



Colorado State Board of Education

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
COLORADO DEPARTMENT OF EDUCATION COMMISSION  
DENVER, COLORADO  
January 7, 2015, Part 3

BE IT REMEMBERED THAT on January 7, 2015,  
the above-entitled meeting was conducted at the Colorado  
Department of Education, before the following Board  
Members:

Marcia Neal (R), Chairman  
Angelika Schroeder (D), Vice Chairman  
Steven Durham (R)  
Valentina (Val) Flores (D)  
Jane Goff (D)  
Pam Mazanec (R)  
Debora Scheffel (R)



1                           MADAM CHAIR:     Colorado State Board of  
2 Education will now conduct a hearing in Case Number 14-CS-  
3 02, the appeal of the TriCity Academy and Delta Schools  
4 from the decision of the Arapahoe County School District  
5 Number One's, Board of Education to deny Trinity's Charter  
6 School application.

7                           During this hearing the Board is acting in  
8 its capacity to hear appeals of charter schools, and we'll  
9 hold an appellate hearing under the relevant Charter School  
10 Appeal Law 22-30.5-108.

11                          Appellate hearings are conducted very  
12 differently from regular Board meetings. The procedures  
13 are set forth in the Board's governing documents. I will  
14 review these procedures before we begin the hearing.

15                          I like to ask the person chosen to represent  
16 each party to enter your name in the record, along with the  
17 party you represent. Yes sir.

18                          MR. SPARKS:     Dustin Sparks. I'll be  
19 presenting our oral arguments on behalf of TriCity Academy  
20 and Delta Schools. Denise Mund will also be available for  
21 questions. Luke Mund is also available for questions, and  
22 I will actually ask him to speak directly to the  
23 curriculum, technology, and the budget. And Mr. Rick  
24 Gillit is here on behalf of TriCity Academy as its lead  
25 applicant.



1 MADAM CHAIR: Thank you, sir. Yes, Ms.  
2 Reister?

3 MS. REESTER: Reester.

4 MADAM CHAIR: Reester.

5 MS. REESTER: Thank you. Adele Reester.

6 I'm the attorney for the district, and I have here with me  
7 today 2015 Colorado Superintendent of the Year, Brian Ewert  
8 for the district.

9 MADAM CHAIR: You had to sneak that in,  
10 didn't you.

11 MS. REESTER: As well as John Cavali (ph),  
12 chief financial officer, and Dwayne Tucker (ph), Board  
13 president.

14 MADAM CHAIR: Okay.

15 MS. REESTER: Mr. Ewert will be handling the  
16 oral arguments for the district, and the remaining three  
17 will be available to answer questions.

18 MADAM CHAIR: Thank you. You jumped ahead,  
19 you took care of that one. The role of the State Board is  
20 to consider only those issues raised with the -- with the  
21 record on appeal. References to documents or testimony not  
22 present in the record on appeal will not be considered by  
23 the Board.

24 In relation to those issues in the Notice of  
25 Appeal, the Board will apply the following standard of



1 review following oral argument.

2                   The Board will decide whether it is in the  
3 best interest of the pupils, the school district, or the  
4 community to support the local Board's decision to deny  
5 TriCity's charter school. Only the individuals identified  
6 by the parties had the opportunity to address the Board.

7                   I seemed to -- and would I assume again that  
8 you will give up 20 minutes of your time for rebuttal and  
9 take 20? I don't have that in here, but I know that's the  
10 (inaudible) --

11                   MR. SPARKS: Madam Chairman, I would like to  
12 start with 15, and reserve 15. Thank you.

13                   MADAM CHAIR: Okay. Fifteen and 15. Yes,  
14 Ms. Reester.

15                   MS. REESTER: The district --

16                   MADAM CHAIR: I did it wrong again, sorry.

17                   MS. REESTER: That's okay. The district  
18 will do 22 minutes, and then reserve eight for rebuttal.

19                   MADAM CHAIR: You guys got really specific.  
20 Carrie, I hope you have this all down.

21                   UNIDENTIFIED VOICE: (Inaudible).

22                   MADAM CHAIR: Okay. And -- and as I read  
23 this morning that you may interrupt at any time, and -- and  
24 you don't have to ask, you know, Robert's rules don't apply  
25 so much. If somebody's talking and you want to say, just



1 go ahead and say it. And -- and, but do try to stick to  
2 asking specific questions about the things they're talking  
3 about and not get into at this point the -- the sort of  
4 extraneous examples.

5 TriCity, the applicant will -- shall present  
6 its arguments, including questions from the State Board.  
7 Would you like to begin?

8 MR. SPARKS: Yes, Madam Chairman.

9 MADAM CHAIR: Well, there's that (inaudible).

10 MR. SPARKS: Thank you, Madam Chairman.

11 Board Members, Commissioner, CDE staff, good to see you all  
12 again. I hope you had a good lunch.

13 So we're gonna skip any of the introductions  
14 we went through this morning, save time there. But, again,  
15 just to give you an overview, I do -- I will address some  
16 of the shortcomings throughout the presentation, and, but  
17 will address some specific ones through Mr. Mund.

18 And we're gonna start off actually by doing  
19 that. So I'm going to ask Mr. Mund to talk about the Core  
20 Knowledge curriculum, the blended learning delivery method  
21 that will be used, some of the technology issues, and how  
22 that's implemented, as well as budget concerns.

23 So I'm going to turn it over to Mr. Mund for  
24 now.

25 MS. REESTER: Madam Chair, if I may



1 interject. He's not designated for oral arguments, so  
2 unless there's a question for him, I would object to this  
3 in terms of the procedure.

4 MADAM CHAIR: Ms. Bursdall, what -- did --  
5 didn't -- wasn't he the spokesperson?

6 UNIDENTIFIED VOICE: (Inaudible).

7 MS. REESTER: Mr. Sparks is the oral  
8 argument.

9 UNIDENTIFIED VOICE: I'll ask the question.  
10 I'll go ahead and ask the question to describe the  
11 curriculum, please.

12 MR. MUND: So TriCity Academy really wants  
13 to be unique offering to the district. The idea behind  
14 TriCity is to be a Core Knowledge charter school, which is  
15 a proven track record all across Colorado, and with this  
16 population.

17 I, myself was a Cornell student from third  
18 through eighth grade, and then I have had six years of  
19 teaching Core Knowledge in charter schools in Colorado.  
20 One of those being a 96 percent minority charter school in  
21 Denver that was very successful with those students using  
22 Core Knowledge.

23 What makes Core Knowledge so unique is that  
24 it has the spiraling curriculum. So students are taught  
25 the introduction of the curriculum at the younger years,



1 and then as they're going up they're reintroduced the  
2 content, but more in depth time. So a student will learn  
3 about the founding fathers in kindergarten, first grade,  
4 and then get them again later on. Learn about the Romans  
5 in third grade, and then get it again in seventh grade. So  
6 they'll get those -- that content again.

7                   And one of the greatest things with the high  
8 minority population that we seek to serve is the cultural  
9 literacy is that Core Knowledge is all about teaching  
10 students what it is to be a member of society, and to be  
11 cultural literate. So one thing that it does is that it  
12 teaches sayings and phrases, so that students know what  
13 that means.

14                   And for a lot of students that are learning  
15 a second language, that's oftentimes the hardest things to  
16 know. I -- I know learning a second language myself, it  
17 was all the sayings and phrases in Spanish that threw me  
18 up, because when we say in English "pot calling the kettle  
19 black," it's hard to translate that without the cultural  
20 context. So that's what we want to do.

21                   Also you have art, music, literature, and  
22 social studies that all teach the same curriculum at the  
23 same time, so you're reading about Anne Frank in literature  
24 class at the same time as learning about World War II in  
25 social studies. And then you're also listening to the



1 music of the time in your music class, so that the students  
2 are more well developed as a whole child instead of just  
3 teaching one specific. And that's very good with students  
4 that may be below grade level or learning a second  
5 language.

6                                   And then the blended learning with the  
7 technology we really wanted to do, because that's what  
8 we've seen the most success with. There's a big study that  
9 just came out examining 100,000 students that were in  
10 blended learning schools, and it showed that they grew one  
11 to two standard deviations more than traditional non-  
12 blended learning schools. And most of those students were  
13 lower performing schools or high minority or lower economic  
14 status schools, and so blended learning has been growing  
15 like crazy across the country. And so we want to use that,  
16 and we specifically chose technologies that would serve the  
17 population.

18                                   So we want to use ST math, which is a math  
19 program that doesn't use language to teach math at all. It  
20 just says numbers are universal across all languages, and  
21 takes the students through adaptive lessons that can teach  
22 them without having the barriers of language. That's  
23 something that's very unique to us. It's not something  
24 that the district is currently providing, along with our  
25 reading program as well that offers unique -- unique





1 offerings that are -- are currently not available. And we  
2 think that the population, and they've told us this, would  
3 really be interested in -- in getting the choice.

4                   As far as budget then, we really were  
5 conservative in making the budget. We didn't include grant  
6 money. We didn't include very much title money, because we  
7 wanted to be really conservative in it. So we have  
8 budgeted for as much as we could, but we also know that  
9 there's more sources of income that'll be taking in. And  
10 we are including some student fees in there, but those are  
11 for non-district students, and they're for things like  
12 field trips and consumable materials.

13                   UNIDENTIFIED VOICE: Mr. Mund, let me ask  
14 you, if you have six years experience in an at risk school  
15 using Core Knowledge, did you measure the level of growth  
16 of the students?

17                   MR. MUND: Yeah, so the middle school that I  
18 taught at in DPS, we had insane growth numbers. And  
19 actually for all of DPS middle schools we had the highest -  
20 - we had the highest writing scores, and one of the highest  
21 reading scores, and I've since moved on from that school,  
22 but we had great success with it.

23                   UNIDENTIFIED VOICE: Was that in growth or  
24 academic growth?

25                   MR. MUND: It was in -- it was in growth,



1 because our students were multiple years behind. I taught  
2 --

3 UNIDENTIFIED VOICE: But you understand that  
4 that's different than being high in academic?

5 MR. MUND: Yeah. And that's -- and that's -  
6 -

7 UNIDENTIFIED VOICE: Standing, that was my  
8 question.

9 MR. MUND: Yeah.

10 MADAM CHAIR: Go ahead.

11 MR. SPARKS: All right. Thank you, Mr.  
12 Mund. So the school absolutely values English language  
13 learning, and -- and the experts involved, which is why  
14 this TriCity engaged Dr. Medina (ph) to help design a  
15 program that addressed the needs of students that are  
16 English learners. And so I -- I -- I want to clarify  
17 misconception that we don't value the English language --  
18 language learner experts, but what we do question here in  
19 this application as well is the experience of the district  
20 as well of their outside consultants in running, managing,  
21 and evaluating charter schools in particular.

22 While I'm sure they all have expertise in  
23 various areas of education, they do not have the expertise  
24 in charter school management that -- and -- and teaching in  
25 charter schools, and budgeting for charter schools that the



1 team before you on behalf of TriCity and Delta has.

2 I also want to address the role of the  
3 Board. The Board itself for TriCity Academy, who would be  
4 the charter holder. Well, first, I want to point out there  
5 are two residents of Englewood that are on the TriCity  
6 Academy Board, and a centennial resident who's the  
7 grandparents of students living within the district.

8 And then there's a fourth member of the  
9 Board who is recently an Englewood resident, but whose  
10 schools were attending Littleton, and then moved to better  
11 accommodate his kids that were commuting out of the  
12 district.

13 So the -- the role of the Board is -- is not  
14 to be education experts. There is no requirement for a  
15 school district Board or even the State Board of Education  
16 that you've taught a day in your life or have any  
17 experience in -- in education at all. And so this Board  
18 had a desire to serve its community to provide better  
19 schools for its students, grandchildren, and so they  
20 partnered with Delta schools who had the education  
21 experience, not only here at CDE, but is made up of  
22 individuals who are currently running successful charter  
23 schools.

24 And so it's through that pairing that the  
25 TriCity Academy Board is gaining its expertise. As you all



1 hired a commissioner, and assistant commissioners, and all  
2 these experts in the education field to provide you  
3 guidance and insight, and make decisions on your behalf on  
4 a daily basis, that's what the TriCity Academy is doing by  
5 hiring a principal.

6 So -- yes?

7 UNIDENTIFIED VOICE: So I'm interested in  
8 what the plan is. I -- I think I understand the fact that  
9 this is a Board that is -- is not made up of parents in  
10 the community that is looking for. What are your plans  
11 ultimately once you have students? What percentage of your  
12 Board will be parents? What percentage will be educators  
13 within the school?

14 In other words, do you plan to maintain  
15 this, what I -- what one would probably call Citizen Board  
16 or do you have plans to make it more of a school community?

17 MR. SPARKS: So this Board does consist of  
18 parents that will have students attending, and grandparents  
19 that will have students --

20 UNIDENTIFIED VOICE: Okay.

21 MR. SPARKS: -- attending --

22 UNIDENTIFIED VOICE: Okay.

23 MR. SPARKS: -- but they also intend to add  
24 more Board Members from the community once the school is up  
25 and running.



1 UNIDENTIFIED VOICE: What's -- what's the  
2 size now, please? What's the size of the Board now,  
3 please?

4 MR. SPARKS: Five. Is that --

5 UNIDENTIFIED VOICE: Five? And what's your  
6 proposed size or have you thought about that?

7 MR. SPARKS: I think it's the bylaws call  
8 for five to nine as the size. So that it is --

9 UNIDENTIFIED VOICE: So it's fairly small.

10 MR. SPARKS: -- so it's at the minimum right  
11 now. We (inaudible) --

12 UNIDENTIFIED VOICE: And do you plan to have  
13 an election in order to identify the folks to add or --

14 MR. SPARKS: No, it will be a --

15 UNIDENTIFIED VOICE: -- what sort of a  
16 process have you thought about governance --

17 MR. SPARKS: -- it will be a self  
18 replicating Board. So --

19 UNIDENTIFIED VOICE: What?

20 MR. SPARKS: A self replicating Board. The  
21 Board Members themselves will -- am I wrong about that?

22 UNIDENTIFIED VOICE: Yeah.

23 UNIDENTIFIED VOICE: Help me -- help me  
24 understand. I -- I don't even know how this works.

25 UNIDENTIFIED VOICE: The bylaws call for a



1 two seats to be parent representatives voted on by the  
2 parents, and the other five positions are meant to be,  
3 like, community members or professionals in the area, and  
4 they will be self replicating.

5 UNIDENTIFIED VOICE: What does self  
6 replicating mean?

7 UNIDENTIFIED VOICE: The Board, the seated  
8 Board Members at the time will vote on who fills an open  
9 seat.

10 UNIDENTIFIED VOICE: Okay. Thank you.

11 MADAM CHAIR: Go ahead.

12 MR. SPARKS: I also, again, want to address  
13 the reason for the two applications. So as we discussed  
14 the morning, Sheridan is less than two and a half square  
15 miles, so very limited facilities within that district.

16 Englewood is larger, but still a small  
17 district with less than 3,000 students. The best odds for  
18 the charter school finding a facility in order to serve the  
19 students that are concentrated on the border between  
20 Sheridan and Englewood was to make both applications. Now,  
21 while the briefs had mentioned that TriCity would like to  
22 be able to be authorized by one or the other district, and  
23 possibly locate within the other, that is not something  
24 that -- that would be something both districts would have  
25 to agree to.



1                   So at the district that did not authorize it  
2 -- authorize it -- and authorize the charter school, said  
3 no, we won't let you locate here, but that's where the  
4 facility is, the school wouldn't have an option. So it  
5 needed to have approved applications from both districts to  
6 maximize their opportunity to find a facility that would be  
7 suitable.

8                   So how much time do I have, Ms. Markel?

9                   MS. MARKEL: (Inaudible). Three minutes.

10                  MR. SPARKS: Three minutes. Okay. So the -  
11 - the new party to this is Englewood School District, and  
12 as I mentioned, it's geographically small, less than 3,000  
13 students, is currently credited with a improvement plan,  
14 and did not meet any of the performance indicators in any  
15 category currently.

16                  The charter -- they have turned down three  
17 charter schools now within three years, and so they do have  
18 experience with receiving applications, and going through  
19 the evaluation process. But now do have a track record of  
20 denying charter school applications three years in a row  
21 now.

22                  UNIDENTIFIED VOICE: Are we (inaudible)?

23                  MR. SPARKS: So they're, as far as I am  
24 aware, there are at least five districts that are  
25 contiguous to Englewood, Sheridan, Littleton, DPS, and



1 Cherry Creek schools. So once again, this school if  
2 located in Englewood can draw it's majority population, if  
3 necessary, and still be statutorily compliant from any one  
4 of those five districts. And because the intent is for it  
5 to draw from Sheridan, Englewood, and some of Littleton,  
6 there's going to be a lot of focus on targeting those  
7 areas, but will of course accept students from any of those  
8 contiguous districts. And if there is space allows, they  
9 would accept students from anywhere within Colorado, but  
10 can meet that statutory requirement from within any one of  
11 those five.

12 MADAM CHAIR: So the reason for the multiple  
13 applications is you will decide where the school will be  
14 determined by the -- the decisions of -- of --

15 MR. SPARKS: Yeah.

16 MADAM CHAIR: -- the various school Boards?  
17 You at this time you don't know exactly where you want to  
18 have the -- the school?

19 MR. SPARKS: Well, every time we locate a  
20 facility we -- we can't really commit to it at this point,  
21 because we don't have --

22 MADAM CHAIR: Because you don't have  
23 approved?

24 MR. SPARKS: -- an approved application. So  
25 at -- at this point we've more or less stopped actively





1 looking until we settle this issue, because there's really  
2 no point in -- in, you know, getting our -- our dreams set  
3 on one particular facility when we don't have an  
4 application and --

5 MADAM CHAIR: I understand. Thank you.

6 MR. SPARKS: -- (inaudible) to commit.

7 UNIDENTIFIED VOICE: Madam Chair. I'd like  
8 to ask a question about why idioms? Is there second  
9 language acquisition theory or the program that says that  
10 your -- you teach idioms, and -- and so learning idioms  
11 will teach you a language? Idioms. You said saying  
12 phrases out loud, and what you described were idioms. So  
13 is there -- I -- I -- I think myself an expert in the area,  
14 and I've never heard a -- a program --

15 MR. SPARKS: So --

16 UNIDENTIFIED VOICE: -- that is based on  
17 idioms.

18 MR. SPARKS: -- I -- I don't think the  
19 program is all based on idioms. I don't believe that's  
20 what Mr. Mund was saying at all. The program is actually  
21 been designed by Dr. Medina, and Mr. Mund gave examples of  
22 one way that the Core Knowledge curriculum does help  
23 students who are English language learners learn a second  
24 language, just as an example.

25 UNIDENTIFIED VOICE: No.



1 MADAM CHAIR: Okay.

2 UNIDENTIFIED VOICE: Excuse me. The chair.

3 Can -- can we get more chairs for some of these people?

4 MADAM CHAIR: What?

5 UNIDENTIFIED VOICE: Can we get more chairs

6 for some of the people or --

7 MADAM CHAIR: I don't think so.

8 (Inaudible).

9 UNIDENTIFIED VOICE: No. We don't need more

10 chairs.

11 MADAM CHAIR: They're (inaudible).

12 UNIDENTIFIED VOICE: (Inaudible).

13 MADAM CHAIR: Okay.

14 UNIDENTIFIED VOICE: There are some empty

15 chairs here, (inaudible) chairs.

16 MADAM CHAIR: So who's --

17 UNIDENTIFIED VOICE: So I -- I --

18 MADAM CHAIR: Arapahoe County School

19 District now shall make their presentation.

20 UNIDENTIFIED VOICE: Yeah.

21 MR. EWERT: Good afternoon. I'm Brian

22 Ewert, superintendent of Englewood schools, and I'm here to

23 tell you the story of Englewood schools, the past, the

24 present, and a re-visioned future. The story of schools of

25 choice, and charter applications would be most likely a



1 verbal tapestry that would take much more time in this  
2 particular hearing than we have. So I'm going to stick to  
3 script, and try to hit the compelling bits of our story  
4 that you might have questions about later.

5           It's also important for you to hear our  
6 story, because within that story is the context in which  
7 you guys will make your final decision.

8           Until recently, Englewood schools has been  
9 in declining enrollment. While the enrollment has  
10 stabilized for the past three years, the district continues  
11 to utilize averaging under the school finance formula. In  
12 the past ten years Englewood schools has closed a middle  
13 school, and a beloved elementary school. And our declining  
14 enrollment issue is for lots of different reasons, as was  
15 pointed out possibly by at the previous appeal.

16           The negative factor that has been applied to  
17 the school finance formula during the Colorado's great  
18 recession costs the district 16 percent of its general  
19 operating fund. It depleted the district reserves. It  
20 required difficult decisions to be made about people in  
21 programs. It required large class sizes, furlough days,  
22 and all while doing more with less. And all this time  
23 we've been improving with student growth, and achievement  
24 over the past five years.

25           In 2010 Englewood schools was a turnaround



1 district, and today we are, in fact, accredited with  
2 improvement. Bishop Elementary, which is one of our  
3 schools that will be potentially impacted by the opening of  
4 this charter school, was a turnaround school in 2010, and  
5 today it is a performance school as rated by CDE.

6                   The recent 2014 school performance framework  
7 reflects that it exceeds rating and growth gaps in every  
8 single sub-category of the school performance framework.  
9 During the same period of time, five years, the Denver Post  
10 has recognized Englewood School District as having some of  
11 the highest gains in growth in math, reading, and writing.

12                   To demonstrate the community's support for  
13 the current Englewood vision, in November of 2011, the  
14 voters passed a \$50 million bond, and a \$1.5 million mill  
15 levy during the worst economic conditions that Colorado has  
16 seen in recent history. We were the only school district  
17 to pass both a bond and mill levy with community support in  
18 that year. We also received that same year a \$8 million  
19 Best Grant also to be used for capital construction.

20                   To be clear, Englewood schools is a district  
21 of choice. We embrace choice. Absolutely do. And you may  
22 hear differently, but that is not the case. Twenty-one  
23 percent of our students, more than 600 kids do not live in  
24 Englewood's boundaries. And they attend our schools via  
25 our open -- open enrollment policies.



1 All of our schools are open to choice within  
2 district boundaries, and open externally to anyone who  
3 lives in the south metro Denver area. Year in, and year  
4 out our Englewood Leadership Academy, which is a middle  
5 school of choice, is one of the highest performing middle  
6 schools in the state of Colorado.

7 Charles Hay World School boasts an ID  
8 Primary Years Program. Clayton Elementary School is one of  
9 the top visual and performing arts school in the Denver  
10 Metro area.

11 We also offer full free kindergarten to all  
12 of our kids. And each student in our district,  
13 kindergarten through 12th, receives a -- an iPad when they  
14 enroll. And this helps us close the digital divide for  
15 many of those kids who do live in poverty, and they have no  
16 access to technology at home.

17 Our new Englewood campus, that by the way is  
18 opening today, that houses three schools, Englewood  
19 Leadership Academy, Englewood Middle School, and Englewood  
20 High School. And along with Colorado's finest High School  
21 of Choice, is the name of the school, it actually opens  
22 today too with new programming. It opens with a brand new  
23 culinary arts program, cosmetology program, stem labs,  
24 sound engineering, convergent media, and a brand new  
25 orchestra program that hasn't been seen in Englewood since



1 probably the seventies.

2                   Most importantly, Englewood schools is  
3 getting results with students, and the community is  
4 supportive of the district's our approach to re-visioning.  
5 We've come a long way in five years, and we're fiercely  
6 proud of that progress, but we acknowledge we still have a  
7 lot of work to do.

8                   For us, it's about continuous improvement  
9 under really difficult circumstances and complex  
10 conditions. There are no silver bullets and easy  
11 solutions, as this charter application might imply.

12                   Turning to the best interest of students,  
13 the district and the community, the -- the Board of  
14 Education carefully analyze the application using a fair  
15 and objective process. The application was evaluated using  
16 the rubric. The district created a process that was  
17 aligned with the Charter School Act with input from charter  
18 entities, and the district utilized outside experts to  
19 provide external objective lens to the application.

20                   Amy Slothower, Michael Whitehead-Bust, and  
21 Laurie Deacon (ph) are highly respected across the state of  
22 Colorado as charter experts, by district leaders, and by  
23 the Charter School Institute, and the League of Charter  
24 Schools.

25                   I'd like to give you just a couple of



1 examples of comments that they made during their review of  
2 the TriCity application. Amy Slothower stated, "There is  
3 no evidence provided that the community has had any input,  
4 any input into the design of the school." "A relationship  
5 with Delta schools is referenced throughout the  
6 application, but it is not described in detail. There is  
7 no contract with Delta. The appendix titled "Delta School  
8 Development Plan," has almost no detail about the specific  
9 services to be provided, and there's no description about  
10 that financial arrangement between Delta schools and the  
11 applicant."

12                               Michael Whitehead-Bust stated, "it," meaning  
13 the application, "does not describe the experiences of  
14 those students that are currently enrolled in Englewood,  
15 and why a different option is needed at this time." He  
16 also said --

17                               UNIDENTIFIED VOICE: Madam Chair.

18                               MADAM CHAIR: Yes.

19                               UNIDENTIFIED VOICE: I have a couple of  
20 questions.

21                               MADAM CHAIR: Sure.

22                               UNIDENTIFIED VOICE: Did any of the people  
23 that you hired to evaluate this, did you determine whether  
24 they have a -- a balanced record in -- in recommending the  
25 approval, and/or denial of charters to various districts?



1 MR. EWERT: I do not know their record of  
2 (inaudible) of making recommendations. What we ask them to  
3 do is not make recommendations around approval or denial.  
4 We specifically told them don't do that. We ask them to  
5 provide feedback on the application itself without making a  
6 final recommendation. We did ask them to score the rubric.

7 UNIDENTIFIED VOICE: And your district has  
8 turned down three of three --

9 MR. EWERT: Two.

10 UNIDENTIFIED VOICE: -- applications prior  
11 to this?

12 MR. EWERT: Two. This is the third one.

13 UNIDENTIFIED VOICE: Two of two.

14 MR. EWERT: Yeah. This is the third one  
15 now.

16 UNIDENTIFIED VOICE: And was the basis for  
17 those denials in some way similar to the basis for denial  
18 of this one?

19 MR. EWERT: There are some similarities. I  
20 would have to go back and review the rubrics, and the  
21 feedback, but there are some similarities, and there are  
22 some differences.

23 UNIDENTIFIED VOICE: So your district is --  
24 is it -- is the number of charter applications you've had  
25 as far as you know common? I mean, two and -- or three and





1 three years, is that common more than most? Less than  
2 most?

3 MR. EWERT: I can't answer that question. I  
4 don't know. Okay.

5 UNIDENTIFIED VOICE: Thank you.

6 UNIDENTIFIED VOICE: (Inaudible). How --  
7 sorry. Do you know how many charter applications have been  
8 made to Englewood School District in its -- well, since the  
9 charter school law was passed?

10 MR. EWERT: In the late '90s, early 2000s, I  
11 believe there was one application. It was the one that Mr.  
12 Clough referred to that applied to, like, 75 different  
13 schools, and it was quickly withdrawn or it didn't go  
14 anywhere. And then we've had three additional ones.  
15 (Inaudible) --

16 UNIDENTIFIED VOICE: So four total.

17 MR. EWERT: What's that?

18 UNIDENTIFIED VOICE: Four total?

19 MR. EWERT: Four total, yes. Okay. Lori  
20 Deacon, our final consultant, who is a known in Colorado as  
21 a financial expert when it comes to charter school budgets,  
22 she said, "I've been spending a lot of time thinking about  
23 this, and realistically everything on this application  
24 comes up with a one, which is partially meets on the  
25 rubric. There's not enough detailed information to get



1 good estimates or costs."

2                   So the Board of Education looked at the hard  
3 evidence that was submitted by the application, and  
4 gathered through community meetings. We sifted through the  
5 appellant's generalized statements that have not been  
6 supported by fact.

7                   For example, there was a comment made in the  
8 application that more competition will create -- will  
9 create, and hopefully raise the standard of education in  
10 Englewood. And the nexus between more competition, and a  
11 raised standard of education, that's a grand statement that  
12 I am not aware that that is supported by any evidence.

13                   And I would also suggest that there's not a  
14 -- a lot of research in track record for a charter school,  
15 like, TriCity that serves the demographic, like, Englewood  
16 that will be successful. And the argument that it would  
17 benefit the community, and improve the school district, and  
18 improve student growth, and achievement, it's just not  
19 there in this particular application.

20                   The Board of Education ultimately determined  
21 that the three outside experts, the District Accountability  
22 Committee --

23                   UNIDENTIFIED VOICE: Excuse me.

24                   MR. EWERT: Yeah.

25                   UNIDENTIFIED VOICE: Yeah. Did the District



1 Accountability turn it down?

2 MR. EWERT: Yes, they did. Well, they  
3 didn't. They made recommendations and findings to the  
4 Board of Education, who turned it down.

5 UNIDENTIFIED VOICE: Okay. Did they have a  
6 rubric that they use?

7 MR. EWERT: They used the same rubric.

8 UNIDENTIFIED VOICE: And was this the same  
9 rubric used for the other two?

10 MR. EWERT: The same rubric -- the -- the  
11 rubric has changed.

12 UNIDENTIFIED VOICE: Prior applications?

13 MR. EWERT: We -- we use the one that's  
14 approved by CDE, and used by the -- the Institute.

15 UNIDENTIFIED VOICE: Okay.

16 MR. EWERT: Okay?

17 UNIDENTIFIED VOICE: That helps, thank you.

18 UNIDENTIFIED VOICE: Excuse me.

19 MR. EWERT: The Board found -- oh, sorry, go  
20 ahead.

21 UNIDENTIFIED VOICE: Follow up to that. Did  
22 the DAC -- did the DAC have access to the -- the -- the  
23 findings of the consultants when they --

24 MR. EWERT: Yes, they did.

25 UNIDENTIFIED VOICE: -- looked at their



1 rubric?

2 MR. EWERT: They did.

3 UNIDENTIFIED VOICE: So that likely  
4 influenced their -- their recommendations?

5 MR. EWERT: I see (inaudible). I -- I -- I  
6 don't know that to be true. We have a fairly articulate,  
7 and gifted group of DAC members. It's high functioning,  
8 really involved parents. They -- they -- they did their  
9 due diligence, and they did a careful evaluation of the  
10 application. I'll continue, unless there's other  
11 questions.

12 The Board of Education also determined,  
13 after reviewing the application, and looking at the  
14 feedback, listening to community presentations, engaging in  
15 an open dialogue with TriCity applicants, and the Delta  
16 incubator group, that they truly lacked a deep  
17 understanding of the school district, the current choices  
18 that we offer within the school district, and the programs  
19 that we have available for kids. And in general, our  
20 families, and our kids.

21 We also asked some questions that we didn't  
22 get answers to. We asked about enrollment information of  
23 potential students as required by statute. And on two  
24 occasions they failed to clearly define -- define what that  
25 information looked like. And we also asked for them to



1 define some financial arrangements with Delta, and we still  
2 don't have a clear picture of that.

3                   Ultimately, the Board of Education's  
4 analysis revealed, and it's set forth in more detail in the  
5 denial resolution, and the district answer brief that the  
6 application is based upon a vision by the appellants. One  
7 of which is a charter school incubator, which led to the  
8 simultaneous submission of the application to three  
9 different school districts.

10                   And for us that calls into question, how  
11 tailored is this for Englewood Schools? For example, in  
12 their application they say they're going to charge for full  
13 day kindergarten. We already offer full day kindergarten  
14 for all of our kids for free.

15                   Another example is this truly an application  
16 for Englewood. Like Sheridan, it states that we have  
17 38,442 students. Now, I'm very interested in getting that  
18 PPR. And yet Englewood schools actually has less than  
19 3,000 schools as the appellant's have stated, and we  
20 actually have declining, and flat enrollment, not growing  
21 enrollment.

22                   Representative the entire application, and  
23 really important here that there really is no significant  
24 support and grassroots movement for this charter school in  
25 Englewood. Community meetings during the application



1 process demonstrated little or no support. At the school  
2 Board meeting on October 28th, Englewood parents actually  
3 stood up and opposed the application, and at the December  
4 State Board of Education meeting we actually had a parent  
5 here who is also our Englewood DAC chairperson. She spoke  
6 out to the State Board of Education about the appellants,  
7 and in support of the Board of Education's denial.

8                   And while community partners have been  
9 vaguely and loosely asserted by the appellants, there is no  
10 nexus between these partnerships having an interest in  
11 anything other than incubating a charter school. This is  
12 of grave concern to us.

13                   Parts of the applications were incomplete,  
14 resulting in difficulties in a full analysis, and the  
15 potential of the success of this school. You will note in  
16 the waiver section that there are missing rationales, and  
17 there's no replacement policies. As stated by the outside  
18 experts, and the district accountability committee, the  
19 financial arrangement within the district with the  
20 management contract are difficult to evaluate. There's not  
21 enough evidence to substantiate the enrollment numbers to  
22 support an economically sound budget.

23                   To date, there still is not an identified  
24 building in Englewood, although the appellant's allude to a  
25 potential confidential site that hasn't been at least



1 disclosed yet. This failure to meet is a critical,  
2 critical and very important application requirement that's  
3 set forth by the rules.

4 Information provided is insufficient to  
5 evaluate the details of the budget. The school, this  
6 school, by looking at their goals for their kids, it -- it  
7 is not a rigorous standard for people for performance at  
8 all.

9 UNIDENTIFIED VOICE: Excuse me, but Madam  
10 Chair.

11 MADAM CHAIR: Yeah

12 UNIDENTIFIED VOICE: Did you initially  
13 approve this application's being complete?

14 MR. EWERT: It's -- yes. And I'll let legal  
15 counsel respond to that, if that's okay.

16 UNIDENTIFIED VOICE: So, let me just finish  
17 here.

18 MR. EWERT: Okay.

19 UNIDENTIFIED VOICE: So you did -- you did  
20 find the application to be complete, and then now you're  
21 finding it to be some way inadequate in the amount of  
22 information submitted, is that correct?

23 MR. EWERT: We're defining complete  
24 differently. Legal counsel.

25 MS. REESTER: Yes. In terms of the



1 requirements under the Charter School Act, the district is  
2 to look to see if it's complete, meaning that there is a  
3 section in the application that addresses each of the  
4 statutory requirements in the Charter School Act.

5                   So when the district receives an  
6 application, it doesn't go into detail. It looks to see if  
7 there is a section on each of those required components in  
8 -- from the statute, and that's what the district did in --  
9 in August to say that there was --

10                   UNIDENTIFIED VOICE: Did you -- did you  
11 subsequently receive the application, pulling this from  
12 memory, try to find that the application was not complete?

13                   MS. REESTER: No. This --

14                   UNIDENTIFIED VOICE: So that's something  
15 that you -- you did not do? You did not change your  
16 position as to whether or not the application was complete?

17                   MR. EWERT: No.

18                   MS. REESTER: The application itself is  
19 complete in terms of the statutory requirements having a --  
20 a component, however it is then missing the details, and  
21 the substantive pieces that they then looked at in their  
22 review process. And that's where the additional pieces of  
23 the waiver, and the management contract were missing.

24                   UNIDENTIFIED VOICE: Thank you.

25                   MR. EWERT: Okay. The important piece of





1 the application that's troublesome. The application states  
2 that 90 percent of the students will make one year's growth  
3 in one year's time. And based on the kids that we serve in  
4 Englewood, this absolutely is not a rigorous standard. Our  
5 kids are meeting and exceeding this right now in Englewood.

6 We have significant numbers of kids who are  
7 making year and a half to two years growth based on the  
8 CDEs assessments, and our own internal formative, and  
9 summative, and benchmark assessments. So we're -- we'd be  
10 very concerned about what they would call a rigorous  
11 standard.

12 I'll move on. Covered some of that. And  
13 just go to a conclusion here. The district did objectively  
14 review the application, and it was analyzed how it either  
15 did meet or it did not meet the requirements of that  
16 Charter School Act.

17 The denial resolution set forth the Board's  
18 reasons for denial, specifically relating to the reasons to  
19 the purposes of the Act, and the application requirements.  
20 Bottom line is we did our due diligence.

21 When the district approved it -- when the  
22 district does approve, and I bet that it probably will at  
23 some point, it's first charter, it will be a high quality  
24 application. It will be set forth by parents in the  
25 district, and have community support. It will be a viable



1 option for the district students, so that's the school and  
2 the students can be successful.

3                   This application in totality is of low  
4 quality, and without parent, and community support.  
5 Financially it's on shaky ground, and it's not set up for  
6 success. It's about the business of incubating a charter  
7 school, and as we know, Delta was involved with at least  
8 four applications this past fall, and it -- it feels very  
9 much like simply having a charter school is the most  
10 important thing as opposed to educating students in a  
11 manner that's supported by the local community.

12                   As the superintendent of Englewood schools,  
13 and on behalf of the Board of Education, and the Englewood  
14 community, I would urge you to uphold the district's denial  
15 of the TriCity Charter Application. Thank you for your  
16 time. And we have our team here to answer any questions  
17 that we might have with the remaining time.

18                   UNIDENTIFIED VOICE: Four twenty-three.

19                   MR. EWERT: How much?

20                   UNIDENTIFIED VOICE: Four twenty-three.

21                   MR. EWERT: Okay, 4:21.

22                   MADAM CHAIR: Anyone have any questions?

23                   UNIDENTIFIED VOICE: I -- I --

24                   UNIDENTIFIED VOICE: I have -- I have one  
25 question. And you may have to defer this --



1 MADAM CHAIR: Okay.

2 UNIDENTIFIED VOICE: -- but I see that part  
3 of your reasons for denial is that your belief that charter  
4 schools need to be -- I -- I -- I'm sorry, I don't have the  
5 language in front of me, but basically the -- the  
6 implications that they need to be better than district  
7 schools. Is that your belief?

8 MR. EWERT: I don't believe that charter  
9 schools need to be better. I'm not sure that we have that  
10 anywhere. I think that they need to meet our standard, and  
11 one year's growth in one year's time in a school district  
12 that serves a significant student -- students of poverty,  
13 65, 70 percent, we need to make sure that we're making, if  
14 you will, two years growth.

15 Now, do we do that with every kid? No. Do  
16 we do that with a whole bunch of kids? Yes. And our rep -  
17 - our track record right now speaks for it. We have  
18 significant growth. Our achievement is not there. We have  
19 a long ways to go, but we have traction. We are moving, we  
20 are shaking, and honestly, Englewood is the place to be  
21 right now.

22 UNIDENTIFIED VOICE: Okay.

23 MR. EWERT: That was more than you wanted.  
24 Sorry.

25 UNIDENTIFIED VOICE: And I guess --



1 MADAM CHAIR: All right.

2 UNIDENTIFIED VOICE: -- I guess the question  
3 is, would they be providing a program that is not in  
4 Englewood that parents would want to -- I -- I mean, I --

5 MR. EWERT: I don't know. I -- I -- I'm not  
6 opposed to -- I'm not opposed to any particular curriculum,  
7 because --

8 UNIDENTIFIED VOICE: Right.

9 MR. EWERT: -- curriculum is not a magic  
10 bullet.

11 UNIDENTIFIED VOICE: Right.

12 MR. EWERT: Really hard grinding work with  
13 kids --

14 UNIDENTIFIED VOICE: I agree.

15 MR. EWERT: -- who come from households of  
16 poverty, it's a grind.

17 UNIDENTIFIED VOICE: Yeah.

18 MR. EWERT: It's hard work, and there's no  
19 one at CDE, there's no one in this state that can solve  
20 that problem standing up here today. I'm not gonna sit  
21 here and tell you that we've solved that. Every single day  
22 we come, we work with individual kids, as I'm sure TriCity  
23 would, but we are making progress with those kids.

24 There's no magic curriculum. I'm not for or  
25 against any particular curriculum model, but I do know what



1 good instruction looks like, and that's what I'm after.

2 UNIDENTIFIED VOICE: Thank you.

3 MADAM CHAIR: You go ahead. Well, you don't  
4 need to --

5 UNIDENTIFIED VOICE: There -- there --

6 MADAM CHAIR: --remember, you don't need to  
7 during this time.

8 UNIDENTIFIED VOICE: There are -- there are  
9 children that would likely perform better in this -- in  
10 system that is proposed, and perform better in the system  
11 that you have. Is it your job to deny them that  
12 opportunity to choose the program that might work the best  
13 for their children?

14 MR. EWERT: No, but when -- no, it's not my  
15 job, but my job is to listen to the community. And if I  
16 see a hundred people show up at a Board meeting, and  
17 (inaudible) we want Core Knowledge, guess what's going to  
18 happen really quickly? The Board of Education, like you,  
19 are going to adhere to the demands of that community.

20 UNIDENTIFIED VOICE: Right.

21 MR. EWERT: We have not heard that from this  
22 community. We've heard the exact opposite. We have  
23 traction. We're moving forward. It's really hard to  
24 separate the Core Knowledge curriculum from the students  
25 that they traditionally and typically serve in charter



1 schools across this nation. It's really difficult to  
2 separate that demographic. And when I asked that question  
3 at a community meeting about give me a school that has our  
4 demographic where you've had success with Core Knowledge,  
5 blank stares. And it took a while and we finally got at  
6 least one school in Colorado that has had some success in  
7 Eagle County, but there wasn't a whole list of slew of  
8 schools that have had success with this. It's about  
9 instruction. It's not about curriculum.

10 UNIDENTIFIED VOICE: Yeah.

11 UNIDENTIFIED VOICE: So --

12 MADAM CHAIR: Is the plan --

13 UNIDENTIFIED VOICE: -- even though they're  
14 -- I'm sorry.

15 UNIDENTIFIED VOICE: Forty seconds.

16 MADAM CHAIR: Oh, go ahead, quickly.

17 UNIDENTIFIED VOICE: I'll -- I'll wait.

18 UNIDENTIFIED VOICE: No, go ahead.

19 MADAM CHAIR: All right.

20 UNIDENTIFIED VOICE: So there are some, even  
21 though there are some kids that might very well benefit  
22 from this, that your conclusion is that somehow the  
23 positives outweigh the negatives, and that -- that you  
24 might have a difficult time with free kindergarten  
25 competing with paid for kindergarten?



1 MR. EWERT: I'm -- I'm not sure I understand  
2 that question. We -- we --

3 UNIDENTIFIED VOICE: I --

4 MR. EWERT: -- have full day kindergarten,  
5 and it's paid for.

6 UNIDENTIFIED VOICE: Yeah.

7 MR. EWERT: Yeah. And that's a -- that's a  
8 huge --

9 UNIDENTIFIED VOICE: No more.

10 MR. EWERT: -- in a -- in a community of  
11 poverty.

12 UNIDENTIFIED VOICE: (Inaudible).

13 UNIDENTIFIED VOICE: Okay.

14 MR. EWERT: That's a big deal.

15 MADAM CHAIR: Thank you. Thank you very  
16 much. We now call on TriCity for the allotted minutes of  
17 rebuttal.

18 MR. SPARKS: Thank you. First off, as an  
19 example of a Core Knowledge school that is successful with  
20 a similar population is James Irwin Charter Academy in  
21 District 11, which is authorized by CSI, and I believe is  
22 the highest performing elementary school in all of southern  
23 Colorado, as well as the other James Irwin Middle School  
24 that is in Harrison School District 2, which is also a high  
25 performing school, serving a similar population using a



1 Core Knowledge direct instruction approach.

2 UNIDENTIFIED VOICE: May I ask a question?

3 You stated -- the superintendent here stated that there's

4 67 to 70 percent poor minority students. Would you say

5 that Core Knowledge would be complimentary, complimentary

6 curriculum to this population?

7 MR. SPARKS: Absolutely. The population was

8 first picked who they wanted to -- this TriCity Academy

9 wanted to serve, and that was students that are at risk

10 from low income families, English language learners. And

11 they looked for a curriculum that they thought would be a

12 good fit to help increase those academic standards and

13 growth rates.

14 UNIDENTIFIED VOICE: Even though that

15 curriculum is kind of snidely called dead -- dead white men

16 curriculum?

17 MR. SPARKS: Well -- well that --

18 UNIDENTIFIED VOICE: I mean --

19 MR. SPARKS: -- that is very much your

20 matter of opinion, and is --

21 UNIDENTIFIED VOICE: No, no.

22 MR. SPARKS: -- not something that's --

23 UNIDENTIFIED VOICE: -- that's what it's --

24 MR. SPARKS: -- widely accepted.

25 MADAM CHAIR: But we're not here to argue --





1 MR. SPARKS: And so this applicant group --

2 MADAM CHAIR: -- (inaudible) to ask  
3 questions.

4 MR. SPARKS: -- thinks that it is an  
5 appropriate choice for that -- that group, and it is, you  
6 know, just your opinion against many others. And -- and so  
7 that is not something that I think we're going to resolve  
8 for today.

9 UNIDENTIFIED VOICE: Well, in curriculum  
10 circles that's what it's called.

11 MADAM CHAIR: You know --

12 UNIDENTIFIED VOICE: Can you speak to the  
13 community support for the school?

14 MR. SPARKS: Mr. Gillit, can you address  
15 that?

16 MR. GILLIT: Yes, I can. Thank you very  
17 much. Thank you, Madam Chairman, and -- and Board.

18 We -- we have had a lot of, as I stated  
19 before, I -- I -- I hold regular meetings as my role in the  
20 city, and there been a lot of parents who wanted to know  
21 what's been going on. How, you know, how are we  
22 progressing? These are parents who really don't want to be  
23 involved in the process. They want to -- they want a  
24 positive outcome.

25 They're -- they're not the type of parents



1 who will come to the school Board, and demand. They're the  
2 type of parents who say, "can you please help us get  
3 something done?" And that's been my role in the different  
4 meetings we had.

5                   Recently we had an Englewood event at a park  
6 that the school Board was also at where we had numerous  
7 applications that day with numerous people. And the most  
8 interesting thing about that is most of the applicants were  
9 of minority background.

10                   So minorities are attracted to what we're  
11 doing. They understand that this curriculum, and Madam  
12 Chairman, I kind of take offense to that, White men's --

13                   UNIDENTIFIED VOICE: Dead, dead.

14                   MR. GILLIT: you know, dead white men. Just  
15 -- it is not. This curriculum is specifically geared to  
16 the minority group, and English as a second language  
17 learners. And so, there's a lot of positives, but the  
18 community is really looking forward to, and again, I will  
19 restate. The reason I got into this is I had so many of my  
20 parents in my district that I would go meet that were  
21 sending their children to Littleton School District, to  
22 private. And I had numerous parents say "I don't have a  
23 choice. I can't afford to send my child somewhere else."

24                   So again, those that who are impoverished or  
25 -- or have economically disadvantaged, they don't have a



1 choice. And those are the parents who are -- are -- are  
2 the ones that will be attracting and offering them a  
3 choice.

4                   But as for the community, I did a -- I did a  
5 -- an article about a year ago, and showed that in the last  
6 ten years there was a 29 percent decline in enrollment in  
7 Englewood schools, but yet the population's only declined  
8 by a couple percent. And what we have is we have parents  
9 with children looking whether or not they want to move into  
10 Englewood, because they look at the state scores, and they  
11 find that Englewood is underperforming. We have one  
12 performing elementary school here today. We have three  
13 others in the district that are underperforming.

14                   Yes, we have -- there are some, but when 75  
15 percent of your elementaries are underperforming we think  
16 that there's an issue, and these are what the parents are  
17 saying. And my own niece, that the tip off for me was my  
18 own niece with her own two children, moved to Littleton, so  
19 she could be with her kids that she took out of district,  
20 because she lost confidence in our -- in our school  
21 district.

22                   So that's why I'm involved. That's what the  
23 community is telling me. In my district I would say 75  
24 percent of the people around my area send their kids  
25 somewhere else. And I say "my area," I'm saying few,



1 three, four, five blocks, and that's still too many.

2 Other areas of Englewood that do support,  
3 yes, we do. My children went all the way through Englewood  
4 school system. My wife's best friend, one of our Board  
5 Members, his wife was Valedictorian. I believe  
6 Valedictorian of Englewood schools in the top percentage.  
7 So there -- there's a lot of support for our schools.  
8 We're just saying some parents want a choice. They are  
9 choosing to leave, and they are voting with their feet by  
10 moving out.

11 We believe 25 to 35 percent of our families  
12 with children are going somewhere else, and that -- that  
13 needs to be addressed.

14 MADAM CHAIR: Thank you.

15 UNIDENTIFIED VOICE: Thank you.

16 MR. SPARKS: All right. Thank you, Mr.  
17 Gillit. I want to address the application process briefly,  
18 and specifically the rubric that the district has said is  
19 something that's been approved by CDE.

20 So the district chose to use CSI, the  
21 Charter School Institute's rubric for evaluating the  
22 charter school. The charter school application team  
23 informed the district before submitting their application  
24 that they would be using the state model application. They  
25 use the state model application, and -- and they --



1 UNIDENTIFIED VOICE: What's the difference,  
2 please?

3 MR. SPARKS: So there's a model application  
4 that CDE has worked on, and has put together, and which is  
5 used by most school districts for taking chargeable  
6 applications. The Charter School Institute, as a statewide  
7 authorizer, has some different criteria that they have  
8 looked at, particularly evidence of need.

9 UNIDENTIFIED VOICE: So there's a conflict  
10 between what CDE recommends, and what's --

11 MR. SPARKS: The --

12 UNIDENTIFIED VOICE: -- (Inaudible)?

13 MR. SPARKS: There -there are some sections  
14 within the CSI model application and rubric that are not  
15 included in the CDE model application in rubrics.

16 MADAM CHAIR: Looks like Ms. Mund would like  
17 to speak to that.

18 UNIDENTIFIED VOICE: Yeah.

19 MADAM CHAIR: Go ahead.

20 MR. SPARKS: Go ahead.

21 MS. MUND: I would love to, because I lived  
22 all of this. As you probably remember, I worked on that  
23 model application representing CDE.

24 What CSI has done is taken the model  
25 application, and combined different sections of it. And in



1 one place they put, for instance, statement of need. And  
2 shortly after the Charter Schools Act was passed, and I  
3 think it was in '97, this general assembly took out that  
4 statement of need, because it was an essence asking a  
5 charter applicant to say why they want to get out of the  
6 district, and how they're doing something wrong, and it  
7 wasn't a positive thing.

8                   CSI put that back in there, and I understand  
9 that their needs or they need to determine if there's need  
10 for a new charter school in an area of the state where they  
11 really don't have any familiarity until the issue comes up.  
12 But it's not the model application rubric that was designed  
13 by CDE, The League of Charter Schools and CSI. It has been  
14 changed. And so it's like --

15                   UNIDENTIFIED VOICE: So what --

16                   MS. MUND: -- apples and oranges.

17                   UNIDENTIFIED VOICE: Okay. But the concerns  
18 that were expressed, which is about the kids, what kids  
19 want -- are interested in, the financial piece, et cetera.  
20 Those are in both, right? So the concerns that the  
21 district has with the application are, in fact, items in  
22 areas that you would find in both rubrics. Am I wrong?

23                   MS. MUND: Generally, except for in the --  
24 the non CSI part of the Act, it's very specific to list all  
25 of the components, and CSI does things a little bit



1 differently than districts, and applicants to districts.  
2 And so it's apples and oranges. There really is not a  
3 comparison. It's not a line for line kind of a comparison.

4 UNIDENTIFIED VOICE: Do you think there  
5 ought to be a legislative requirement that were consistent,  
6 so that we don't run into this?

7 MS. MUND: Well, CSI (inaudible) --

8 UNIDENTIFIED VOICE: I know. I'm not in  
9 favor of legislation, but I'm not in favor of this either,  
10 because I don't think it serves anybody, actually.

11 MS. MUND: CSI has a different area of the  
12 state in which they work. You know, they work --

13 UNIDENTIFIED VOICE: They work all over the  
14 state.

15 MS. MUND: -- at class districts.

16 UNIDENTIFIED VOICE: Right.

17 MS. MUND: It is in statute what is in the  
18 model application. And it was because the model  
19 application was developed that it was put into statute to  
20 align to that. The CSI rubric does not align to statutes.

21 UNIDENTIFIED VOICE: Okay, thank you.

22 MR. SPARKS: So in -- in summary, the  
23 district used the wrong grading sheets. So there is a  
24 rubric that goes along with the state's model application.  
25 And so, if they had chosen the actual rubric that applies



1 to district authorizers instead of to the states only state  
2 level authorizer, then they would have aligned correctly.  
3 And so, it's very difficult to score a charter application  
4 when you're using the wrong grading sheets.

5 UNIDENTIFIED VOICE: (Inaudible).

6 MR. SPARKS: So -- so going to the standards  
7 that were set forth of -- of one year's growth, that is a  
8 floor. It -- it's not what the TriCity Academy team  
9 aspires to have its students obtain. And as the district's  
10 pointed out, you know, it has some schools. Bishop is the  
11 one you keep hearing over and over that is the students are  
12 achieving, you know, two years, one and a half years, which  
13 is great. And we want those students to achieve at least  
14 that or better. Yes.

15 UNIDENTIFIED VOICE: But didn't you say that  
16 you were going to be able to get those students to perform  
17 at one to two standard deviations above what they did? A  
18 standard deviation is not, or two standard deviations is  
19 not usually a grade level. And just buy a test, you know,  
20 look at the SAT, which has a standard deviation of --

21 UNIDENTIFIED VOICE: What's your question?

22 UNIDENTIFIED VOICE: -- one or two. No, I'm  
23 just saying --

24 UNIDENTIFIED VOICE: Actually bothers him  
25 talking about (inaudible).





1 UNIDENTIFIED VOICE: -- standard deviations  
2 is -- is not grade levels.

3 MR. SPARKS: So --

4 UNIDENTIFIED VOICE: And so --

5 UNIDENTIFIED VOICE: That was a federal  
6 study. It was a study of blended learning across the  
7 nation. They took from six states, I believe, 100,000  
8 students --

9 UNIDENTIFIED VOICE: Oh, so you weren't  
10 saying that you were going to do one standard deviation or  
11 two? I thought that's what you had stated.

12 UNIDENTIFIED VOICE: No. What -- what our  
13 goal is -- is the -- is the floor that we set up in the  
14 application. I was just using the research behind blended  
15 learning to prove that the curriculum and the model that we  
16 have chosen will work for this population.

17 UNIDENTIFIED VOICE: Well, that's the -- the  
18 thing is that Core Knowledge is not used to --

19 UNIDENTIFIED VOICE: Question. You have to  
20 ask a question.

21 UNIDENTIFIED VOICE: Okay. Do you know the  
22 research on Core Knowledge, and the use for culturally  
23 different children? Do you know that research?

24 UNIDENTIFIED VOICE: Yes. Yes.

25 UNIDENTIFIED VOICE: And what is it?



1                   MADAM CHAIR: No, we don't have time for him  
2 to give us the research.

3                   UNIDENTIFIED VOICE: No, the research -- the  
4 research states that --

5                   UNIDENTIFIED VOICE: We're -- we're -- we're  
6 going to choose to not answer that question and move on.  
7 So the going back --

8                   UNIDENTIFIED VOICE: It's not appropriate.

9                   UNIDENTIFIED VOICE: -- to the floor that  
10 the one year's growth time is a floor, and every charter  
11 school has to set a goal and enter into a contract that  
12 you're going to meet certain performance standards. So if  
13 this application said we're going to get two years growth,  
14 but you're taking students who are currently getting less  
15 than one years of growth, and you're now expecting them to  
16 get two, now you've held yourself in a contract to meeting  
17 the standard that's not realistic.

18                   So to say one year, which is better than  
19 what the district is currently averaging is raising the  
20 bar, but we'll still, of course, work to try and get the  
21 students to achieve as much growth as possible once that  
22 differentiated learning approach will enable.

23                   How much time do I have, Ms. Markel?

24                   MS. MARKEL: Ten minutes and 48 seconds.

25                   UNIDENTIFIED VOICE: Okay. All right. So I



1 want to address the -- the goal of incubating the charter  
2 school.

3                   It's not this nefarious idea of creating  
4 this profit center. It's about creating opportunities for  
5 children who are in underperforming district to raise up  
6 the standard of education that they're able to get. Now,  
7 of course, not every parent in the district is going to  
8 want to go to the charter school, but it's -- it's not this  
9 goal of creating a business for Delta or the unpaid TriCity  
10 Academy Board.

11                   And the reason there is no contract has been  
12 provided with Delta is one doesn't exist. How that works  
13 out is going to be largely based on who the principal is  
14 going to be, and, what level of experience they have. What  
15 level of experience that teachers have.

16                   UNIDENTIFIED VOICE: Excuse me. Does Delta  
17 have any -- any other contracts with any other charter  
18 schools?

19                   UNIDENTIFIED VOICE: Ms. Mund.

20                   MS. MUND: No. In fact, Delta was just  
21 formed a year ago, and the reason is precisely what we're  
22 dealing with here, is that there were different parent  
23 groups throughout the state that I had become aware of that  
24 we're not able to get a school open for whatever reason,  
25 and there were multiple reasons.



1 Delta has funded all of the work with  
2 TriCity. TriCity has paid Delta absolutely nothing, and  
3 there is no plan to pay Delta anything for the work that's  
4 been done. It is then gifted to TriCity.

5 UNIDENTIFIED VOICE: I thought I saw  
6 somewhere that you were going to be paid \$135,000?

7 MR. MUND: That (inaudible) --

8 UNIDENTIFIED VOICE: And you decided to gift  
9 that or was -- am I confused about that?

10 MS. MUND: If approved, when the school is  
11 opened, we will be paid on a per service basis on a level  
12 that is comparable to other charter schools. For instance,  
13 it's likely that we will be providing business services to  
14 TriCity Academy.

15 UNIDENTIFIED VOICE: Okay.

16 UNIDENTIFIED VOICE: So Delta will enable  
17 the school to get the expertise (inaudible) people that the  
18 school would not otherwise be able to afford to hire. And  
19 so, that \$130,000 or whatever it works out to be once the  
20 need is actually assessed, we'll be providing all these  
21 experience and people that can provide part-time work  
22 instead of having to hire full-time people to do those  
23 jobs.

24 UNIDENTIFIED VOICE: May I ask the  
25 superintendent, do you -- do you have AECs? Do you have



1 any AECs campuses?

2 MADAM CHAIR: Can't you ask?

3 UNIDENTIFIED VOICE: What is that?

4 UNIDENTIFIED VOICE: Alternative education.

5 UNIDENTIFIED VOICE: I am on?

6 MADAM CHAIR: No, I just -- well --

7 UNIDENTIFIED VOICE: Can you hear me?

8 MADAM CHAIR: -- you said you were going to  
9 (inaudible), focusing on --

10 UNIDENTIFIED VOICE: Thank you very much.

11 UNIDENTIFIED VOICE: Thank you.

12 UNIDENTIFIED VOICE: Now (inaudible).

13 MADAM CHAIR: Times up. We (inaudible).

14 All right. Now we have time, and maybe this will fit in  
15 here (inaudible). You may -- Board Members may ask final  
16 questions.

17 UNIDENTIFIED VOICE: I didn't think they'd  
18 had a chance yet.

19 MADAM CHAIR: Oh, I'm sorry. I cut you off.  
20 You may have your final time. I've totally lost track of  
21 how much it is, but --

22 UNIDENTIFIED VOICE: Eight minutes.

23 UNIDENTIFIED VOICE: Eight minutes.

24 MADAM CHAIR: Eight minutes. We know what  
25 that is.



1 UNIDENTIFIED VOICE: Okay.

2 MADAM CHAIR: I'm sorry.

3 UNIDENTIFIED VOICE: Just to clarify a  
4 couple of things. In one document in the application, the  
5 professional services for Delta and ICM grows from \$135,000  
6 in the first year to \$400,000 in five years, which is about  
7 a 200 percent increase. Those numbers are in the  
8 application. That's a little concerning.

9 Another thing I would like to respond to is  
10 the notion that somehow parents of who live in poverty or  
11 parents of color are somehow fearful, and have been  
12 intimidated not to come out and speak for or against any  
13 issue in the district. That's absolutely false. And  
14 actually that's offensive.

15 When parents of poverty or parents of color  
16 have issues, they are in the principal's offices addressing  
17 those issues, as any good parent would do, because they  
18 care deeply about their kids regardless of their  
19 socioeconomic status.

20 If those problems don't get solved at the  
21 school level, guess where they come? They come to my  
22 office. There's not a lot of layers of bureaucracy, and I  
23 meet with parents weekly around issues of improving their  
24 students opportunities in the schools as well as working  
25 with principals to improve schools. And so I have no



1 validation that our parents, if they wanted a charter  
2 school or this --

3 UNIDENTIFIED VOICE: Excuse me.

4 UNIDENTIFIED VOICE: -- particular program  
5 would not come out. Yeah.

6 UNIDENTIFIED VOICE: How would the denial of  
7 this charter be in the best interest of your students in  
8 your community?

9 UNIDENTIFIED VOICE: How would the denial?  
10 The denial isn't about Core Knowledge in my mind. And if  
11 that's what you're asking, if the denial --

12 UNIDENTIFIED VOICE: No, no, no, I'm -- I'm  
13 actually asking --

14 UNIDENTIFIED VOICE: --was about a valid  
15 point.

16 UNIDENTIFIED VOICE: -- in a -- in an  
17 overarching manner.

18 UNIDENTIFIED VOICE: Okay.

19 UNIDENTIFIED VOICE: How -- how would that  
20 be in the best interests of your students in your  
21 community?

22 UNIDENTIFIED VOICE: The best interest --

23 UNIDENTIFIED VOICE: -- to deny it?

24 UNIDENTIFIED VOICE: -- of our -- I think  
25 that our parents and our community should have something to



1 say what's in the best interest of their school, and their  
2 school district. And so, until we hear that grassroots in  
3 up-swell of parents who say, we demand this. And I've been  
4 involved in charter schools before, both in Douglas County,  
5 Academy 20, which have multiple, multiple charter schools.

6                   When parents want a charter school, when  
7 they want a program, they're in front of that Board of  
8 Education. It doesn't matter what their situation is in  
9 the world, they will demand to have that program.

10                   The other thing is that there's talk about  
11 this rubric. The -- the issues of denial or of substance  
12 regardless of rubric. The district has used the same CSI  
13 rubric for the past two years. This is no surprise. We  
14 also have an assistant superintendent, Patty Hanrahan (ph).  
15 Is she in the room?

16                   Now, she cross-walked actually the -- the  
17 rubrics. We're on solid ground with the findings of the  
18 different groups. The other thing is, is that we're not  
19 required to use any particular rubric at all. We can  
20 develop our own, but we didn't. We used one that's been  
21 approved by CSI, and CDE.

22                   One -- one more followup. You -- you said  
23 you would like to see parents, and I think that's certainly  
24 a more traditional model of charter applications as it's a  
25 group of parents who come together and decide to -- but I





1 think we would all agree that that's a rigorous, difficult  
2 process, the application and -- and successfully getting in  
3 that -- a charter school approved.

4 Are you -- how do you feel -- tell me how  
5 you feel about groups such as TriCity team or Delta being  
6 involved in trying to get charter schools approved.

7 UNIDENTIFIED VOICE: I don't -- I don't have  
8 any, like, animosity towards TriCity or towards Delta. I  
9 have -- my concern is the application, and -- and what that  
10 application says about what they're going to do. It has  
11 nothing to do with this team or incubating or anything like  
12 that.

13 UNIDENTIFIED VOICE: Okay.

14 UNIDENTIFIED VOICE: It's really about, for  
15 us, it's not about whether I'd like or dislike charter  
16 schools. I'm fine with charter schools. I'm about  
17 quality.

18 So just a couple of quick other comments.  
19 They keep saying that this 90 percent of students make a  
20 year's worth of growth in a year's time. They call it the  
21 floor. That's not what the application says. It's a goal.  
22 A goal is not the floor, it's right there in their  
23 application.

24 There's also been questioned about the  
25 credibility of some of us internally about how do we



1 evaluate charter schools. I can tell you I worked in  
2 Academy District 20 at the First School of Choice in  
3 Academy 20. Mountain View Technology Magnet School. It  
4 was operated exactly like a charter school at the same time  
5 charter schools were coming into existence. So I have that  
6 experience. That was very similar.

7 I also was the charter school --

8 UNIDENTIFIED VOICE: Was it a charter  
9 school?

10 UNIDENTIFIED VOICE: Excuse me.

11 UNIDENTIFIED VOICE: Was it a charter  
12 school?

13 UNIDENTIFIED VOICE: It was not a charter  
14 school. It was a magnet school, at that time.

15 UNIDENTIFIED VOICE: Apples and oranges.

16 UNIDENTIFIED VOICE: It was operated almost  
17 identically to the charter school --

18 UNIDENTIFIED VOICE: That's not a charter  
19 school

20 UNIDENTIFIED VOICE: -- it was started at  
21 Academy 20. It is not a charter school.

22 UNIDENTIFIED VOICE: Thank you.

23 UNIDENTIFIED VOICE: I was also the charter  
24 school liaison between the district and charter school  
25 applicants when I was in Academy District 20. I also



1 worked in a -- a heavy charter environment in Douglas  
2 County and had great relationships with charter schools  
3 there. So I don't have any problem with charter schools.

4 Also, John Pauly (ph), who is our CFO, he  
5 worked in St. Vrain -- no. Right. St. Vrain during the  
6 onset of lots of charter schools there, two of which have  
7 since failed due to financial reasons. We have lots of  
8 experience and expertise around charter schools.

9 UNIDENTIFIED VOICE: Why do you bring up the  
10 two that failed? What was the point of that?

11 UNIDENTIFIED VOICE: Just because he --

12 UNIDENTIFIED VOICE: Does --

13 UNIDENTIFIED VOICE: -- has experience seeing  
14 successful charter schools, and he also has experience  
15 seeing charter schools that have failed financially.

16 UNIDENTIFIED VOICE: Right.

17 UNIDENTIFIED VOICE: Working in St. Vrain.

18 UNIDENTIFIED VOICE: Right.

19 UNIDENTIFIED VOICE: That's all. There was  
20 a -- the -- I am rebutting the fact that we don't have a  
21 (inaudible) --

22 UNIDENTIFIED VOICE: But there's a -- there  
23 -- you would agree, wouldn't you that there's a lot of  
24 reasons why any school might fail, including charters?

25 UNIDENTIFIED VOICE: Absolutely.



1 UNIDENTIFIED VOICE: Okay.

2 UNIDENTIFIED VOICE: Yeah. Yup. Was -- was  
3 St. Vrain the district that did end up under management of  
4 the state treasurer?

5 UNIDENTIFIED VOICE: That's correct.

6 UNIDENTIFIED VOICE: So it can happen to  
7 most anyone in any --

8 UNIDENTIFIED VOICE: Correct?

9 UNIDENTIFIED VOICE: I got it, (inaudible).

10 UNIDENTIFIED VOICE: Sorry.

11 MADAM CHAIR: (Inaudible). Put cold water  
12 on it.

13 UNIDENTIFIED VOICE: How much time do I  
14 have?

15 UNIDENTIFIED VOICE: You have (inaudible).

16 UNIDENTIFIED VOICE: Okay. I guess in  
17 closing, we have a significant crowd here today. And just  
18 by a show of hands I would like to see the people in the  
19 room, how many of them have -- are here in support of the  
20 Englewood Board of Education's denial of the TriCity  
21 application?

22 That's a significant number of folks who  
23 came out today. Thank you for the rebuttal.

24 UNIDENTIFIED VOICE: I was wiping up water.

25 UNIDENTIFIED VOICE: Okay.



1 UNIDENTIFIED VOICE: (Inaudible).

2 UNIDENTIFIED VOICE: I'm so sorry.

3 UNIDENTIFIED VOICE: It's okay.

4 UNIDENTIFIED VOICE: Don't get electrocuted.

5 UNIDENTIFIED VOICE: Yeah, we're being

6 klutzy. You can keep talking. We'll (inaudible).

7 UNIDENTIFIED VOICE: Okay. My last comment  
8 was simply that we -- there's a lot of community members,  
9 parents, and staff members from -- from the school district  
10 today that came down in support of the Board of Education  
11 in their denial of the TriCity application. And I simply  
12 asked those that were here in support of the Board's denial  
13 to simply raise their hands. And then I was going to sit  
14 down.

15 MADAM CHAIR: Thank you. Board, are there  
16 any -- we -- we may now discuss with it amongst ourselves  
17 the question and offer a motion to hold or deny, whatever.  
18 Any further comments, Ms. Scheffel?

19 MS. SCHEFFEL: Again, I -- I think the --  
20 the program suggest a -- a curriculum that's very  
21 appropriate to the students, and there's a lot of data  
22 suggesting it supports strong student achievement. We have  
23 many kids across the state are on waiting lists for  
24 charters, and we need more choice. I -- I feel that it  
25 would be an addition to the system.



1 MADAM CHAIR: I know. Jane, and comment?

2 MS. GOFF: Yeah. Well, you know, these are  
3 -- these are -- these are hard decisions. These are heavy  
4 decisions. There's strong merit on both sides of any of  
5 these conversations. Having -- having followed the  
6 progress, the story of Englewood over the past several  
7 years, the developments in the district are notable, and --  
8 and we -- and there's an appreciation I think, I'm sure  
9 among all of us about the unique nature of that -- this  
10 area --

11 MADAM CHAIR: Have you got it?

12 MS. GOFF: -- of the metro area.

13 MADAM CHAIR: You got the sheet?

14 MS. GOFF: I was reminded today, it's not  
15 that I didn't know of the meeting, and the definition, and  
16 the -- the ramifications of the word, whether it's  
17 contiguous or contegious. I'm --

18 MADAM CHAIR: Or cantankerous.

19 MS. GOFF: on something -

20 UNIDENTIFIED VOICE: More cantankerous.

21 UNIDENTIFIED VOICE: Yes.

22 UNIDENTIFIED VOICE: More cantankerous.

23 MS. GOFF: Well, yeah. They all start with  
24 those same letters, don't they? But, I appreciate the  
25 possibilities here, and in -- in all cases, whatever kind



1 of possibilities we're talking about. I -- I applaud  
2 Englewood's progress over the past three years, and recall  
3 the satisfaction, the gratification from everybody in the  
4 area when your mill bond did -- did pass, and when -- when  
5 that success was realized, and when a couple of other  
6 really incredibly significant things for a community have  
7 happened in your area.

8 I -- the -- the AEC, which I -- if I'd have  
9 had a chance to develop a question and get it out in time,  
10 it would've been around that -- that area, where are the  
11 possibilities for in any of our district schools that still  
12 are climbing the mountain, getting to the top of the  
13 summit. They're not there yet, and yet we have great  
14 charter possibilities, and potentials that really aren't  
15 quite in line yet with that age group, whether it's an  
16 elementary starting as an elementary of going full K-8, and  
17 then even growing farther.

18 So I just -- I applaud it. I will cast a  
19 vote when we come to it, but I do wanted -- I -- I do want  
20 to let all of you know I'm particularly tending toward  
21 keeping the district on its path right now (inaudible).

22 MADAM CHAIR: Ms. Flores, do you have a  
23 comment?

24 MS. FLORES: I do. I think if the district  
25 is on a positive note --



1 MADAM CHAIR: Okay.

2 MS. FLORES: -- it seems as if it does.

3 Seeing the -- the wide support from the community who does  
4 not seem to share the same -- well, who doesn't seem to  
5 share that they want a charter school. And knowing that  
6 working on a CSEAC Committee where every dog and pony show  
7 that was in town for a charter would come forward.

8 And seeing that when sometimes they got  
9 through, and when CSEAC saw that, you know, they didn't  
10 have a chance, and then years later seeing that they didn't  
11 do well. What they did was they really disrupted a  
12 community and sometimes killed the community.

13 And we have to be very concerned about that  
14 community, and what happens to communities that sometimes  
15 are fragile. That we don't want to destroy communities,  
16 and this can happen when the school is the center of that  
17 community. And so I would say that we have to be very  
18 cautious.

19 MADAM CHAIR: Pam.

20 MS. MAZANEC: Well, thank you, all of you.

21 I know there's a lot of passion. There's been a lot of  
22 work on both sides. I again say that I believe in choice.  
23 I -- I actually believed that competition does help all of  
24 our schools to succeed, and I am very hopeful for another  
25 opportunity, another choice for children in a -- a





1 challenged area to have their -- their needs met.

2 MADAM CHAIR: Mr. Durham.

3 MR. DURHAM: Thank you, Madam Chair. I  
4 think this application is unique in that it -- it intends  
5 to serve a geographic area rather than a district, which I  
6 think is a little bit unusual, and I think really a  
7 positive that it's an opportunity to attract students to a  
8 more disciplined, different kind of learning opportunity.

9 Those in the surrounding districts that  
10 choose to avail themselves of it can be benefited. If  
11 they're not benefited, they won't be in business very long,  
12 and -- and I don't see how in the long run that those who  
13 do not choose to -- to exercise this option will be in any  
14 way damage.

15 So I will vote in support of the  
16 application.

17 UNIDENTIFIED VOICE: It feels like Groundhog  
18 Day from 11:00 to 1:00.

19 UNIDENTIFIED VOICE: Two.

20 MS. SCHROEDER: Two. And I'm going to  
21 support this for all the wrong reasons. Okay. I'm going  
22 to support this because of the vote for Sheridan. I don't  
23 know if I would have supported this for Englewood, but  
24 certainly this school is likely to be sited there. The  
25 support that has been identified both on terms of the



1 Board, and in terms of some students come from Englewood.  
2 So some kind of reasoning would suggest that if -- if I'd  
3 had a choice -- well, I did have a choice, and I voted my  
4 choice and I -- I lost.

5                   So for that reason, I really want you -- you  
6 TriCity to be working with two districts. I'm not  
7 confident that you're ready. I'm really not. I think it's  
8 a poor application, no matter what rubric you've used, and  
9 that shouldn't have happened. I am worried about the  
10 financial piece.

11                   I do know how hard it is for charter schools  
12 to meet their budget expectations. You're going to have to  
13 find a lot of students. I don't think they're going to  
14 come from Sheridan. I'm not sure they're gonna come from  
15 Englewood either. So, but they'll come from under some  
16 rock or it'll go under, but I'm supporting it only because  
17 you're going to need two really quality school districts.  
18 And I do think both of these are high quality school  
19 districts to help you guys do this well. And I'm not sure  
20 they won't come back and say you're still not ready for  
21 prime time, because it is already January, and your  
22 thinking August. And I know how long this takes.

23                   So good luck. I'm not thrilled, but I'm  
24 going to move forward.

25                   MADAM CHAIR: Thank you very much. Angelika



1 had a really interesting point here, that I really hadn't  
2 thought of, but I -- I would probably would have voted for  
3 it any way, but I -- I agree with her.

4                   You know, we've got a charter school here  
5 that's talking about two different districts, and, so since  
6 we have voted four, one, I think it makes sense to vote for  
7 the other. And, you know, if -- if -- if you -- it rise to  
8 the occasion, and make a school work, it's all for the  
9 better. And if you don't, well then, you know, the -- the  
10 competition has -- has had its way.

11                   MS. SCHROEDER: Thank you.

12                   MADAM CHAIR: So I -- I -- I -- I  
13 appreciate Angelika's comment there. And we will move --

14                   UNIDENTIFIED VOICE: May I ask a question?

15                   MADAM CHAIR: I'm not hearing comments.

16 Questions?

17                   UNIDENTIFIED VOICE: Well, it's a comment.

18                   UNIDENTIFIED VOICE: We have your comment.

19                   MADAM CHAIR: You're not --

20                   UNIDENTIFIED VOICE: Well, it's a question  
21 about authority.

22                   MADAM CHAIR: No, a comment would be much  
23 better.

24                   UNIDENTIFIED VOICE: Okay. So who would be  
25 in control?



1 MADAM CHAIR: That's not for us to  
2 determine.

3 UNIDENTIFIED VOICE: This is what was talked  
4 about earlier. That there's going to be decision made  
5 ultimately by TriCity.

6 UNIDENTIFIED VOICE: They'll decide which --

7 MADAM CHAIR: They will be in control, and  
8 they'll make the decision if they --

9 UNIDENTIFIED VOICE: No, no, but usually  
10 they're under -- aren't they subsumed under a district?

11 UNIDENTIFIED VOICE: Yes, but they'll make  
12 that decision.

13 MADAM CHAIR: At this -- no. At this point  
14 we probably should move ahead --

15 UNIDENTIFIED VOICE: We don't know which  
16 one.

17 MADAM CHAIR: -- and offer the --

18 UNIDENTIFIED VOICE: So I'm asking a  
19 question maybe of -- of -- of them.

20 UNIDENTIFIED VOICE: This could -- the --  
21 the question you're asking is that since they've applied in  
22 two districts --

23 UNIDENTIFIED VOICE: Yes.

24 UNIDENTIFIED VOICE: -- and it seems  
25 possible that this -- this Board will remand in both cases



1 for each district to reconsider which district could wind  
2 up with a charter school, and that depends on several  
3 factors.

4 UNIDENTIFIED VOICE: Okay.

5 UNIDENTIFIED VOICE: You could have both  
6 districts deny the application the second time, in which  
7 case you'll have two more appeals coming to this Board.  
8 You could have one agree to charter the school, and the  
9 other deny it. In which case, I would presume that the  
10 charter school would go with that district that accepted  
11 it.

12 You could have a situation where both  
13 districts want to approve it, at which point in time since  
14 there could only be one authorizer, the charter school  
15 would have to choose between the districts.

16 UNIDENTIFIED VOICE: Okay. That was my  
17 question.

18 MADAM CHAIR: If there is no further  
19 discussion, I would call for a motion.

20 UNIDENTIFIED VOICE: I made the decision  
21 that the local Board was contrary to the best interest of  
22 the pupils in the school district and community, and move  
23 to remand this matter to the Arapahoe County School  
24 District Number 1 for reconsideration.

25 UNIDENTIFIED VOICE: Is there a second?



1 UNIDENTIFIED VOICE: Second.

2 UNIDENTIFIED VOICE: I second.

3 MADAM CHAIR: Would you call the roll,  
4 please.

5 MS. BURDSALL: Steve Durham?

6 MR. DURHAM: Aye.

7 MS. BURDSALL: Val Flores?

8 MS. FLORES: No.

9 MS. BURDSALL: Jane Goff?

10 MS. GOFF: No.

11 MS. BURDSALL: Marcia Neal?

12 MADAM CHAIR: Aye.

13 MS. BURDSALL: Pam Mazanec?

14 MS. MAZANEC: Aye.

15 MS. BURDSALL: Debora Scheffel?

16 MS. SCHEFFEL: Yes.

17 MS. BURDSALL: Angelika Schroeder?

18 MS. SCHROEDER: Aye.

19 MADAM CHAIR: And motion therefore carries?

20 UNIDENTIFIED VOICE: No, we got a delegate.

21 MADAM CHAIR: And we have to do the  
22 delegation thing again.

23 UNIDENTIFIED VOICE: You guys want to do it  
24 again?

25 MADAM CHAIR: Who would like to (inaudible)?



1 UNIDENTIFIED VOICE: (Inaudible).

2 MADAM CHAIR: You, and who was the other  
3 one? Jane?

4 UNIDENTIFIED VOICE: Jane.

5 MADAM CHAIR: Okay. And you want to do that  
6 for both of them one -- since you're doing it?

7 UNIDENTIFIED VOICE: (Inaudible).

8 MADAM CHAIR: I move to delegate that Steve  
9 Durham, and Jane Goff the responsibility to write  
10 instructions to the local Board of Education with specific  
11 recommendations concerning the matters requiring  
12 reconsideration to reflect the State Board's discussion  
13 during this hearing.

14 And I want to thank you all for your  
15 participation. And I know this is not easy. We really  
16 appreciate your efforts. Thank you.

17 UNIDENTIFIED VOICE: Marcia, I think we need  
18 to read this.

19 MADAM CHAIR: Okay.

20 UNIDENTIFIED VOICE: (Inaudible).

21 MADAM CHAIR: The in order to comply with  
22 the statute would carry deadline, this must be finalized  
23 within the next business day in order to finalize the  
24 order.

25 UNIDENTIFIED VOICE: (Inaudible)



1                                   MADAM CHAIR: Thank you. Get it done. But  
2 I appreciate it all. Thank you.

3                                   UNIDENTIFIED VOICE: Thank you.

4                                   UNIDENTIFIED VOICE: Thank you.

5                                   (Meeting adjourned)

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C E R T I F I C A T E

I, Kimberly C. McCright, Certified Vendor and Notary, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th day of January, 2019.

/s/ Kimberly C. McCright

Kimberly C. McCright

Certified Vendor and Notary Public

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