



November 10, 2008

Via E-Mail Delivery and U.S. Mail

TrelinSheila Harrison
LoveWorks Academy
2225 Zenith Avenue North
Minneapolis, MN 55422

Dear Ms. Harrison:

The Minnesota Department of Education (MDE) is in receipt of your response letter dated October 24, 2008 with regard to non-compliance of teacher licensure rules at LoveWorks Academy (LWA).

MDE conducted an unscheduled site visit of LWA on October 29, 2008, from 9:00-10:40 a.m. John Melick, Director of Educator Licensing, and Heather Ward, Compliance Specialist, conducted the site visit.

MDE found two ongoing violations of Minn. Stat. § 122A.15 during the October 29 visit, which are outlined below. Pursuant to state law, because LWA was previously notified of these concerns and failed over several extended deadlines to correct them, the violations will result in cancellation of \$62,227.78 of the \$320,710.52 in state funds that are currently being withheld by MDE. *See* Minn. Stat. § 127A.43.

As you know from MDE's meetings and correspondence with LWA, teachers and related personnel are individuals who directly serve and instruct students. Individuals must hold the proper license or permission through the Minnesota Board of Teaching in the area and grade level of their assignment. Minn. Stat. § 122A.15, subdivision 1 states the following:

Subdivision 1. Teachers. The term "teachers" for the purpose of licensure, means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

Classroom aide, teacher assistant, and paraprofessionals are individuals working under the direct supervision of a classroom teacher who assist licensed teachers in providing educational services to students on a regularly scheduled basis. *See Staff Teaching Automated Report System (STARS) user manual.*

Substitutes and reserve teachers are individuals who serve as substitute or reserve teachers. Substitute or reserve teachers must hold a valid, full-time Minnesota license or a limited short call substitute license in the district in which they are serving. A reserve teacher is an individual who is employed by the district as a longer-term short call substitute teacher. A short-call substitute teacher is to be assigned on a day-to-day basis not to exceed 15 consecutive days replacing the same teacher. *See Minn. Rule § 8710.1000.*

Background

As you know, MDE has been working to resolve teacher licensure issues at LWA for three months.

- MDE first formally notified LWA of non-compliance with teacher licensure laws and rules on August 7, 2008. At that point, 73 percent of LWA's staff (27/37) were out of compliance with teacher licensure laws and rules. *See generally Minn. Stat. Ch. § 122A, Elementary and Secondary Education Act, sec. 1119 (as reauthorized by the No Child Left Behind, P.L. 107-110).* MDE required that LWA come into compliance no later than October 1, 2008.
- MDE sent a second letter on August 21, 2008, in response to LWA's follow-up. The August 21, 2008 letter noted LWA's continued non-compliance with teacher licensure laws and rules, and specifically noted ongoing concern with instructional aides providing direct instruction to students. Among other things, the August 21 letter reminded LWA of the different roles teachers and aides are permitted to play in the classroom, consistent with Minnesota law.
- When LWA's response to the August 21 letter demonstrated a continuing failure to comply, MDE sent a third letter to LWA on September 17, 2008. The September 17 letter identified 24 staff members who remained out of compliance (65% of staff) and reiterated the areas of ongoing concern -- including instructional aides improperly providing direct instruction to students. The deadline for compliance was extended until October 18, 2008. MDE notified LWA that continued failure to comply past the new deadline would result in a holdback of approximately \$320,710.52 in funds, pursuant to the formula established by state law.
- LWA responded to MDE on October 6, 2008. While LWA had attained compliance for its licensed teachers, there remained an ongoing concern with instructional aides improperly providing direct instruction to students. These concerns were conveyed in a letter from MDE to LWA dated October 23, 2008.

MDE reiterated that it would continue to hold back certain funds if LWA could not demonstrate full compliance with respect to its instructional aides.

- MDE visited LWA on October 29, 2008 as part of a final review of teacher licensure compliance issues. In two classrooms, MDE found ongoing non-compliance with teacher licensure laws. Specifically, in these two classrooms, as described further below, the evidence indicated that unlicensed instructional aides were continuing to provide direct instruction to students, despite repeated warnings from MDE.

Because LWA has demonstrated ongoing failure to comply with Minnesota's teacher licensure laws and rules, MDE is proceeding with its available statutory remedies.

Violations

Goettl/Monsaas Classroom

MDE staff visited the kindergarten rooms taught by Marcy Goettl and Rachel Monsaas. Ms. Monsaas is a licensed teacher. Ms. Goettl is not a licensed teacher and was reported as an instructional aide by LWA in a letter dated October 23, 2009. MDE documented the following concerns:

- As of October 28, 2009, Ms. Goettl was listed as both a lead teacher and instructional aide on LWA's website and was listed in the state's STARS system as an instructional aide. Notably, Ms. Goettl explained to MDE staff during the site visit on October 29, 2008, that she is the most senior team member and is therefore the team leader. As has been previously explained to LWA on more than one occasion, Ms. Goettl cannot be a teacher, much less a lead teacher, because she is not properly licensed.
- The schedule posted in the classroom on October 29, 2008 indicated that both Ms. Goettl and Ms. Monsaas were simultaneously providing direct instruction to separate groups of children in math, creative expression, handwriting, science and social studies. The schedule showed each teacher responsible for her own group of students in different subject areas at the same time. For example Ms. Goettl was scheduled for math at the same time Ms. Monsaas was scheduled for science. Instructional aides are not permitted to provide direct instruction. When a copy of the posted schedule was requested, Ms. Monsaas provided a copy of a previous schedule that was similar to the schedule posted on the board. When MDE staff asked for a copy of the current schedule from Ms. Goettl, they were provided with a copy with the words "old schedule" written across the top (the posted copy did not contain the words "old schedule") and a hand-annotated copy of the posted schedule that whited-out which teachers were providing instruction in specific subjects and simply listed the subjects and the times they were being taught.
- The class roster posted in the room on October 29, 2008 assigned half the class to Ms. Goettl and half the class to Ms. Monsaas. When asked about this issue, Ms.

Monsaas provided a separate list combining all students into one class with no listed teacher. However, it was clear from classroom observation and the physical layout of the kindergarten classroom that the kindergartners are separated into two areas for purposes of instruction.

- When asked about the discrepancies, Ms. Goettl indicated that documents posted in the classroom were out of date and parents had been notified of the changes. When asked for copies of the parental notification, she stated the school did not keep any copies of the notification.
- During the course of the unscheduled visit, new altered documents were posted on the wall in place of previous posted documents.

Based on the evidence above, there is probable cause to believe that Ms. Goettl is providing direct instruction to students without a teaching license or approved waiver from the Board of Teaching, in ongoing violation of state law. LWA was notified on August 7, 2008, August 21, 2008, September 17, 2008, and October 23, 2008 to correct this violation and has failed to do so.

Shambley/Edson Classroom

MDE visited the classroom of Sheila Shambley. Ms. Shambley is reported as an instructional aide on LWA's website and in the state's STARS system. The licensed teacher in the room is Jaime Edson. Ms. Shambley was handing out worksheets and leading the instruction when MDE staff entered the room. As she was handing out the worksheets, she verbally disciplined at least one child and told the entire classroom of children that she would not accept messy work. Ms. Edson was providing one-on-one follow-up assistance with students. Based on these direct observations of MDE staff, it was clear that Ms. Shambley was responsible for teaching and classroom management while the licensed teacher, Ms. Edson, was responsible for providing support duties in line with those of an instructional aide. Ms. Edson told MDE staff that while she teaches the class, sometimes Ms. Shambley teaches lessons designed by Ms. Edson. MDE staff did not observe Ms. Edson providing any direct instruction to the class.

Based on this evidence, including first-hand observation, there is probable cause to believe that Ms. Shambley is providing direct instruction to students without a teaching license or approved waiver, in ongoing violation of state law. LWA was notified of these concerns beginning on August 7, 2008, and failed to ensure that they were corrected.

Because LWA has failed to correct these ongoing violations in spite of several notices and extended deadlines, MDE is cancelling \$62,227.78 of the funds it currently is holding for LWA. *See* Minn. Stat. §§ 127A.43 & 127A.42, subd. 2. Pursuant to state law, this represents the percentage of teachers that continue to be out of compliance (2/29 teachers, or 6.897%), multiplied by 60 percent of basic revenue. *See* Minn. Stat. § 127A.43. Basic revenue for LWA for the 2009 fiscal year, based on average daily membership of 260 students, is \$1,503,740.28. MDE will continue to monitor the situation at LWA and expects full compliance with all state and federal laws.

Please contact John Melick at 651-582-8807 if you have any questions about teacher licensure laws and regulations.

Sincerely,

A handwritten signature in cursive script that reads "Chas Anderson". The signature is written in black ink and has a long, sweeping underline that extends to the right.

Chas Anderson
Deputy Education Commissioner

C: Kathy Woodruff (via e-mail delivery only)
John Melick (via e-mail delivery only)
Tom Melcher (via e-mail delivery only)
Audrey Bomstad (via e-mail delivery only)
Karen Klinzing (via e-mail delivery only)
Morgan Brown (via e-mail delivery only)
Karen Balmer (via e-mail delivery only)
Chanda Smith (via e-mail delivery only)