



COLORADO
Department of Education

Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
June 10, 2015, Part 4

BE IT REMEMBERED THAT on June 10, 2015, the
above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board
Members:

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



1 MADAM CHAIR: Good afternoon. Okay.
2 Greetings to our visitors here.

3 MR. DURHAM: (Indiscernible) run the gamut
4 just like any other school.

5 MS. MAZANEC: Marcia, your mic is just not
6 working. I don't know if you lean --

7 MADAM CHAIR: It's green.

8 MS. MAZANEC: If you lean further in, if
9 it'll work better?

10 MADAM CHAIR: Maybe it's because nobody
11 listens to me.

12 MS. MAZANEC: No, it's not coming
13 (indiscernible).

14 MADAM CHAIR: No, I'm just kidding, Pam.

15 MS. SCHROEDER: You have a soft voice.

16 MS. MAZANEC: We can't hear you.

17 MADAM CHAIR: Well, that works too. All
18 right. It's going to be a little different today. It's
19 going to move into it, so you'll -- you'll see the
20 difference. As you're used to doing regular charter
21 schools appeals, this one will be a little different.
22 And we'll try to guide you through that as we move along.

23 The State Board of Education -- can you hear
24 that, Pam?



1 MS. MAZANEC: I can hear it, but I don't
2 think it's coming across the mic.

3 MS. SCHROEDER: (Indiscernible).

4 MS. MAZANEC: Do you guys hear it? It's
5 sounds to me like it's not -- the mic isn't working, even
6 though it looks like that it is.

7 MS. BURDSALL: Okay, try now.

8 MADAM CHAIR: The State Board of Education.

9 MS. BURDSALL: Better.

10 MS. FLORES: Yes, much better.

11 MADAM CHAIR: Okay. Colorado State Board of
12 Education will now conduct a hearing on the request for
13 the revocation of exclusive chartering authority in Case
14 Number 15-ECA-01. Crown Pointe Academy of Westminster's
15 request for revocation of exclusive chartering authority
16 from Adams County School District Number 50. During this
17 hearing, the Board is acting in a capacity under 22-30.5-
18 504 (7.5)(c). Appellant refiled -- files its request for
19 revocation on April 7th, 2015 and provided sufficient
20 notice to the district. Under the exclusive chartering
21 authority revocation statute, the Board is required to
22 make a determination within 60 days after the request for
23 revocation was filed.

24 The standard of review for the Board, State
25 Board, is as follows: In accordance with the exclusive



1 chartering authority revocation statutes, a charter
2 school may request revocation of a local board of
3 education's exclusive authority only on the grounds that
4 the local board, since the day that the local board
5 received exclusive chartering authority has demonstrated
6 a, quote, "underlined pattern of failing to comply with
7 one or more of the provisions of the charter school's
8 act."

9 The State Board shall determine whether to
10 grant or deny the request for revocation, based on
11 whether or not the local board can show a recent pattern
12 of providing fair and equitable treatment to the charter
13 schools through demonstration of the same criteria used
14 in granting exclusive authority to a local district, all
15 of which is listed by statute in C.R.S. 22-30.5-
16 504(5)(6). I'd like to ask the person chosen to
17 represent each party to enter your name in the record,
18 along with the party which you represent.

19 MR. BETHKE: William or Bill Bethke, on
20 behalf of Crown Pointe Academy.

21 MADAM CHAIR: On behalf of Crown Pointe
22 Academy.

23 MR. RATTERMAN: On behalf of Adams County
24 District 50, (indiscernible) legal counsel
25 (indiscernible).



1 MADAM CHAIR: Yes.

2 MR. RATTERMAN: Not necessarily.

3 MADAM CHAIR: Okay. I have a signup sheet,
4 as required by the 2008 administrative procedures for
5 exclusive chartering authority, paragraph 3.2. It
6 appears that eight and then one -- eight plus one --

7 MS. BURDSALL: Seven (indiscernible).

8 MADAM CHAIR: That eight people have signed
9 up. Seven of them are speaking in favor of the District,
10 and one of them is speaking in favor of Crown Pointe
11 Academy. This morning -- and -- and this was sort of
12 unexpected with -- we had people who came in our morning
13 session. And I believe all of them spoken in favor of
14 Crown Pointe. So it's sort of balanced. And this, we
15 don't do this in regular charter school appeals. So
16 that's why I was -- have been sort of thrown off by this.

17 But because of this, the good news is the
18 time used for the testimony can be extended if -- if they
19 take up all of their time. And then we can -- right?
20 (Indiscernible) we can extend the time. So I think we
21 probably would -- somebody should be keeping time, but we
22 probably will not be worrying about time at this point.

23 The rest of this is pretty standard. The
24 role of the State Board is to consider only the issues
25 raised in the request for revocation and other written



1 documentation. Only the individuals identified by the
2 parties have the opportunity to address the Board, and
3 now that includes these people. The Appellant, Crown
4 Pointe Academy, will present its arguments first. The
5 parties have already submitted written arguments and
6 information a maximum of 15 minutes will be granted for
7 the oral arguments and examination of each parties'
8 issues. You may reserve a portion of the 15 minutes for
9 your rebuttal. During this time, the party may summarize
10 its written arguments and information and board members
11 may ask questions. The hearing shall proceed as follows:

12 And since we only have one person speaking
13 for the Crown Pointe Academy, I think probably we will
14 begin with Crown Pointe Academy shall present its
15 arguments, including questions from the State Board. Mr.
16 Bethke, would you prefer the person who is going to, you
17 know, in the audience who is speaking to do that first
18 and then pick up from there?

19 MR. BETHKE: For sure, that would be fine.

20 MADAM CHAIR: That would be fine. All
21 right. This is Sally --

22 MR. BETHKE: Thanks.

23 MADAM CHAIR: -- H-O-R-A. Sally, are you
24 here? If you'll come to the platform. You will have
25 three minutes and we really are strict with our three-



1 minute time. So if you have not, you know, we will let
2 you know when you've reached the three minutes.

3 MS. HORA: Okay.

4 MADAM CHAIR: So please go ahead and present
5 your argument to whoever.

6 MS. HORG: Thank you. Madam Chair, my name
7 is Shelly Hora (ph). I am a parent at Crown Pointe
8 Academy. I have also had my student go to the STEM
9 school in District 50. When we thought we were going to
10 the STEM school -- when we did go to the STEM school, we
11 noticed there was a lot of challenges that we were
12 willing to take those challenges on the STEM school,
13 because of my child's knowledge for science, technology,
14 engineering, and math. In fifth grade, he went to the
15 STEM school. And what -- to put a long story short, our
16 STEM situation over there was very clear that the
17 district didn't want anything to do with challenging my
18 child.

19 They didn't want to allow parent
20 involvement. They didn't want to allow other -- they
21 didn't even allow their teachers to teach what they
22 wanted to teach. There's been so many heartbreaking
23 stories that I could probably tell you that I'm -- I
24 don't even know what to say. But my child is right over



1 here. His name is Kenny (ph). He's in -- now in sixth
2 grade and he's back at Crown Pointe Academy.

3 The choice in District 50 is not about CBS
4 versus STEM versus CPA, as CPA is not even considered a
5 charter school in Crown Pointe. I mean, in District 50.
6 I've talked to board members, I've talked to many of
7 these people that are sitting in this room, to tell them
8 what I saw going on at the STEM school. And to my
9 knowledge, from there everything has been overlooked or
10 firmly to be ignored, because I've looked at as a problem
11 parent.

12 The problem -- thing is, I'm a caring
13 parent. I love Crown Pointe. I would've loved STEM too
14 if they had parent involvement and allowed the kind of
15 innovation that it -- the school allowed it to be. They
16 limited the teachers in their -- in what they could
17 teach. They lost -- and if you would ask them right now,
18 I know they won't admit it, but they have lost very many
19 high quality students at the STEM school. Many of them
20 are people that I knew.

21 Kenny told me the first three weeks back at
22 Crown Pointe, he told me -- as a parent, this should
23 scare any -- anybody. Thank you.

24 MADAM CHAIR: Thank you. All right, Sally,
25 as I move ahead, if I -- if I make any misjudgments on



1 time, my inclination here is because we just have three
2 minutes and because you will have 15 minutes, to go ahead
3 and give them their 15 minutes.

4 MS. BURDSALL: Actually, the three minutes
5 of (indiscernible) 15 minutes, they have just 12 minutes
6 to present.

7 (Overlapping)

8 MADAM CHAIR: No, that was what I -- I'm
9 sorry, I shouldn't have said -- I'm going to extend the
10 time.

11 MS. BURDSALL: Okay.

12 MADAM CHAIR: Because if we did that when we
13 get eight people, then the other side wouldn't go any
14 time.

15 MS. BURDSALL: Yes.

16 MADAM CHAIR: So we will extend the time --

17 MS. BURDSALL: That's right.

18 MADAM CHAIR: -- of that three minutes,
19 which will allow us to do what we usually do when we
20 break it up. How many minutes, Mr. Bethke, would you
21 like to divide them up?

22 (Overlapping)

23 MR. BETHKE: Yes, if I could reserve for
24 response.



1 MADAM CHAIR: Okay. So you'll -- you'll
2 begin your statement with ten minutes. And of course,
3 well, the Board knows and maybe most -- you may be
4 interrupted when people have questions.

5 MR. BETHKE: I --

6 (Overlapping).

7 MR. BETHKE: I hope it's not a monologue.

8 MADAM CHAIR: Okay.

9 MR. BETHKE: Okay.

10 MADAM CHAIR: All right, please go ahead.

11 MR. BETHKE: Mr. Commissioner and Madam
12 Chair, Members of the Board, as you already know, my
13 name's Bill Bethke. I represent Crown Pointe Academy. I
14 want to pick up on something that was said on the
15 introduction --

16 MADAM CHAIR: I think you're having a little
17 -- the same problem I was.

18 MR. BETHKE: I need to get closer to the
19 microphone? There we go -- that was said in the
20 introduction regarding the standard here, which was that
21 we need to show a pattern of violation of one or more
22 provisions of the Charter School Act. And I want to pick
23 up on that, because the -- the parties have talked about
24 this a little bit differently in their briefs. We really
25 think there are two combined patterns. There's a pattern



1 of -- of not providing appropriate publicity/equal
2 consideration and public by the school district. And
3 then there's a separate pattern with respect to school
4 evaluation. Each one of which -- either one of which
5 would be sufficient in our view to justify a -- a Board
6 decision to revoke exclusive chartering authority. But
7 they also combined to make a pattern.

8 In -- in reviewing the written arguments in
9 preparation for this afternoon, I was struck that there
10 was a fairly consistent theme or difference in
11 perspective that I want to try to call out. And we can
12 start with the first point, the issue of whether there's
13 been appropriate, equal or consideration and prominence
14 of Crown Pointe Academy in District publicity, marketing,
15 whatever you want to call it, the District's efforts to
16 talk about all of its schools, presumably including Crown
17 Pointe.

18 And in doing that, we used websites -- the
19 current website that was current at the time that we
20 filed our revocation notice as an illustration of what's
21 been a persistent problem, one that's been discussed
22 informally over a number of years, with the underlying
23 point being that the charter is either relegated to -- to
24 odd places in -- in District publicity or simply not
25 mentioned at all. The illustration we gave I think was



1 that the -- the mobile website, the one that you can
2 access on mobile devices --

3 MADAM CHAIR: Can you give me an example of
4 an odd place?

5 MR. BETHKE: Okay, so the -- the -- when you
6 start with the mobile -- the mobile devices, there it
7 wasn't mentioned at all until after we filed this -- this
8 revocation request.

9 MADAM CHAIR: Okay.

10 MR. BETHKE: In terms of an odd place,
11 there's a District website in -- in which it indicates,
12 you know, elementary schools, middle schools, high
13 schools, and then there's an Other category. And the
14 Other category is the warehouse and -- and Crown Pointe
15 Academy, the charter school.

16 MADAM CHAIR: Thank you.

17 MR. BETHKE: And so, you know, and -- and
18 that's been almost a running joke at the school for
19 years, that we're -- we're in the warehouse category,
20 from the -- from the District's point of view. And it's
21 an illustration of how the school perceives its position
22 in the district. Rightly or wrongly, that seems to be
23 the perception.

24 Obviously, the District corrected the most
25 glaring error here, not including Crown Pointe at all in



1 the mobile website, and did that very quickly after this
2 notice was filed, and has then proceeded to argue that
3 this Board -- that this entire issue, this entire pattern
4 of not giving publicity to its one charter school, is
5 trivial. The legal term to use -- used is de minimis,
6 which means so small that it shouldn't even be noticed.
7 It's the Latin for saying "trivial."

8 I think this issue is only trivial if you
9 don't think parent choice is important, if you don't
10 think that parent choice matters in people being able to
11 access different opportunities in their school districts.
12 Then you might regard this as a trivial issue. But I
13 don't think it's trivial at all. We -- we have many
14 parents who struggle to understand school choice. I was
15 reminded of a -- a few years ago, not at -- in this
16 district, but on my own, with my wife trying to find a
17 placement for our granddaughter in preschool --
18 granddaughter -- I should say our daughter. We've
19 adopted her. And this was in Denver Public Schools. And
20 we went through a whole process, ended up long down on
21 the waiting list in the site we really -- in the school
22 we really wanted. And I commented to my wife that this
23 was a lot like applying for law school or -- or for
24 college, that suddenly preschool had become had become
25 this pretty challenging proposition.



1 And I think school choice is a challenging
2 proposition for a lot of parents. And what we have here
3 is a district that offers essentially the same kind of
4 education. I think the parent's comment just now on --
5 on STEM, as I understood it, was that even though that
6 school has a distinctive focus, it's essentially the same
7 kind of education district-wide. They have exactly one
8 choice program, the -- the charter school that offers
9 something significantly different in the K-8 field. And
10 yet it's not significant or it's trivial or it's de
11 minimis to them to not offer equal consideration and
12 equal opportunity for parents. Yes?

13 MS. SCHROEDER: If the District did not have
14 exclusive chartering authority, how would this change,
15 this concern that -- that the charter school has?

16 MR. BETHKE: You know, the charter school,
17 if it went, if the District did not have the exclusive
18 chartering authority and if the charter school then chose
19 to go to the Charter School Institute, which is one not
20 inevitable, but probable outcome of this, then the school
21 would have information on the charter -- on the Institute
22 website that would make that available to people
23 throughout the state. Within the district, the school
24 would have to take some responsibility, I think for it --



1 for its own marketing and for assuring that it was known
2 to people in the neighborhoods that it serves.

3 MS. SCHROEDER: So the District may or may
4 not change its behavior pattern, whether you're District
5 school or whether you're a CSI school?

6 MR. BETHKE: I would expect that if we
7 became a CSI school, the District would not change its
8 behavior. And in fact, we would no longer be on the
9 websites at all and would be instead on the CSI website
10 and we would try to -- to direct people to that in order
11 to get information.

12 MS. SCHROEDER: Thank you.

13 MR. BETHKE: Your point is well taken
14 though. I think this is -- you know, this requirement of
15 equal publicity is only a first step in helping parents
16 negotiate this challenging process. But I think it's an
17 important first step and it's one that's been neglected
18 here, and I think neglected in the way that creates a
19 pattern.

20 MADAM CHAIR: You don't need to raise your
21 hand.

22 MR. BETHKE: Yes.

23 MADAM CHAIR: Just speak up.

24 MS. MAZANEC: Oh.

25 MR. BETHKE: If I don't notice you, just --



1 MS. MAZANEC: Sorry.

2 MR. BETHKE: -- throw something at me.

3 MS. MAZANEC: Why -- can you explain to me
4 why CPA's board signed an agreement not to participate in
5 the levy funds in perpetuity?

6 MR. BETHKE: I probably can't explain that.
7 And in fact, one of the interesting parts of that is that
8 I think the -- the history of that goes pretty deep. It
9 goes back a long ways. As far as we can tell, it even
10 precedes the 2005 negotiations that the District
11 discussed in its brief.

12 So I assume there was some quid pro quo
13 involved. There has been a -- a complex exchange of --
14 of value in -- in CPA occupying for a period of time a
15 District facility, improving that facility, transferring
16 it back to the District in improved condition, but also
17 with some debt attached, building the new facility. And
18 I -- I don't know whether it's connected to that or
19 whether it was connected to the 2002 vote itself. The
20 school's been around for 17 years.

21 MS. MAZANEC: Okay. And how many students
22 do you currently have and how many students are on your
23 waiting list?



1 MR. BETHKE: Four-hundred-and-sixty-six
2 students currently, I am told, and over 700 on the
3 waiting list.

4 MS. MAZANEC: And you would like to expand?

5 MR. BETHKE: We would like to consider
6 expansion. And we talked in the negotiation about
7 expansion or replication or possibly adding in a -- sort
8 of three different ideas: Expanding the existing school,
9 maybe by moving the middle school in -- into a separate
10 campus; adding a high school; or simply replicating the
11 K-8 school in another part of the district. All those
12 ideas were on the table.

13 MS. MAZANEC: Okay. Thank you.

14 MS. SCHEFFEL: Have you presented -- have
15 you presented those ideas to the District?

16 MR. BETHKE: We talked about them in
17 negotiation this year. I should say that the contract,
18 as currently written, prohibits the school from occupying
19 any more than one site. So the school's restricted to
20 its current site. And that was part of the negotiation
21 to create the current site.

22 MS. SCHROEDER: May I ask you too, what is
23 the percentage of white students to minority students?

24 MR. BETHKE: I think it's a majority 60
25 percent -- I knew it was a majority minority school --



1 60 percent minority students. And I might also add that
2 I asked about special education. And the school has over
3 nine percent, roughly nine to ten percent special
4 education students. It's actually fairly proud of its
5 special ed program, which is something that I'd like to -
6 - to turn to, if I could.

7 You know, the second pattern that we talked
8 about, the second issue that we talked about, was the
9 issue of not providing appropriate evaluations of the
10 charter school. And I think the District made a point
11 here in its brief that I want to acknowledge, which was
12 that we made reference to the standards for being an
13 exemplary authorizer and perhaps that was setting the bar
14 too high. But if you go through and look at the
15 documents that reflect the District's evaluation, what
16 you will see is they're nothing more than a
17 recapitulation of information that is required by law,
18 that -- separately required by law -- that is sort of
19 standardized for financial purposes consists of the
20 school actually providing its own audit to the district.
21 And you don't see any separate evaluation of the school.

22 Some of the evaluations -- and these are
23 documents the District produced in response to a CORA
24 request to show how it evaluated the school -- some of
25 the evaluations have on them a blank page that has a



1 space for commendations, a space for recommendations, and
2 a signature line. And on those evaluations, the
3 commendations are blank, the recommendations are blank,
4 and the signatures are blank. And the question I ask
5 myself is if I was an employee and I got an employee
6 evaluation that said commendations, blank;
7 recommendations, blank; signature, blank, would I even be
8 sure I'd gotten an evaluation? I think that's the level
9 we're at here. Yes?

10 MS. SCHEFFEL: Can you tell me when this
11 requirement occurred for evaluation? I've served on a
12 board with it. We had a number of charter schools and
13 there was never an evaluation brought to the Board. So
14 I've been -- I -- in reading for today, I've been trying
15 to figure out --

16 MR. BETHKE: I did not look up when that
17 came into the Act, and so I don't have that -- I don't
18 have that memorized.

19 MS. SCHEFFEL: Okay.

20 MR. BETHKE: We can certainly -- we could
21 certainly find that, I'm sure.

22 MS. SCHEFFEL: Just curious. I was
23 surprised.

24 MR. BETHKE: Yeah, we -- we -- we could find
25 that requirement. And I would note that that requirement



1 says that the school is supposed to get written feedback
2 from the District. I don't think just recapitulating the
3 SPF and providing our own audits is written feedback.

4 MADAM CHAIR: Your time is up, Mr. Bethke.

5 MR. BETHKE: One quick comment on special ed
6 I mentioned. We have no idea if the District thinks we
7 should be proud of our special ed program, because we've
8 never received an evaluation that talks about it at all.

9 MADAM CHAIR: Okay. We'll remember that.
10 Thirty seconds (indiscernible).

11 MR. BETHKE: That's fine. Four and a half
12 (indiscernible).

13 MADAM CHAIR: I'm just kidding. No, that
14 was -- thank you. And now you will have five minutes
15 (indiscernible). We will call the people who -- to
16 testify who are here in favor of the District. And then
17 we'll adjust it (indiscernible). And well start with
18 James Delphi (ph). And remember that we're being very --

19 MR. DELPHI: Can we --

20 MADAM CHAIR: What?

21 MR. DELPHI: Can we go in another order?

22 MADAM CHAIR: Yes.

23 MR. DELPHI: We'd like to (indiscernible)
24 our presentation first. And then if we have other
25 people, (indiscernible).



1 MADAM CHAIR: Okay, okay. So you -- you
2 will go ahead and do your ten minutes?

3 MR. DELPHI: Well -- well and I think we're
4 going to reserve more like two minutes --

5 (Overlapping)

6 MADAM CHAIR: Okay. So you have a lot, 12
7 minutes or something.

8 MR. DELPHI: Certainly.

9 MADAM CHAIR: All right.

10 MS. SWANSON: We have a slide. We try to be
11 respectful of the timeframe, and so your time
12 (indiscernible) going to (indiscernible).

13 MADAM CHAIR: You're --

14 MS. SWANSON: Is it not -- is that better?

15 MADAM CHAIR: Yeah.

16 MS. SWANSON: Can you hear me?

17 MADAM CHAIR: Except that it's probably
18 better for you to stand at the --

19 MS. SWANSON: Okay.

20 MADAM CHAIR: -- at the podium seat. Makes
21 it more clearer.

22 MS. SCHROEDER: (Indiscernible).

23 MADAM CHAIR: What?

24 MS. SWANSON: I was just saying we have a
25 few slides, Madam Chair.



1 MADAM CHAIR: We can't see them very well,
2 so I (indiscernible).

3 MS. SWANSON: You can't see them? Okay.
4 Well, part of what I'm pulling out, I'll be reading.

5 MADAM CHAIR: Okay.

6 MS. SCHROEDER: Good.

7 MS. SWANSON: I'll reference them. That
8 works. So Madam Chair, Members of the Board, and
9 Commissioner Hammond, and before I get into this too
10 much, this is probably my last time to -- to appear
11 before the State Board while Commissioner Hammond is
12 still Commissioner. And I just want to say a sincere
13 thank you on behalf of District 50 for helping us turn
14 our school district around and appreciate all your
15 support.

16 MR. HAMMOND: Thank you.

17 MS. SWANSON: (Indiscernible). My name's
18 Pam Swanson and I'm the superintendent of Adams County
19 School District 50. I've had the honor or presenting
20 before the Board on several occasions to talk about how
21 we are educating all of our children and where we are
22 succeeding and where we still need to improve. And as
23 you know, over the last few years we embrace some pretty
24 dramatic reforms. Yes, we implemented a K-12 system for
25 competency based in our school district of over 10,000



1 students. And you supported us in opening our first
2 Innovation school unanimously two years ago.

3 The first few lines of the Charter Schools
4 Act closely align with the personalized education
5 opportunities our sister now provides, and that includes
6 Crown Pointe. Different pupils learn differently, and
7 public school program should be designed to fit the needs
8 of individual pupils and that their educators, citizens,
9 and parents in Colorado who are willing and able to offer
10 innovative programs, educational techniques, and
11 environments, but who lack a channel through which they
12 can direct their innovative efforts.

13 As superintendent of schools, and I've been
14 here 20 years in different roles, I can say on a
15 firsthand basis that our almost 20-year partnership with
16 Crown Pointe Academy historically has been one of good
17 faith, mutually beneficial, and one that has offered an
18 additional choice in educational program for the children
19 and families of South Westminster. Until recently, every
20 indication we have --

21 MS. MAZANEC: Excuse me. Hi.

22 MS. SWANSON: Hi.

23 MS. MAZANEC: So 20 years, this CPA has been
24 in your district?

25 MS. SWANSON: Almost.



1 MS. MAZANEC: Almost, yes, almost.

2 MS. SWANSON: Yeah.

3 MS. MAZANEC: Just shy of. Why wasn't it
4 listed on your website as one of your elementary --

5 MS. SWANSON: I'm going to get to that in a
6 minute, because --

7 MS. MAZANEC: -- schools, middle schools?

8 MS. SWANSON: Because I think we can
9 demonstrate that prior to any of this, that we've had
10 them in their communications.

11 MS. MAZANEC: But -- okay.

12 MS. SWANSON: Okay.

13 MS. MAZANEC: But not under elementary
14 schools and middle schools?

15 MS. SWANSON: We have brochures where that's
16 certainly listed.

17 And we felt like that we were on the same
18 page in terms of having a collaborative relationship,
19 until very recently. Just this past December, we
20 received the following proposed resolution, which reads:
21 "The school district and Crown Pointe Academy have
22 enjoyed a positive relationship and the school district
23 has provided fair and equitable treatment to Crown Pointe
24 Academy."



1 When Crown Pointe Academy first approached
2 us in 1996, we worked closely with the founding committee
3 to find a suitable district facility. Shortly after
4 occupying a district school, we collaborated with Crown
5 Pointe and the city of Westminster, and through our good
6 faith and credit, the City provided \$396,000 to build a
7 new gymnasium onto the existing structure.

8 As Crown Pointe Academy continued to grow
9 and it became apparent they needed a larger space, the
10 District assumed their remaining bond indebtedness at
11 approximately \$787,000, thereby allowing them to build a
12 new facility. I personally attended that groundbreaking
13 ceremony in my role as deputy superintendent at the time
14 in charter school liaison.

15 This past election season, we went out again
16 to seek a bond and mill levy override and included Crown
17 Pointe Academy in both measures and agreed that the
18 school would benefit. And there's a slide for that, I
19 believe, up here. We would like to point out that this
20 exceeded any state requirement for charter participation
21 in mill levies at that time.

22 Again, just this past March -- and this was
23 prior to the -- the -- the challenge of the District's
24 exclusive chartering authority, Crown Pointe asked the
25 school district to make some modifications on the



1 District's website and the marketing of Crown Pointe. So
2 you'll see some slides here. That first one you'll see
3 was at the very beginning of the school year, sent out
4 with Crown Pointe listed as one of our schools. And then
5 we did make the modifications. We have been responsive
6 to those requests. And we also offer suggestions for
7 future market avenues.

8 Once Crown Pointe received the District's
9 response, they replied with the following statement: "We
10 have reviewed your letter and are both excited and
11 thankful about these steps that the District is taking to
12 include Crown Pointe Academy as an equally recognized
13 District 50 school. Your proposed actions will help meet
14 our mutual goal of strengthening Crown Pointe's presence
15 as part of the District 50 family of schools. And we're
16 so grateful that you're working towards providing these
17 avenues for us to share with the greater communication,
18 our events, accomplishments, and achievements."

19 MS. MAZANEC: Excuse me. What -- what's the
20 date on that letter? I can't see it.

21 MS. SWANSON: March 11th.

22 MS. MAZANEC: This year?

23 MS. SWANSON: Uh-huh.

24 MS. MAZANEC: Okay.



1 MS. SWANSON: The next slide you will see is
2 the school district's Board resolution, dated February
3 24th, 2015. This is the school district authorizing us
4 to move forward, again, in renewing Crown Pointe
5 Academy's charter for another five years, pending
6 negotiations.

7 Currently, even with this challenge, the
8 District continues to negotiate in good faith, including
9 issues such as expansion, replication, and administrative
10 cost. It's my opinion this challenge to the District's
11 exclusive chartering authority is symptomatic of a
12 disingenuous agenda. At the December 10th, 2014 board
13 meeting, a Crown Pointe -- the Crown Pointe board drafted
14 a statement praising District 50 for a positive
15 relationship, I showed that earlier, and fair and
16 equitable treatment. Three months later, Crown Pointe's
17 principal sent a letter thanking the District for
18 including the school as an equally recognized District 50
19 school. Less than one month later, Crown Pointe
20 requested revocation of the District's exclusive
21 chartering authority, alleging for the first time that
22 the District had failed to comply with state law.

23 In the December 10, 2014 Crown Pointe board
24 meeting, a past and current board member at the school
25 said by moving to their North Federal Boulevard facility,



1 they no longer represent South Westminster as a community
2 agency. They believe they're closer to a North
3 Westminster or Adams 12 community. For the record, these
4 communities have markedly different demographics. The
5 current charter limits the enrollment ability, because
6 they have to give priority to Adams 50 kids. A move to
7 the Charter School Institute would remove an educational
8 choice for our children that has served us well for
9 nearly two decades. What they're actually asking you,
10 the State Board, to do --

11 MADAM CHAIR: Excuse me. Why would that
12 remove a choice?

13 MS. SWANSON: It would -- because right now
14 our kids have priority in terms of the charter that we --

15 MADAM CHAIR: They can choose either --

16 MS. SWANSON: -- have with Crown Pointe in
17 terms of having priority and getting accepted.

18 MADAM CHAIR: Okay.

19 MS. SWANSON: What they're actually asking
20 you, the State Board --

21 MS. MAZANEC: Excuse me, though, couldn't
22 they still have priority, even if CSI --

23 MS. SWANSON: It's not guaranteed.

24 MS. MAZANEC: Maybe not guaranteed, but
25 couldn't that be arranged in the agreement?



1 MS. SWANSON: You're asking me to speculate.

2 MS. MAZANEC: Okay.

3 MS. SWANSON: What they're asking you, I
4 believe, to do, is eliminate a valuable option, from our
5 perspective, for our children, which is completely
6 contrary to the Charter Schools Act, which reads --

7 MR. DURHAM: How many -- how many charter
8 schools are there in your district?

9 MS. SWANSON: We have one charter school and
10 one innovation school.

11 MR. DURHAM: And has there ever been a
12 request to increase the enrollment or size of this
13 particular school?

14 MS. SWANSON: The school has increased in
15 size over time.

16 MR. DURHAM: And but they're only limited to
17 one location? Have -- have you done anything to help
18 eliminate the extensive waiting list within the district?

19 MS. SWANSON: Well, I have yet to --

20 MR. DURHAM: If you want to serve more of
21 your students, as you just claimed, you would probably
22 want to expand the number of spots available in it.

23 MS. SWANSON: I would welcome an opportunity
24 to see the waiting list of over 700 kids.



1 MR. DURHAM: So you don't believe that's the
2 case?

3 MS. SWANSON: I haven't seen it.

4 MR. DURHAM: Okay. Thanks.

5 MS. SWANSON: So to carry on, to increase
6 opportunities for all pupils with special emphasis on
7 expanding learning experiences for pupils, per identified
8 as academically low achieving. But the State and School
9 District 50 recognized the value and importance of its
10 exclusive chartering authority and all but nine of
11 Colorado's school districts have exclusive chartering
12 authority. Loss of our authority would deprive District
13 50 of its local control over the ability to oversee the
14 educational choices available to its students within its
15 boundaries and to serve its residents.

16 We believe the law's clear on this issue and
17 a ruling against us should be of concern to every school
18 district in the state that has a working relationship
19 with its charter schools. The state legislature put a
20 process in place for charter schools and local boards of
21 education to resolve potential differences and find ways
22 to advance the best interest of children. This challenge
23 is a step back to the early days when school districts
24 and charter schools squared off in an adversarial



1 approach. And that is not what we want. We don't
2 believe that's good for our children.

3 And you've heard my opinion, but I also have
4 two letters I brought with me today, and I have copies if
5 the State Board would like those, from former Crown
6 Pointe board members. In the audience today, we also
7 have a long-term former member of the Crown Pointe board,
8 as well as another individual who served on leadership
9 roles there who is here to support the school district.

10 So the last chop -- the last slide I have to
11 show you is one that comes from a founding member of
12 Crown Pointe Academy, Russ Caldwell, the library that the
13 school's named after him. And I believe he sums up what
14 I've tried to describe: "It's come to my attention that
15 Crown Pointe Academy is seeking to have the exclusive
16 chartering authority of the District revoked on several
17 erroneous grounds, including frivolous statements, such
18 as the District has engaged in patterns of non-
19 compliance. Nothing could be further from the truth.

20 "I'm familiar with relationships between
21 charters and district authorizers throughout the state.
22 I've assisted in renewal discussions in many districts.
23 The process of renewal contracts is not intended to be
24 one-sided, and with District 50, it's never been that
25 way. They're always give and take. And to my knowledge,



1 at the end of all previous renewals, both sides were
2 fully satisfied.

3 "When the District passed its last bond
4 issue, Crown Pointe extracted major concessions,
5 including the District taking over outstanding
6 indebtedness and releasing Crown Pointe from its previous
7 facility burdens. Crown Pointe bonded for its own youth
8 facilities and could not have done so unless the old
9 facilities in obligations related to them were off the
10 balance sheet. I wholeheartedly support District 50
11 retaining exclusive chartering authority and keeping
12 Crown Pointe within West D50. I find this district fair-
13 handed, honest in its dealings, and it has a history of
14 contracting with its charter school that has permitted
15 Crown Pointe to grow and prosper. After all, I was the
16 point person in all the previous negotiations. My
17 recollections are clear."

18 I also heard some of the public testimony
19 this morning and I'm going to ask Mr. Matt Ratterman to
20 wrap up. And if there's time and you want to ask
21 questions about that, I'm happy to refute some of those
22 allegations, because quite frankly, some of them were
23 simply not true. Thank you.

24 MADAM CHAIR: How much time was that?

25 MR. RATTERMAN: We have 1:45 left?



1 MS. BURDSALL: Yes.

2 MR. RATTERMAN: Out of 12?

3 MS. BURDSALL: (Indiscernible).

4 MR. RATTERMAN: Out of 13. Okay.

5 MADAM CHAIR: You sure you don't want to use
6 your --

7 MR. RATTERMAN: Chris Berman used to do
8 something on -- what was the --
9 (Overlapping)

10 MR. RATTERMAN: Chris Berman used to do
11 something on ESPN called The Fastest Two Minutes in
12 Sports. This is going to be something like that.

13 A lot of it's remedial charter schools 101,
14 which we really don't need just going through the law.
15 What you need to understand is Section 5.04 of Article
16 30.5 addresses how we're working here today. And it --
17 and as State has previously been stated, that the renewal
18 -- or the revocation can occur only on the grounds of the
19 local board since the day the board received exclusive
20 authority, has demonstrated a pattern of failing to
21 comply with the Charter Schools Act. And also,
22 revocation cannot be based solely on an action that the
23 charter school could've appealed to the Board.

24 Now, the Charter School Act is only part one
25 of Article 30.5. It's not all of Article 30.5. So only



1 violations of Sections 101 through 119 can be considered
2 by the Board. Crown Pointe alleged violations of three
3 statutory sections -- sections: Sections 109, 110, and
4 504, which the Board cannot consider. Okay? So what is
5 left? 109 is publicizing. And I'll call your attention
6 to the language, something that -- that the school hasn't
7 addressed. The obligation to include the school is
8 provided that the charter school pays for its share of
9 publicity at cost.

10 MS. MAZANEC: So I have a question about
11 that. Do you --

12 MADAM CHAIR: (Indiscernible).

13 MS. MAZANEC: Do you charge all of your
14 schools an amount for publicity on the website?

15 MR. RATTERMAN: The --

16 MS. BURDSALL: Your time is up.

17 MADAM CHAIR: Quickly, because your time is
18 up.

19 MS. MAZANEC: Okay, so what is -- what was
20 the point of that then?

21 MADAM CHAIR: Go ahead and answer the
22 question --

23 (Overlapping)

24 MR. RATTERMAN: No, we don't charge our
25 schools, but the statute says that can't be grounds for



1 revocation, unless the charter school can show that it
2 paid. And that it hasn't even alleged that. And the
3 District has not received anything from it. So that
4 cannot be a ground for revocation without a showing that
5 they paid for it. They haven't.

6 MADAM CHAIR: All right. Thank you.

7 MR. RATTERMAN: All right. The only other
8 point -- and I'll -- I'll make this very quickly -- is in
9 the next session having to do with reviews. There's no
10 question that the District provided annual reviews and
11 interacted each year, both on fiscal and academic
12 performance with Crown Pointe. It met this and the
13 format that it used, the SPF reports, was approved by the
14 District's DAAC, which had a regular substantial presence
15 by Crown Pointe.

16 MADAM CHAIR: Mr. Ratterman, that -- that
17 takes up your time.

18 MR. RATTERMAN: Okay.

19 MADAM CHAIR: Thank you very much. Now
20 we're going to -- oh, no, wait. We -- we are going to
21 take these --

22 (Overlapping)

23 MADAM CHAIR: -- other eight people here
24 speaking for the District, which give them a great deal



1 more time than you had, so we'll figure out when they
2 finish.

3 MR. RATTERMAN: That's fine.

4 MADAM CHAIR: So for those of you who are
5 here to speak, because we say three minutes doesn't mean
6 you have to speak three minutes. If somebody before you
7 has said something that you agree with, it's okay to say,
8 you know, "And I agree with so and so." Or we really --
9 we appreciate you coming and we will listen carefully
10 what you have to say, but we don't need, you know, to
11 have you go on in great length. So that's my little
12 words of wisdom.

13 We're going to start with James Duffy (ph).
14 Oh, there. You're sitting there, okay. And -- and we
15 have three minutes, if -- if that's what you need. All
16 right, go ahead.

17 MR. DUFFY: Madam Chair, Members of the
18 Board, earlier you had heard that the District did not do
19 an annual evaluations of the charter school. I am here
20 to present that, yes, indeed, we did do annual
21 evaluations.

22 As Mr. Ratterman has mentioned, our DAAC,
23 our District Accountability and Advisory Committee,
24 recommended to our school board that we use these school
25 performance framework and a DAAC review of each school.



1 The way that was set up, and I do have copies for
2 everyone, if you so choose, is we did a training with our
3 DAAC members and our administrators. And each school in
4 the district, to include Crown Pointe, brought their
5 Unified Improvement Plan and did a presentation, two
6 groups of individuals. These individuals used a rubric
7 provided by the district and they rated each school.
8 They provided written feedback that then went back to the
9 school for use as the evaluation. So -- so when -- when
10 you hear that we have not done evaluations, we have
11 indeed done evaluations.

12 I also, real quick, want to address a
13 comment that was made this morning in public comment.
14 And that was about the District and that we did not
15 include them or we unfairly included them in the mass
16 bond and mill levy election. What you heard was they
17 were not included in a pro rata form. That is incorrect.
18 For the mill levy, the wording and the agreement was they
19 would get a pro rata share. So that is approximately
20 five percent of the funds based on their enrollment,
21 which is approximately five percent of the District's.

22 Now, on the bond, per the law, they need to
23 provide us with a capital project. They indicated
24 they're in a new building, they had no capital projects.
25 What they really wanted or needed to do was pay down



1 their mortgage. We agreed that we would provide them
2 \$250,000 that could go to technology upgrades. That way,
3 they could divert general funds from technology needs to
4 help them with, you know, paying down those -- those
5 dollars. So -- so again, that -- that was incorrect.
6 Now, may -- may I hand these out?

7 MADAM CHAIR: Yes.

8 MS. BURDSALL: No.

9 MADAM CHAIR: No, you can't. I'm sorry.

10 MS. BURDSALL: Madam Chair, unless it's
11 included (indiscernible) with meetings, then it may not
12 be considered by the State Board. So, no.

13 MADAM CHAIR: All right. Sorry about that.
14 Thank you. Pamela Swanson?

15 MS. SWANSON: (Indiscernible).

16 MADAM CHAIR: Oh, that was you. You've
17 already been. Okay, good. We're cutting it. Pamela
18 Houston (ph)?

19 MS. HOUSTON: Madam Chair and Board, thank
20 you. I am a parent that started with Crown Pointe
21 Academy, 1996, during negotiations. I knew the founding
22 parent, original author. My oldest attended Crown Pointe
23 the year it opened in 1997. And all three of my children
24 have attended. My youngest went from kindergarten and we
25 went through sixth grade the 13th, 14th school year. So



1 we're talking about 17 years that I have been aware and
2 involved in this school.

3 I was one of the original accountability
4 parents and the school actually wrote the policy for the
5 school. I was the original DAAC or district
6 accountability liaison. I walked into the meeting for
7 the first time and admittedly the District said, "Who are
8 you?" and then was actually work -- both of us worked
9 together, quite a bit, with open arms. And as a matter
10 of fact, the -- one of the exhibits that you have, where
11 they have a point system, was worked on by myself with
12 our accountability committee at Crown Pointe and with the
13 DAAC committee, because obviously we have waivers for
14 some of the account -- the accreditation or the measures
15 that we use. And we found something that we could both
16 agree with, that we could get a point system that would
17 work.

18 Those do not have comments on it. They
19 should be in the DAAC binder, because the finals did have
20 comments. And they were made comments by various DAAC
21 members there. That was one -- one of two accountability
22 measures that the District participated in with Crown
23 Pointe on a year basis, as well as including DAAC in a
24 visit that they did to all schools every year and always
25 included Crown Pointe, as well as what you did not accept



1 was the second one in which of the group of DAAC members
2 reviewed every school, including Crown Pointe, every
3 year.

4 And then we had a board that we created. It
5 was for all the sip (ph) and it had all of our successes,
6 the report cards, anything, as well as some our -- some
7 of our responses to our sip. Those were displayed
8 finally, at last, with our high school, as well as we had
9 education fairs. Crown Pointe always was invited and did
10 have a booth to put up.

11 So I thought we actually had a great
12 relationship and a great deal of support, considering
13 back in 1996, '7, we were an odd entity. I mean, there
14 was lots of misunderstandings, that I had the opportunity
15 to being that liaison, were able to say no, we have open
16 enrollment. If you're on that list, except for at the
17 request of the District and as well as the City, which we
18 worked with, that we would accept those not only students
19 within the district, but originally as part of the
20 redevelopment projects of the south and poor end to bring
21 in those students that could best be served. And that
22 was our goal.

23 So on the accountability, I have to say that
24 we have -- sorry, there -- we -- by the way, the



1 preschool, as well as Crown Pointe, was both listed as
2 Other. Nobody ever asked, and they --
3 (Overlapping).

4 MADAM CHAIR: (Indiscernible). Maureen
5 Follard (ph)?

6 MS. FALLET: Hi, I'm Maureen Fallet (ph). I
7 am an original family -- I mean, founding family. I sat
8 on the board twice. I was part of two of the charter
9 renewals, the 2005 and the 2010. I was board president
10 for the 2010. I was also involved as support for
11 accountability on the initial three-year charter renewal.

12 I think what concerns me about this
13 situation here right now is up until the turnover -- oh,
14 and by the way, I've worked with Bill Bethke and Bart
15 Skidmore, who is their financial manager. And we were
16 not aware issues that seemed to have become issues for
17 the current board and director.

18 We have always been extremely proud of our
19 relationship with District 12, not that it didn't have
20 its ups and down, but we were always successful in
21 negotiating, and that is what a charter renewal is, is to
22 negotiate. Some of the comments that have been said
23 imply that maybe things were imposed on us, twisted,
24 manipulated. That was not the case. We were very
25 educated, very well informed, and self-motivated board.



1 We were involved with the lead of charter schools. We
2 created policy manuals that they used as displays. We
3 initiated a lot of our stuff and took control of our
4 school, and the District was there when we needed to and
5 provided services and negotiations when we asked them.

6 The autonomy was something we -- we strove
7 for. And knowing they were there, we didn't want them in
8 us too much, but we had a great relationship. We watched
9 the District bring in many changes to District 50, one of
10 them being a core knowledge program in their middle
11 school. Was that because of Crown Pointe? I don't know.
12 But the fact is, they brought in several programs to kind
13 of not compete with us, to provide us other choices to
14 their district. We were one choice.

15 The initial goal of the school was to
16 address the city of Westminster and District 50 students.
17 Kay May, who was the founder -- and I've actually been in
18 contact with a couple of the founding parents, make sure
19 I recall this correctly -- was to serve District 50. And
20 that's -- and the city of Westminster. And that's why in
21 their enrollment policy, there is a priority to the city
22 of Westminster and District 50. It is also in the
23 application in 1997 that that was the intent of the
24 school.



1 What I start sensing is maybe there is a
2 different direction the school wants to go. And I think
3 in that case, maybe Crown Pointe, it should be Crown
4 Pointe, and then they need to look at a different school.
5 Because charter schools and charter negotiations and
6 charter renewals are to stay true to the initial
7 application, the purpose of charter school. And we --

8 MADAM CHAIR: Time's up.

9 MS. FALLET: -- were very successful and had
10 a great relationship. Sorry, I just (indiscernible).

11 (Overlapping).

12 MADAM CHAIR: Thank you very much.

13 MS. FALLET: Thank you.

14 MADAM CHAIR: Thank you. Oliver? Right?
15 (Indiscernible) screwed it up, I'm sorry.

16 MR. OLIVER: Madam Chair, Members of the
17 Board, Commissioner, I just want to highlight what's
18 already been said. I actually oversaw the accountability
19 process for much of the time that the charter has been in
20 operation. We have a very involved DAAC, where we have
21 representatives from every school and several from Crown
22 Pointe. The latest iteration of our accreditation
23 reflect the state model. As you know, the state
24 accredits school districts and districts accredit their
25 schools. We use exactly the same model, using the school



1 performance framework as the main indicator on that. And
2 that recommendation came from the district accountability
3 advisory committee, was brought forward by them to the
4 Board of Education for approval. So we use the same
5 process for all our schools.

6 We also have all our schools present in a
7 science fair format in terms of their successes, their
8 challenges, their accomplishments, their results, annual
9 -- on an annual basis. And then on an every-other-year
10 basis, we do visit our schools. And that has always
11 included Crown Pointe in that cycle. Thank you.

12 MADAM CHAIR: Thank you. Appreciate it.
13 Matt -- Matt Ratterman?

14 MR. RATTERMAN: I've already gone.

15 MADAM CHAIR: Oh, you again.

16 MR. RATTERMAN: Well, unless I get another
17 three minutes.

18 MADAM CHAIR: No. We -- I didn't realize
19 you were on there. Susan Kim (ph) or Suzanne (ph)? Give
20 her your time.

21 MS. KIM: My name is Suzanne Kim. I'm an
22 attorney for the school district also. And I'm going to
23 address part of the legal aspect of this. The statute
24 mandates that a revocation may not be based on an alleged
25 imposition of the unilateral condition. And so the



1 statute's very clear in terms of what the State Board has
2 the authority to do when considering a revocation
3 request.

4 The revocation request based on Mr. Bethke's
5 statement earlier is clear that it's based on publication
6 and the -- the review. Those two things, the charter
7 school was unhappy about that, CPA was unhappy. They
8 could've appealed to the State Board as an imposition of
9 the unilateral condition. And so basing that request is
10 an abuse -- would be -- is incorrect. You cannot revoke
11 the school district's exclusive chartering authority
12 based on the imposition of the unilateral condition. And
13 doing so, I believe, would be an abuse of the State
14 Board's discretion.

15 MADAM CHAIR: So unilateral conditions would
16 be what?

17 MS. KIM: Well, the unilateral condition
18 would be not publicizing them as they wish to be
19 publicized or not giving them the type of review that
20 they believe that they wanted.

21 UNIDENTIFIED VOICE: Yeah, yeah.

22 MS. KIM: I can take any other questions.

23 MADAM CHAIR: Thank you.

24 MS. KIM: Thank you.



1 MADAM CHAIR: And Larry Dean Valente (ph)?
2 Is this another one? Oh, there you go. (Indiscernible)

3 MR. VALENTE: Good afternoon, Members of the
4 Board. Larry Dean Valente. I am on the District 50
5 Board of Education, one of five members of our board of
6 education who are all proud graduates of District 50
7 schools at various generation levels. You're probably
8 never going to find that in another school district of
9 our size.

10 I'm here because, first of all, I put my
11 name on the list to make sure if a question was needed
12 for a board member were in compliance with the statute.
13 It's that whole lawyer thing in me.

14 But the second thing is, I wanted to dispel
15 some of the myths about Crown Pointe being ignored by the
16 District. When I was first elected in 2011, shortly
17 after I took my oath, before I figured my board doc's
18 password and how to navigate that system, I was
19 approached by Ms. Hora. I've known the Hora family for
20 nearly 40 years. I grew up with them. Her husband and
21 sons and I play -- or brothers, we played soccer
22 together. We mourned each other's family losses
23 together. We've been through a lot in the community
24 together.



1 But I was approached by her to take a tour
2 of Crown Pointe Academy, which I gladly did. At the time
3 Ms. Hora was the PTA president, I had a terrific tour of
4 the school. I got to learn about what a core knowledge
5 institution is, as I was learning about the district's
6 own innovative -- at that time it was known as standards-
7 based education. We're now a competency-based system of
8 education.

9 We've held ourselves out. I've gone to the
10 -- I was the DAAC representative. We've had DAAC
11 meetings there. Our past DAAC president and previous
12 DAAC president, I believe, are both Crown Pointe parents.
13 The -- the connection is there. The website that's been
14 a -- it seems to be a hot potato. We've had trouble over
15 the years with our websites. So have you. So has
16 anybody else who has managed a website. All anybody's
17 ever had to do was pick up a phone and call and say, hey,
18 we're not listed there.

19 Proof of that was in my business, one day
20 while I was at work, a Crown Pointe parent that I didn't
21 realize was a parent comes in with Mr. Adam Neal (ph) and
22 they're talking about problems they're having with field
23 trips and busses and can't afford, the liability
24 insurance, blah-blah-blah, with the parents driving their
25 cars. And I said, "Have you talked to Dr. Duffy, our



1 chief operating officer, who transportation falls in his
2 world as director of stuff. Have you talked to him about
3 the purchaser (indiscernible) district busses, because
4 you are district school?" The answer was, "No, I sent an
5 email to Dr. Duffy. A conversation was had. Crown
6 Pointe was given the same option as any other school in
7 our district. You may use -- the busses. This is the
8 protocol. These are the fees. This is what a regular
9 district school paid, a charter school paid." Thank you.

10 MADAM CHAIR: Thank you. Okay, that
11 concludes the time for -- but we have Mr. Bethke, who is
12 what -- you got three minutes, five minutes left?

13 MS. BURDSALL: (Indiscernible).

14 MR. BETHKE: We'll see about them.

15 MADAM CHAIR: Okay.

16 MR. BETHKE: Do we have to -- I don't think
17 I'll quite have to act like a auctioneer, but let me
18 start. First of all, there was a question about when the
19 evaluations statute was passed that we referenced.

20 MS. GOFF: Yeah, yeah, I got an email.
21 Somebody shared it with me.

22 MR. BETHKE: Okay.

23 MS. GOFF: So thank you.

24 MR. BETHKE: Good. We think amended in 2004
25 and passed earlier. So secondly, Mr. Ratterman makes a



1 reference to the argument we haven't really discussed
2 very much that talks generally about Section 5.04, the
3 Charter Schools Act. I want to point out, we haven't
4 alleged that that section of the Act was violated.
5 That's the section of the Act that the -- the chairperson
6 quoted, because it's the one that articulates the
7 standard for revocation of exclusive authorizing
8 authority. So we're not saying that - that section was
9 violated. We're saying we're following the standards of
10 that section and -- an making an appropriate request for
11 revocation.

12 The third legal point I want to make is Ms.
13 Kim argues that we should've treated these statutory
14 violations as unilateral impositions of conditions that
15 we could separately appeal to the Board. And you could
16 never go to the Board on a -- on a revocation request if
17 it's a unilateral condition. By that logic, there's no
18 such as a revocation request left in Colorado, because
19 every statutory violation could be turned into an appeal
20 of a unilateral condition. It's a classic argument that
21 proves far too much.

22 The simple question is is there a pattern of
23 violation? We've talked about the two patterns we
24 believe exist. You've heard the District argue as to why
25 those don't exist or should be discounted. I want to



1 talk about a couple of points there, a couple more
2 factual points.

3 One is that we've heard, we've been told,
4 that the school does not participate in the cost for the
5 website. What we know, and I -- I'm not exactly sure
6 what costs those are -- what we know is that the school
7 fully participates in paying part of a \$96,000 salary for
8 public relations and part of \$116,000 salary for
9 technology. We made the assumption, perhaps it was
10 wrong, that those had something to do with paying for the
11 website. But the school has been consistent in saying to
12 the District that what we get services for and benefits
13 for, we should pay a fair share of. And what we don't
14 get benefits from, we shouldn't pay a part of and that we
15 should -- we should use that as a general principle. So
16 if there's something missing from those two salary items
17 that relates to the website, this school --

18 MS. MAZANEC: Well, so excuse me. Have --

19 MR. BETHKE: -- certainly would have been
20 willing to pay for it.

21 MS. MAZANEC: Have you had this conversation
22 before recently with the District about the fact that you
23 didn't like the way you were presented on their website
24 and they told you, sorry, but you don't pay for that? Is
25 -- are -- or did this -- or --



1 MR. BETHKE: I've never heard --

2 MS. MAZANEC: Or did this --

3 MR. BETHKE: Until we were in this
4 proceeding, I've never heard that it wasn't paid for.

5 MS. MAZANEC: No, what I want to know is did
6 you have the conversation with the District concerning
7 Crown Pointe's existence on the website prior to this?

8 MR. BETHKE: We are told by board members, I
9 am told by board members, that there were informal
10 complaints. We do not have a documented written
11 complaint of any kind that proceeds this.

12 The other thing I wanted to pick up just
13 quickly is the question of residential preference,
14 because there's a suggestion that there's some sort of --
15 some sort of an agency, other than what's on the surface
16 of our request for revocation. And, you know, I know
17 there's a deep difference in perception between these two
18 parties of their relationship and of how it's gone. But
19 without trying to unpack all of that in the 30 seconds I
20 might have left, the -- the simple fact is that if the
21 District wanted us to continue to provide a residential
22 preference while transferring to CSI, that's an item we
23 haven't heard until today and it's one I certainly would
24 recommend that we consider.



1 One of the things we suggested in the
2 negotiation was let us replicate in the south end of the
3 district, so we have a presence on both sides of the
4 district. This is a district that loses about 3,800
5 students a year to placement out of district. And we've
6 tried to communicate the willingness and the desire to
7 participate to bringing students back into the district.
8 And I would say we got some response from the District on
9 that, but the perception of the board, the perception of
10 the Crown Pointe board, rightly or wrongly, was too
11 little too late.

12 And that the -- the restrictions still and
13 the hurdles still in the place of expansion or
14 revocation, which could well be into an area of the
15 district that -- that is not currently served the school,
16 and we even suggested that, it's in your materials, is
17 something that -- that simply didn't seem to be taken
18 very seriously. And so I don't think the negotiation or
19 the relationship in the last year has been a successful
20 one. I would certainly acknowledge that there had been
21 periods in the past when it was -- when it was in better
22 condition, but it's been in poor condition. And we're
23 not here because we've got some other mysterious ulterior
24 agenda. We really want to see the school treated in a
25 way that's fair, that's appropriate, that's in compliance



1 with law. And if not, have the opportunity to work with
2 another authorizer. Thank you.

3 MADAM CHAIR: Thank you, Mr. Bethke. Thank
4 you, all, for your reasons.

5 (Overlapping)

6 MADAM CHAIR: You didn't (indiscernible).
7 Thought you used it all up. Sorry, (indiscernible).

8 MR. RATTERMAN: Well, let's summarize a
9 little bit. It really comes down to two statutes. One
10 of them has to do with the website. The website was
11 corrected. Is a website -- is -- is a problem with a
12 website a little bit of a difference between what the
13 school wants and what -- how it appears, is that what you
14 would revoke exclusive authority for? Seems kind of
15 small. But more to the point --

16 MR. DURHAM: Excuse me.

17 MR. RATTERMAN: But it was corrected --

18 MR. DURHAM: Excuse me. There seems to be a
19 serious difference of opinion as to the status of your
20 relationship with the Crown Pointe board. Just how did
21 it get this far as -- if -- if it's as rosy as you all
22 want to paint it to be?

23 MR. RATTERMAN: I wish I knew. In December,
24 Crown Pointe provided to the District a resolution



1 praising the District for its fair and equitable
2 treatment. Three months later --

3 MR. DURHAM: Sounds like you had a bad six
4 months.

5 MR. RATTERMAN: No. Three months later,
6 three months later, in March, again, praise and thanks.
7 Less than a month after that, out of the blue come
8 allegations never heard before that there are problems
9 with the review and that there were problems --

10 MR. DURHAM: Yet your charting authority was
11 revoked once before on the same grounds that
12 (indiscernible).

13 MR. RATTERMAN: It was not on the same
14 grounds and it was -- no, it was not on the same grounds.
15 And I --

16 MR. DURHAM: What -- what's the -- well --
17 well --

18 MS. MAZANEC: The moratorium, I think.

19 MR. DURHAM: Why was it revoked. You must
20 (indiscernible) something that would be considered to be
21 anti-charter.

22 UNIDENTIFIED VOICE: Was it the moratorium?

23 MR. RATTERMAN: I believe that there was a
24 moratorium in effect at the time, which was corrected.
25 And I should say that since 2009, this Board has given



1 the District back its exclusive authority. And -- and
2 there have not been any issues prior to April 7th when --

3 MS. MAZANEC: But you haven't -- you haven't
4 approved of any other charters since you --

5 MR. RATTERMAN: We've only had --

6 MS. MAZANEC: -- your chartering authority
7 was restored.

8 MR. RATTERMAN: We've -- we've had one other
9 apply, the Megone (ph) Academy, which this Board 7-0 --

10 UNIDENTIFIED VOICE: Yeah.

11 MR. RATTERMAN: -- agreed with the
12 District's objection of.

13 MS. MAZANEC: And that's the only
14 application?

15 MADAM CHAIR: Thank you.

16 (Overlapping)

17 MR. RATTERMAN: The only one that was not
18 withdrawn. There was another that was withdrawn.

19 MS. MAZANEC: Because you haven't replicated
20 Crown Pointe either.

21 MR. RATTERMAN: They have not applied for
22 it. We --

23 MS. MAZANEC: No, but I mean, you wouldn't
24 expand it. You -- you never talked to them about
25 expanding.



1 MR. RATTERMAN: That was negotiating -- that
2 was a negotiated term in the 2005 renewal.

3 (Overlapping)

4 MR. RATTERMAN: As part --

5 MADAM CHAIR: Our time is up now.

6 MR. RATTERMAN: Okay.

7 MADAM CHAIR: Thank you very much.

8 MR. RATTERMAN: All right.

9 MADAM CHAIR: I appreciate it. Okay. If I
10 remember that --

11 (Overlapping).

12 MADAM CHAIR: No, it's all right.

13 (Overlapping)

14 MADAM CHAIR: I'm waiting for people to stop
15 talking so I can (indiscernible).

16 MS. SCHEFFEL: Oh, I thought we were
17 supposed to be talking.

18 MADAM CHAIR: I don't like to bang my gavel.

19 MS. SCHEFFEL: Oh, really?

20 MADAM CHAIR: Well, give it to somebody who
21 -- that concludes the oral argument in this appeal. But
22 Board will now deliberate and reach a decision. Discuss
23 amongst yourselves, and I guess that's what you were
24 already doing, the issues relevant to the case.



1 Questions may not be asked of the parties at this point,
2 where they -- they're -- they have finished.

3 And then if there's no further discussion, I
4 will count for a motion. And we -- you have, I'm sure,
5 in your packet two alternative motions of which you have
6 a choice to make either motion. You want to discuss it a
7 little longer or are you ready to move ahead and make a
8 motion? And of course if one motion is made and that is
9 defeated, then we return and make the other motion. So
10 you -- so you're making a big guess there as to what's to
11 go or not go. You want to make a motion?

12 MS. SCHROEDER: No.

13 MR. DURHAM: I'll go.

14 MS. SCHROEDER: Oh, I was going to make a
15 comment.

16 MADAM CHAIR: Well, make a comment and then
17 --

18 MR. DURHAM: Oh, go ahead.

19 MADAM CHAIR: -- and then he can make a
20 motion.

21 MS. SCHROEDER: This is kind of a troubling
22 -- having been a part of the whole charter scenario since
23 the late '90s, it's kind of a -- a troubling situation
24 for me. And it tells me that I -- you know, at first I
25 thought that maybe the school district was not treating



1 the students at the charter as though they were Adams 50
2 kids. At this point it's kind of a he-said, she-said
3 thing, which is no fun up here.

4 But it does tell me that when a charter
5 school comes to the Board and says, you know, we would
6 really rather be a CSI charter school, rather than
7 district charter school, it's in the best interest of
8 everybody to let them do that. And I've seen district
9 after district do that. In fact, we've -- I'm aware of
10 some districts where when a charter school has applied to
11 the school district, the board has actually said, you
12 know, based on the kind of district that we are, we would
13 rather have you be a CSI school. It just fits much
14 better than being one of our charter schools. Because
15 then the students become the students of the charter
16 institute, rather the students of the charter, of the
17 district. It's really complicated, but it's interesting
18 to watch the evolution over time of how to best deal with
19 our charter schools.

20 So I'm not very comfortable, because I have
21 no idea what the facts are, quite honestly. I don't
22 think anybody's intentionally lying, but I imagine
23 there's some points of view. The fact that this so-
24 called pattern has only occurred in the last six months
25 isn't exactly a pattern. So that part is troubling to



1 me. On the other hand, your charter school wants out of
2 your district. And you're not going to have a happy
3 marriage, in my opinion, and do best -- what's best for
4 kids if you insist that they stay.

5 MADAM CHAIR: With that said, does anybody
6 else have a comment? Steve?

7 MR. DURHAM: None. Motion.

8 (Overlapping)

9 MADAM CHAIR: You want to make a motion?

10 MR. DURHAM: I move that Adams 50 County
11 School District Number 50 has demonstrated a cat -- a
12 pattern of non-compliance with the provisions in the
13 Charter School Act and Adams County School District
14 Number 50 has demonstrated a pattern of unfair and
15 unequitable treatment of its charter school and move to
16 firmly request to revoke the exclusive chartering
17 authority around School District 50.

18 MADAM CHAIR: Is there a second? Deb? Deb
19 Scheffel, second. Is there any further discussion?
20 Staff, please call the roll.

21 MS. MAZANEC: Jane comment.

22 MADAM CHAIR: Oh, Jane.

23 MS. GOFF: Thank you. Angelika hit a few of
24 the same nails I'm looking at on the head. It's -- it's
25 been very difficult to sort out, if that's possible --



1 should be possible -- a fact set here. You know, I would
2 -- I would say to both a district and a charter applicant
3 or a longstanding member of a charter in a community, you
4 know, sometimes if we would -- if we would like
5 something, we have to ask for it. And if the actual
6 asking hasn't occurred and there hasn't been some step
7 towards a formal conversation and an approval steps,
8 that's one thing.

9 I -- I have not seen -- I would not -- I am
10 not a first-class -- first-class -- a first-tier
11 participant in the life of Adams 50. But it -- I don't
12 see where there has been anything but an intent and a
13 conscience for moving ahead with the charter school that
14 is in District 50 at the current time. And that's my
15 viewpoint.

16 What I heard today was, again, some
17 uncertainty. It sounds like there's always a room for
18 further conversation. I'm a big -- that's my focus in
19 life. I think we accomplished a lot by talking together.
20 I haven't really seen that that's happened openly enough
21 yet. And for that -- and I would encourage how this
22 decision goes. For my encouragement, I would -- I would
23 say to Adams 50, there is always potential for a new kind
24 of innovative talk, some -- some creativity, and some new
25 thinking. And -- and be fair as you are to all the



1 students in your community and their needs. There's
2 always room to keep talking about that.

3 MS. FLORES: Madam Chair?

4 MADAM CHAIR: Thank you. Val?

5 MS. FLORES: I think I agree with what Jane
6 and what Angelika has said. I just don't see, you know,
7 any reason for a revocation from -- of the charter
8 authority from the district -- in district.

9 MADAM CHAIR: Oh, but then -- never mind.
10 I'm going to --

11

12 MS. FLORES: Well, I'm -- I'm just speaking
13 against --

14 MADAM CHAIR: I thought you said something -
15 -

16 MS. FLORES: I'm speaking against the
17 motion, because I just don't see in what we got and what
18 we heard.

19 MADAM CHAIR: Okay, thank you. Anymore
20 comments? We have a second -- any further discussion
21 right now? Staff, please call the roll.

22 MS. BURDSALL: And I just want to clarify to
23 make sure I heard it correctly. This is to the motion to
24 revoke Adam County's exclusive chartering authority?

25 MR. DURHAM: That's correct.



1 MADAM CHAIR: You -- can't hear you --
2 MS. BURDSALL: Okay.
3 MADAM CHAIR: -- real well, Bizy.
4 MS. BURDSALL: Yeah, we're all --
5 MR. DURHAM: To affirm the request to
6 revoke.
7 MS. BURDSALL: Okay. Just making sure I had
8 the right one.
9 MR. DURHAM: Yes.
10 MS. BURDSALL: Steve Durham?
11 MR. DURHAM: Aye.
12 MS. BURDSALL: Dr. Flores?
13 MS. FLORES: No.
14 MS. BURDSALL: Jane Goff?
15 MS. GOFF: No.
16 MS. BURDSALL: Pam Mazanec?
17 MS. MAZANEC: Yes.
18 MS. BURDSALL: Marcia Neal?
19 MADAM CHAIR: Yes.
20 MS. BURDSALL: Dr. Scheffel?
21 MS. SCHEFFEL: Yes.
22 MS. BURDSALL: Dr. Schroeder?
23 MS. SCHROEDER: Yes.
24 MADAM CHAIR: I move to delegate a member of
25 the State Board to -- to provide a written explanation on



1 behalf of the State Board of Education explaining the
2 basis for the revocation. Do -- do I have someone who
3 would volunteer to be that person?

4 MS. SCHROEDER: We should make the motion.

5 MR. DURHAM: Sure.

6 MADAM CHAIR: Well, I can -- I can move to
7 delegate anybody, but I just wanted to see if Steve
8 would. I move to delegate Steve Durham the
9 responsibility to provide written explanation on behalf
10 of the State Board of Education explaining the basis for
11 the revocation. Must be finalized by the next business
12 day, so let's find some time tomorrow. And that's --
13 concludes, right, Sally?

14 MS. HORA: Yes.

15 MADAM CHAIR: We got there.

16 MS. HORA: That's it.

17 MADAM CHAIR: Thank you. Thank you, all,
18 very much.

19 MS. HORA: Thank you.

20 (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 5th day of February, 2019.

/s/ Kimberly C. McCright
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Certified Vendor and Notary Public

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