified persons from the Lubbock community to add to its current board of directors. The time frame for recruiting potential local board members was severely limited, due to the fact that Rise Academy was not informed in a timely manner of the change in submission dates for the application from September 98 to July 98. Efforts are currently underway to recruit appropriate board members from the local community. However, because the selection of a governing board is a crucial aspect of the future success of the academy, all appropriate time will be taken to carefully review and screen prospective applicants. In the meantime, the initial board of directors established to obtain IRS non-profit status will continue to constitute the membership of the Rise Academy Board.

Current Rise Academy Board of Directors and Member Credentials

1. Richard P. Baumgartner, Board President. Mr. Baumgartner, RA Founder, holds a BA from Kalamazoo College, Michigan. He is the founder and former director of Northside Preparatory School -- Kalamazoo, Michigan's first charter school. Mr. Baumgartner served as the prime mover in all areas of the school's conception and establishment: preparation of charter application; establishment of an Initiation Fund which raised over \$70K in start-up money; direction of public relations campaign to promote school, recruit students, and inform community; direction of school site and facility development; administration of all facets of school operations, including enrollment, curriculum design, staff development, teacher training, budgeting, grant writing, and completion of mandatory reporting to state agencies. Prior to establishing Northside Prep School, Mr. Baumgartner taught for 5 years at the nationally renowned Westside Preparatory School (no relation to Northside Prep) in Chicago, IL. As an instructor there, Mr. Baumgartner gained valuable expertise in curriculum design and teaching methodology. In addition to his background in education, Mr. Baumgartner has experience in non-profit fund raising, and sales and retailing.

2. Harland William Orr, Vice President. Mr. Orr is an Atlanta-area businessman who holds a JD degree from Northwestern University. Mr. Orr currently works in association with his nephew, Philip Nagel, who is president of First Pro, Inc., the largest independent temporary help firm in the Atlanta area. Mr. Orr has had an extensive and varied career in the business world. He has established a number of business enterprises over the years. Mr. Orr founded ACT, an Indianapolis-based regional long-distance telecommunications carrier, in 1985. He sold his share of the business to fellow investors in 1995, and now works as a consultant to First Pro, based in Atlanta. Previously, Mr. Orr was a developer of commercial and residential properties, and holds real estate licenses in the states of Missouri and Indiana. Mr. Orr's extensive entrepreneurial experience provides crucial input and advice to the Rise Academy initiative.

3. Therese Bullard, Board Member. Ms. Bullard is a recent addition to the RA Board of Directors. She is the founder and director of the Kalamazoo Ballet Company and the Bullard School of Ballet, also located in Kalamazoo, MI. She holds certificates from the Cecchetti Council of America, and a master's degree in communications from Western Michigan University. She also holds a master's degree in elementary education from Nazareth College, Kalamazoo, MI. She is a past professor of dance at Creighton University, Omaha, NB, and faculty member at Western Michigan University. Ms. Bullard's ballet company offers workshops, lecture demonstrations, and concerts, in addition to dance instruction. Ms. Bullard has conducted programs in conjunction with Kalamazoo area public schools integrating dance with various academic and performing arts subjects. Ms. Bullard was recipient of the Kalamazoo Community Arts Award in 1988.

Brief History of Sponsoring Entity

The "sponsoring entity" and Rise Academy the charter school are one in the same. That is, the non-profit corporation recognized by the state of Texas on April 28, 1998 was created for the purpose of becoming the governing board of the charter school when and if the charter status is granted. The organization known as Rise Academy, thus, has no previous history operating an educational, or any other, program.

Credentials of Chief Executive Officer and other Key Leadership

1. Richard Baumgartner, Founder/Executive Director. Mr. Baumgartner has a wealth of experience directly relevant to the mission of establishing and directing a charter school aimed at providing low-income, minority students with a high quality, back-to-basics education. As described above, Mr. Baumgartner is the founder and former director of Northside Preparatory School in Michigan. Northside Prep served minority students in grades K-3, and had an at-risk rate of over 65%. Prior to this effort, he taught for several years under the direction of world-renowned educator Marva Collins, in Chicago, IL. Although Rise Academy is not affiliated with either of these two schools in any way, Mr. Baumgartner has drawn from both experiences to create a solid, results-oriented program for Rise Academy.

While at Northside Prep, Mr. Baumgartner experienced much success in fulfilling his commitment to parents with regard to student achievement. In the school's first year of operation, for example, kindergarten students achieved an 86% mastery rate on the California Achievement Test. Second graders scored at grade level by year's end--a solid result, given that most of them entered the school in the fall as non-readers. A parental satisfaction survey showed that, on a scale of 1 to 5, 1 being the lowest rating and 5 being the highest, Mr. Baumgartner scored an overall average of 4.5, which included evaluation in the areas of communications, administrative ability, parent relations, and school leadership.

With these positive results, enrollment at Northside Prep under Mr. Baumgartner's direction grew by 50% in its second year, the school expanded to include 3rd grade, and a waiting list had to be maintained.

Despite this success and his strong support among parents, Mr. Baumgartner was continually impeded in his role as executive director by an inexperienced and uncooperative board which was unable to recognize and accept the respective roles of the executive director and those of the board. To protect the integrity of the school, Mr. Baumgartner resisted the board's efforts to move the school away from its declared values (and charter-mandated educational design). In response, and against strong protest from parents, the board eventually severed Mr. Baumgartner from the very school which he created.

Since Mr. Baumgartner's departure, the once successful charter school has now lost approximately half of its students, has operated over budget, and now faces the prospect of formal revocation of its charter, due to demonstrated illegal transgressions by the charter board (not Mr. Baumgartner) and failure to comply with various state accountability provisions.

The Rise Academy initiative will be protected from a demise such as that which befell Northside Prep School by the existence of a united and cohesive governing board. Ms. Bullard, as the on-going director of a ballet company, is keenly aware of the need of any board to allow the executive director to function in his/her respective and proper role of responsibility. Her many years of experience with various organizations, in the roles as both a board member and as an executive director, provide Rise Academy with the kind of seasoned leadership which any new initiative needs. Mr. Orr, on the other hand, brings a wealth of practical business knowledge and sensibility which was sorely lacking in the Northside prep board. In addition, the inclusion of the RA founder in the governing structure assures that the original intent of the academy is maintained. Again, all forthcoming new board members from the Lubbock area will be very carefully screened to assure their appropriateness for the role and to make certain their genuine commitment to the declared ideals of the academy.

2. Pamela L. Thomas, Volunteer Advisor. Ms. Thomas played a key role in the establishment of Northside Prep School. Then the wife of Mr. Baumgartner (the couple became separated under the immense stress of the Northside board's efforts to oust Richard), Ms. Thomas served voluntarily in many vital capacities, including grant writer, business manager, public relations editor, strategist, and personnel recruiter. She is now contributing to the development of Rise Academy in a similar manner. Ms. Thomas holds a B.A. with honors in management from National Lewis University in Illinois. She also completed half of the course work towards a master's degree in industrial relations before having to withdraw due to the worsening of her multiple sclerosis. Previously she worked as operations coordinator and executive assistant to the chief financial officer of the American Dietetic Association.

Litigation & Criminal Conviction Issues

Rise Academy has experienced no litigation of any sort, nor have any of its organizers, board members, or advisors ever been convicted of any crime.

Evidence that Statement of Impact was sent by certified mail and received

Is your RETURN ADDRESS completed on the reverse side?

<p>SENDER:</p> <ul style="list-style-type: none"> ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered. 	<p>I also wish to receive the following services (for an extra fee):</p> <p>1. <input type="checkbox"/> Addressee's Address</p> <p>2. <input type="checkbox"/> Restricted Delivery</p> <p>Consult postmaster for fee.</p>						
<p>3. Article Addressed to:</p> <p style="font-size: 1.2em;">Dr. Curtis Culwell Superintendent Lubbock Ind. School Dist. 1628 19th St. Lubbock, TX 79401</p>	<p>4a. Article Number Z 135 354 992</p> <p>4b. Service Type</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Registered</td> <td><input checked="" type="checkbox"/> Certified</td> </tr> <tr> <td><input type="checkbox"/> Express Mail</td> <td><input type="checkbox"/> Insured</td> </tr> <tr> <td><input type="checkbox"/> Return Receipt for Merchandise</td> <td><input type="checkbox"/> COD</td> </tr> </table> <p>7. Date of Delivery 4-30-58</p>	<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Certified	<input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> COD
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Certified						
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<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> COD						
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Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for international Mail (See reverse)

Sent to Lubbock Ind. School Dist	
Street & Number 1628 19th St.	
Post Office, State, & ZIP Code Lubbock TX 79401	
Postage	\$ 1.93
Certified Fee	.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	10
Return Receipt Showing to Whom, Date, & Addressee's Address	138
TOTAL Postage & Fees	\$ 2.28
Postmark or Date	

PS Form 3800, April 1995

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AGENCY

2001 JAN 10 PM 4:48

DOCUMENT CONTROL
CENTER

NOTICE OF INTENT TO APPLY

RECEIVED
JAN 15 2001

The undersigned school district hereby files a notice of intent to apply for
Public Charter School Grant Generations 3-6

RFA # 701-01-012

Name of Organization Rise Academy 152-802

Mailing Address P.O. Box 5171
Lubbock TX 79408

Phone Number (806) 744-0438

- The filing of this notice is not mandatory; however, it will assist the Texas Education Agency in anticipating the volume of applications in order to better expedite the review process and finalize awards.
- Filing this notice in no way binds the applicant in regards to its application for a Public Charter School Grant (Continuation Application for Generations 3-6)
- Applicants who do not file this notice are still eligible to apply for funding.

**PLEASE SUBMIT THIS NOTICE BY MAIL OR BY FAX AS SOON AS POSSIBLE
AFTER RECEIPT OF THE REQUEST FOR APPLICATION,
BUT NOT LATER THAN THURSDAY, JANUARY 21, 2000 TO:**

Document Control Center
Texas Education Agency
1701 North Congress, Room 6-108
Austin, Texas 78701-1494
FAX (512) 463-9811



Rise Academy

APPLICATION

Richard P. Baumgartner
Founder

A Texas Charter School

June 26, 1998

Lubbock Independent School District
1628 19th Street
Lubbock, TX 79401

Dear Superintendent & President of the Board of Trustees:

This is to inform you that Rise Academy intends to submit an application to the State Board of Education for consideration for approval of an open-enrollment charter school. As part of the application process, entities applying for approval are required to notify any districts that are likely to be affected by the establishment of an open-enrollment charter school.

Specifically, the guidelines approved by the SBOE require that the enclosed form, entitled *Statement of Impact*, and a copy of the application for the proposed charter school be sent to each district that may be affected. Information is requested if the proposed charter school may adversely impact a district financially, or if the proposed charter may impact student enrollment in a manner that impairs the district's ability to comply with a court order. The enclosed form may be completed by any district that may be affected, signed by the district's board president and superintendent, and returned to the Texas Education Agency, Document Control Center, Room 6-108, 1701 N. Congress Avenue, Austin, TX 78701. It should be received no later than August 31, 1998 for the information to be considered by the State Board of Education.

It is requested that you review the enclosed draft of the application, complete the statement of Impact form, and submit it to the Texas Education Agency. If you have questions about the process for approval of charter schools, please contact Brooks Flemister in the Division of Charter Schools at (512) 463-9575. If you have questions about the enclosed application for approval of a charter school affecting your district, please contact Richard Baumgartner at (616) 382-0257.

Sincerely,


Richard Baumgartner, Founder

Lots 1-8, Block 12,

Charter Site Address: Bozeman Heights Addition City: Lubbock

Zip: 79403 S. W. corner of Guava & 3rd Place
Phone Number: (616) 382-0257 FAX: (616) 337-6698

Correspondence Address: 824 Lakeway Avenue, Kalamazoo, MI

City: _____ ZIP: 49001

Grade initially K Initial Est. Maximum
Levels: ultimately K-8 Enrollment: 46 Enrollment: 180

The charter will primarily serve an area that is geographically: urban
 suburban
 rural

The proposed charter will be located in State Board District 17 (number).

In succinct terms describe the proposed school including grade levels offered, student populations served, educational focus and any other essential characteristics. For example, "The Seventh Avenue Charter School is designed to recover students who have dropped out of high school and prepare them through vocational training to be productive contributors to society."

Rise Academy is designed to provide minority, elementary-age children with

the opportunity for a quality, college preparatory education beginning with early

immersion in basic skills and continuing with a challenging, high standards curriculum

through the 8th grade.

Indicate the approximate percentage of each student population in as many categories as are applicable:

_____ pre-kindergarten; 4% special education; _____ migrant;

75% economically disadvantaged; _____ limited English proficiency;

_____ gifted _____ recovered dropouts; _____ at risk of dropping out;

_____ pregnant or parent students _____ other: _____

RECEIVED
OCT 05 1998
CHARTER SCHOOLS

CONTRACT FOR CHARTER

This contract is executed the 30th day of Sept. 1998 between the Texas State Board of Education (the "Board") and Rise Academy ("Charterholder") for open-enrollment charter to operate a Texas public school.

General

1. Definitions. As used in this contract:
 "Charter" means the open-enrollment charter, as provided by Subchapter D, Chapter 12, Texas Education Code (TEC), granted by this contract.
 "Charter school" means the open-enrollment charter school. Charterholder agrees to operate as provided in this contract. The charter school is a Texas public school.
 "Agency" means the Texas Education Agency.
2. The Charter. This contract grants to Charterholder an open-enrollment charter under Subchapter D, Chapter 12, TEC. The terms of the charter include: (a) this contract; (b) applicable law; (c) Request for Application #701-98-016; (d) any condition, amendment, modification, revision or other change to the charter adopted or ratified by the Board; (e) all statements, assurances, commitments and representations made by Charterholder in its application for charter, attachments or related documents, to the extent consistent with (a) through (d); and (f) assurance by Charterholder, evidenced by execution of this contract, that no false information was submitted to the Agency or the Board by Charterholder, its agents or employees in support of its application for charter, .
3. Authority Granted by Charter. The charter authorizes Charterholder to operate a charter school subject to the terms of the charter. Action inconsistent with the terms of the charter shall constitute a material violation of the charter.
4. Alienation of Charter. The charter may not be assigned, encumbered, pledged or in any way alienated for the benefit of creditors or otherwise. Charterholder may not delegate, assign, subcontract or otherwise alienate any of its rights or responsibilities under the charter. Any attempt to do so shall be null and void and of no force or effect; provided, however, that Charterholder may contract at fair market value for services necessary to carry out policies adopted by Charterholder or the governing body of the charter school.
5. Term of Charter. The charter shall be in effect from October _____, 1998 through July 31, 2003, unless renewed or terminated.

6. Renewal of Charter. On timely application by Charterholder in a manner prescribed by the Board, the charter may be renewed for an additional period determined by the Board. The charter may be renewed only by written amendment approved by vote of the Board and properly executed by its chair.
7. Revision by Agreement. The terms of the charter may be revised with the consent of Charterholder by written amendment approved by vote of the Board. The commissioner of education ("the commissioner") may revise the charter on a provisional basis during an interim between Board meetings; however, such action shall expire unless ratified by the Board at its next regular meeting. Nothing in this paragraph limits the authority of the Board or the commissioner to act in accordance with other provisions of this contract.

Students

8. Open Enrollment. Admission and enrollment of students shall be open to any person who resides within the geographic boundaries stated in the charter and who is eligible for admission based on lawful criteria identified in the charter. Total enrollment shall not exceed 250 students. The charter school's admission policy shall prohibit discrimination on the basis of sex, national origin, ethnicity, religion, disability, academic or athletic ability, or the district the student would otherwise attend. Students who reside outside the geographic boundaries stated in the charter shall not be admitted to the charter school until all eligible applicants who reside within the boundaries have been enrolled.
9. Public Education Grant Students. Charterholder shall adopt an express policy providing for the admission of, and shall admit under such policy, students eligible for a public education grant, including those students who reside outside the geographic area identified in the charter application, under Subchapter G, Chapter 29, TEC.
10. Non-discrimination. The educational program of the charter school shall be nonsectarian, and shall not discriminate against any student or employee on the basis of race, creed, sex, national origin, religion, disability or need for special education services.
11. Children with Disabilities. The charter school is a "local educational agency" as defined by federal law. Charterholder must comply with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1401, et seq., and implementing regulations; Section 504 of the Rehabilitation Act of 1973 ("Section 504"), 29 U.S.C. §794, and implementing regulations; Title II of the Americans with Disabilities Act, 42 U.S.C. §12131-12165, and implementing regulations; Chapter 29, TEC, and implementing rules; and the many court cases applying these laws. For example:

- (a) Child Find. Charterholder must adopt and implement policies and practices that affirmatively seek out, identify, locate, and evaluate children with disabilities enrolled in the charter school or contacting the charter school regarding enrollment, and must develop and implement a practical method to determine which children with disabilities are currently receiving needed special education and related services. For each eligible child, Charterholder must develop and offer an individualized education plan appropriate to the needs of that student.
- (b) Free Appropriate Public Education. Charterholder must provide a free appropriate public education to all children with disabilities otherwise eligible to enroll in the charter school. If the program, staff or facilities of the charter school are not capable of meeting the needs of a particular child, Charterholder must implement changes necessary to accommodate the child at the charter school. If reasonable accommodations would be insufficient to enable the child to benefit from the charter school's program, Charterholder must, at its own expense, place the child at an appropriate school.
- (c) Services to Expelled Students. Charterholder must continue to provide a free appropriate public education to a child with disabilities even after expelling or suspending the child for valid disciplinary reasons. This obligation to serve the child continues until the end of the school year.
- (d) Monitoring. The charter school's implementation of the laws governing education of children with disabilities will be monitored for compliance by the United States Department of Education, Office of Special Education Programs; the United States Department of Education, Office of Civil Rights; the Texas Education Agency; and others. This monitoring activity includes responding to complaints, random on-site inspections and other investigations by the enforcing agencies, and will result in corrective actions imposed on Charterholder by these agencies for all discrepancies found.
- (e) Due Process Hearings. The charter school's implementation of the laws governing education of children with disabilities will, in addition, be subject to court supervision via litigation against Charterholder brought by individuals affected by the actions of the charter school. The cost of this litigation can be substantial.

Notice: These are only a few of the charter school's legal responsibilities in this area, included here for illustrative purposes only.

- 12. Student Performance and Accountability. Charterholder shall satisfy Subchapters B, C, D, and G of Chapter 39 of the TEC, and related agency rules, as well as the student performance accountability criteria stated in its application for charter. Charterholder shall annually provide in a manner and form defined by the commissioner a written evaluation of the charter school's compliance with the statements, assurances,

commitments and representations made by Charterholder in its application for a charter, attachments, and related documents.

13. Criminal History. Charterholder shall take prompt and appropriate measures if Charterholder or the charter school, or any of their employees or agents, obtains information that an employee or volunteer of the charter school or an employee, officer, or board member of a management company contracting with the charter school has a reported criminal history that bears directly on the duties and responsibilities of the employee, volunteer, or management company at the school. Charterholder further represents that the Board and the agency shall be notified immediately of such information and the measures taken.
14. Reporting Child Abuse or Neglect. Charterholder shall adopt and disseminate to all charter school staff and volunteers a policy governing child abuse reports required by Chapter 261, Texas Family Code. The policy shall require that employees, volunteers or agents of Charterholder or the charter school report child abuse or neglect directly to an appropriate entity listed in Chapter 261, Texas Family Code.
15. Notice to District. Charterholder shall notify the school district in which the student resides within three business days of any action expelling or withdrawing a student from the charter school.
16. School Year. Charterholder shall adopt a school year with fixed beginning and ending dates.

Financial Management

17. Fiscal Year. Charterholder shall adopt a fiscal year beginning September 1 and ending August 31.
18. Financial Accounting. Unless otherwise notified by the agency, Charterholder shall comply fully with generally accepted accounting principles ("GAAP") and the Financial Accountability System Resource Guide, Bulletin 679 or its successor ("Bulletin 679") published by the agency in the management and operation of the charter school.
19. Federal Requirements. Failure to comply with Internal Revenue Service withholding regulations shall constitute a material violation of the charter.
20. Workers' Compensation. Charterholder shall extend workers' compensation benefits to charter school employees by (1) becoming a self-insurer; (2) providing insurance under a workers' compensation insurance policy; or (3) entering into an agreement with other entities providing for self-insurance.
21. Annual Audit. Charterholder shall at its own expense have the financial and programmatic operations of the charter school audited annually by a certified public accountant holding a permit from the Texas State Board of

Public Accountancy. Charterholder shall file a copy of the annual audit report, approved by Charterholder, with the agency not later than the 120th day after the end of the fiscal year for which the audit was made. The audit must comply with Generally Accepted Auditing Standards and must include an audit of the accuracy of the fiscal information provided by the charter school through PEIMS. Financial statements in the audit must comply with Government Auditing Standards and the Office of Management and Budget Circular 133.

22. Attendance Accounting. To the extent required by the commissioner, Charterholder shall comply with the "Student Attendance Accounting Handbook" published by the Agency; provided, however, that Charterholder shall report attendance data to the agency at six-week intervals or as directed by the agency.
23. Foundation School Program. . Distribution of funds to the charter school under Section 12.106, TEC, is contingent upon charterholder's compliance with the terms of the charter. Charterholder is ineligible to receive Foundation School Program funds prior to execution of this contract by the board. Within 30 days of receiving notice of overallocation and request for refund under Section 42.258, TEC, Charterholder shall transmit to the agency an amount equal to the requested refund. If Charterholder fails to make the requested refund, the agency may recover the overallocation by any means permitted by law, including but not limited to the process set forth in Section 42.258, TEC.
24. Tuition and Fees. Charterholder shall not charge tuition and shall not charge a fee except that it may charge a fee listed in Subsection 11.158(a), TEC.
25. Assets of Charter. Charterholder shall not apply, hold, credit, transfer or otherwise make use of funds, assets or resources of the charter school for any purpose other than operation of the charter school described in the charter.
26. Indebtedness of Charter. Charterholder shall not incur a debt, secure an obligation, extend credit, or otherwise make use of the credit or assets of the charter school for any purpose other than operation of the charter school described in the charter.
27. Interested Transactions. All financial transactions between the charter school and (a) Charterholder; (b) an officer, director, or employee of Charterholder or of the charter school; or (c) a person or entity having partial or complete control over Charterholder or the charter school shall be separately and clearly reflected in the accounting, auditing, budgeting, reporting, and record keeping systems of the charter school. Charterholder shall not transfer any asset of the charter or incur any debt except in return for goods or services provided for the benefit of the charter school at fair market value.

28. Non-Charter Activities. Charterholder shall keep separate and distinct accounting, auditing, budgeting, reporting, and record keeping systems for the management and operation of the charter school. Any business activities of Charterholder not directly related to the management and operation of the charter school shall be kept in separate and distinct accounting, auditing, budgeting, reporting, and record keeping systems from those reflecting activities under the charter. Any commingling of charter and non-charter business in these systems shall be a material violation of the charter.

Governance and Operations

29. Non-Profit Status. Charterholder shall take and refrain from all acts necessary to be and remain in good standing as an organization exempt from taxation under Section 501(c)(3), Internal Revenue Code. If Charterholder is incorporated, it shall in addition comply with all applicable laws governing its corporate status. Failure to comply with this paragraph is a material violation of the charter, and the Board may act on the violation even if the Internal Revenue Service, Secretary of State, or other body with jurisdiction has failed to act.
30. Records Retention and Management. Charterholder shall implement a records management system that conforms to the system required of school districts under the Local Government Records Act, Section 201.001 et seq., Local Government Code, and rules adopted thereunder; provided, however, that records subject to audit shall be retained and available for audit for a period of not less than five (5) years from the latter of the date of termination or renewal of the charter.
31. PEIMS Reporting. Charterholder shall report timely and accurate information to the Public Education Information Management System (PEIMS), as required by the commissioner.
32. Conflict of Interest. Charterholder shall comply with any applicable prohibition, restriction or requirement relating to conflicts of interest. If an officer or board member of Charterholder or of the charter school has a substantial interest, within the meaning of Chapter 171, Local Government Code, in a transaction, such interest shall be disclosed in public session at a duly called meeting of the governing body prior to any action on the transaction.
33. Disclosure of Campaign Contributions. Charterholder shall adopt policies that will ensure compliance with the disclosure requirements of State Board of Education Operating Rule 4.3 or its successor.
34. Indemnification. Charterholder shall hold the Board and agency harmless from and shall indemnify the Board and agency against any and all claims, demands, and causes of action of whatever kind or nature asserted by any third party and occurring or in any way incident to, arising

out of, or in connection with wrongful acts of Charterholder, its agents, employees, and subcontractors.

35. Failure to Operate. Charterholder shall operate the charter school for the full school term as described in the charter application in each year of the charter contract. Charterholder may not suspend operation for longer than 21 days without a revision to its charter, adopted by the Board, stating that the charter school is dormant and setting forth the date on which operations shall resume and any applicable conditions. Suspension of operations in violation of this paragraph shall constitute abandonment of this contract and of the charter.
36. Charter School Facility. Charterholder shall have and maintain throughout the term of the charter a lease agreement, title or other legal instrument granting to Charterholder the right to occupy and use one or more facilities suitable for use as the charter school facilities described by the charter. During any period of dormancy granted by the Board, this requirement may be waived by the Board. Facilities occupied and used as charter school facilities shall comply with all applicable laws, including, but not limited to, the Texas Architectural Barriers Act, Article 9102, Vernon's Texas Civil Statutes.

Enforcement

37. Agency Investigations. The commissioner may in his sound discretion direct the agency to conduct investigations of the charter school to determine compliance with the terms of the charter or as authorized in Sections 39.074 and 39.075, Subchapter D, Chapter 39, TEC or other law. Charterholder, its employees and agents shall fully cooperate with such investigations. Failure to timely comply with reasonable requests for access to sites, personnel, documents or things is a material violation of the charter.
38. Commissioner Authority. The commissioner in his sole discretion may take any action authorized by Section 39.131, TEC or Chapter 29, TEC relating to the charter school. Such action is not "adverse action" as used in this contract. Charterholder, its employees and agents shall fully cooperate with such actions. Failure to timely comply with any action authorized by Section 39.131, TEC or Chapter 29, TEC is a material violation of the charter.
39. Adverse Action. The Board in its sole discretion may modify, place on probation, revoke or deny timely renewal of the charter for cause ("adverse action"). Each of the following shall be cause for adverse action on the charter: (a) any material violation of the terms of the charter listed in paragraphs 2, 3, and 20; (b) failure to satisfy generally accepted accounting standards of fiscal management; or (c) failure to comply with an applicable law or rule.

This Agreement

40. **Entire Agreement.** This contract, including all referenced attachments and terms incorporated by reference, contains the entire agreement of the parties. All prior representations, understandings and discussions are merged into, superseded by and canceled by this contract.
41. **Severability.** If any provision of this contract is determined by a court or other tribunal to be unenforceable or invalid for any reason, the remainder of the contract shall remain in full force and effect, so as to give effect to the intent of the parties to the extent valid and enforceable.
42. **Conditions of Contract.** Execution of this contract by the Board is conditioned on full and timely compliance by Charterholder with: (a) the terms, required assurances and conditions of Request for Application #701-97-028; (b) applicable law; and (c) all commitments and representations made in Charterholder's application and any supporting documents (to the extent such commitments and representations are consistent with the terms of this contract).
43. **No Waiver of Breach.** No assent, express or implied, to any breach of any of the covenants or agreements herein shall waive any succeeding or other breach.
44. **Venue.** Any suit arising under this contract shall be brought in Travis County, Texas.
45. **Governing Law.** In any suit arising under this contract, Texas law shall apply.
46. **Authority.** By executing this contract, Charterholder represents that it is an "eligible entity" within the meaning of Section 12.101 (a), TEC. Charterholder shall immediately notify the Board of any legal change in its status which would disqualify it from holding the charter, of any violation of the terms and conditions of this contract, or of any change in the chief operating officer of the charter school or Charterholder. Charterholder further represents that the person signing this contract has been properly delegated authority to do so.

Entered into this 30th day of September, 1998.

Texas State Board of Education

Jack Christie
By Dr. Jack Christie
Chairman

Charterholder

Rise Academy
By Richard P. Baumgartner