



Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
January 14, 2016, Part 2

BE IT REMEMBERED THAT on January 14, 2016,
the above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board
Members:

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



1 CHAIRMAN DURHAM: State Board of Education
2 will please come back to order. The State Board of
3 Education will now conduct the hearing in case number 15-
4 CS-05. The appeal of Heritage Heights Academy from the
5 decision of Cherry Creek School District's Board of
6 Education to deny Heritage Heights charter school
7 application. During this hearing, the board is acting in
8 its capacity to hear appeals of charter schools and will
9 hold an appellate hearing under the relevant Charter School
10 Appeal Law 22-30.5-108 CRS. Appellate hearings are
11 conducted very differently from regular board meetings and
12 procedures are set forth in the board's governing
13 documents. I will review these proceedings. I will review
14 these procedures before we begin. First, I would like the
15 person chosen to represent each party to enter your name on
16 the record along with the party you represent.

17 MR. FARMER: Tim Farmer, I'm here
18 representing Heritage Heights Academy.

19 CHAIRMAN DURHAM: Thank you, Mr. Farmer.

20 MS. EDGAR: My name is Kristin Edgar. I'm
21 here with Caplan and Earnest and representing Cherry Creek
22 School District Number five.

23 CHAIRMAN DURHAM: Thank you, Ms. Edgar. Now,
24 let's see would you please introduce the persons that have



1 been designated to answer questions that members of the
2 Board may ask. Mr. Farmer you want to start?

3 MR. FARMER: Absolutely. Starting directly
4 to my left is Ms. Peggy Downs. She was on the Advisory
5 Committee and she's actually since been added to be a Board
6 Member of Heritage Heights Academy and she's also recently
7 been named Interim Director of Vanguard Charter School.
8 Ryan Reaves is the Director of Operations for Academica
9 Inc. And then all the way at the end is Jen Gevin, she's
10 the Board Chair for Heritage Heights Academy.

11 CHAIRMAN DURHAM: Thank you, Mr. Farmer. Ms.
12 Edgar.

13 MS. EDGAR: Thank you. To my direct right is
14 Dr. Henry Paul, he's the Superintendent of Schools for
15 Cherry Creek School District. Next to him is Mr. Jim
16 O'Brien. He is the former Board President at Cherry Creek
17 School District. He was the Board President when this --
18 the application came to the Board for review and next to
19 him is Dr. Judy Skupa. She's the assistant -- Assistant
20 Superintendent of Performance Improvement in Cherry Creek
21 School District.

22 CHAIRMAN DURHAM: Thank you Ms. Edgar. The
23 role as the State Board is to consider only those issues
24 raised in the notice of appeal. The Board has been
25 provided with a record on appeal. References to documents



1 or testimony not present in the record of -- of the -- on
2 the record of appeal will not be considered by the Board.
3 In relation to those issues contained in the notice of
4 appeal, the Board will apply the following standard of
5 review following oral arguments.

6 The Board will decide whether it is in the
7 best interests of the pupils, the school districts, or the
8 community to support the local Board's decision to deny
9 Heritage Heights charter application. Only those
10 individuals identified by the parties have the opportunity
11 to address the Board. The appellant, Heritage Heights will
12 present oral arguments first. The parties have already
13 submitted written arguments and information. A maximum of
14 30 minutes will be granted for the oral arguments and an
15 examination of each party's issues. You may reserve a
16 portion of your 30 minutes for your rebuttal. During this
17 time, the party may summarize its written arguments and
18 information and Board Members may ask questions.

19 The hearing shall proceed as follows.
20 Heritage Heights, the appellant shall present its oral
21 arguments including questions from the State Board. Cherry
22 Creek School District, the appellee will present its
23 arguments -- it's argument string including questions from
24 the State Board. The appellant, Heritage Heights shall
25 present its rebuttal. State Board may ask questions. The



1 appellee, Cherry Creek School District shall present its
2 rebuttal and the State Board may ask questions. The Board
3 shall deliberate and render its decision. We will adhere
4 to the maximum of time limit. Each segment will be timed.
5 You will be notified by Ms. Burdsall, the official
6 timekeeper when you have five minutes remaining in your
7 allotted time. Heritage Heights, you may reserve some of
8 your 30 minutes for your rebuttal. Do you wish to do so
9 and how much time would you like to reserve Mr. Farmer?

10 MR. FARMER: We would like to reserve 10
11 minutes for rebuttal.

12 CHAIRMAN DURHAM: Likewise Cherry Creek
13 School District, do you wish to reserve some of your 30
14 minutes for your rebuttal?

15 MS. EDGAR: Yes. Cherry Creek School
16 District would also like to reserve 10 minutes for
17 rebuttal. Thank you.

18 CHAIRMAN DURHAM: Thank you. As is customary
19 with any oral argument in an administrative hearing or a
20 judicial proceeding, we anticipate the Board Members may
21 have questions and they may or interrupt counsel with these
22 questions. This is the only time during the hearing when
23 State Board Members may question the parties. Board
24 questions and your responses are included within your 30
25 minute maximum time. Are there any questions from the



1 Board or counsel about the Board's procedures? Seeing
2 none. We will now -- we will now call on Heritage Height
3 for its allotted 20 minutes for the -- for your initial
4 presentation Mr. Farmer.

5 MR. FARMER: Thank you Mr. Chairman and thank
6 you to the rest of the Board. Essentially, this is the
7 story of a large school district, Cherry Creek School
8 District serves approximately 55,000 students across 108
9 square miles, a large school district. In the 23 years
10 since the passing of the Charter Schools Act to date,
11 Cherry Creek School District has only approved one charter
12 school, serves about 550 students or roughly 1 percent of
13 the district. We know the statewide average of charter
14 school students as of now over 10 percent. And this is
15 despite the fact that Cherry Creek Academy currently has a
16 wait list of over 3,000 students and not to mention that
17 it's geographically located in an area of the district that
18 can't be easily accessed by people that live in the eastern
19 portion of the district.

20 But more importantly, this is a story about
21 a group of parents. This is a story about a group of
22 parents who decided that they wanted choices, they didn't
23 just simply complain about it. They didn't just simply
24 say, woe is me. They actually got together and said, "You
25 know what? Let's do something about this. Let's start a



1 charter school to meet this demand." They decided on a
2 type of charter school that's Core Knowledge. It's an
3 educational program that shown high results across the
4 state, it's the same educational program offered in Cherry
5 Creek Academy that currently has this long -- long wait
6 list demonstrating there's pent up demand for this type of
7 educational program.

8 At a certain point after several months,
9 these parents who'd come together created this committee to
10 form, decided that they needed some additional expertise to
11 help them get this idea off the ground. And so they
12 started to look to educational service providers. They
13 started out with a list of over 100 potential service
14 providers. They eventually narrowed that list down to two
15 based on a few criteria, mainly first and foremost those
16 willing to do business in Colorado.

17 And the second important component was
18 trying to find a service provider that would allow them the
19 autonomy to select the curriculum of their choice and to
20 allow them to hire the head of school of their choice and
21 the employees of their choice because as you may well know,
22 a lot of charter school networks or charter management
23 companies out there like to dictate, "You know, this is the
24 type of curriculum you're gonna use, you know, we're gonna



1 use these textbooks. We wanna be -- have some say in -- in
2 the hiring."

3 These two particular organizations basically
4 told the board you'll have full autonomy to make those
5 decisions. One was Mosaic and the other was Academica.
6 And eventually they narrowed that down and they selected
7 Academica to help them get this idea off the ground and to
8 bring it to fruition. Before I, discuss the specifics in
9 the resolution adopted by the Board and -- and rebut the
10 reasons why they're -- they're claiming that they -- they
11 denied this application.

12 I think that it's important to note that
13 when we talk about the best interests of students and
14 you've got a situation in which literally thousands of
15 families are sitting on wait lists not getting the
16 education that they -- they want, and essentially the bar
17 to clear in order to say that having that wait list is in
18 the best interest of students, I think it's -- you got to
19 have a really good reason to deny this charter school
20 application. You got a really good reason to say, "You
21 know what? It's actually better to keep these wait list in
22 place than to approve the school. I think that's a really
23 high bar and it needs a really good reason. And quite
24 frankly, there are no good reasons that have been provided



1 by Cherry Creek School District and I would say to the
2 contrary. The reasons stated by the board --

3 CHAIRMAN DURHAM: Mr. Farmer.

4 MR. FARMER: Yes.

5 CHAIRMAN DURHAM: I just wanna remind the
6 Board, if you have questions you don't need to go through
7 the Chair. So.

8 MS. FLORES: I don't?

9 CHAIRMAN DURHAM: No, please feel free.

10 MS. FLORES: So here are my questions. I've
11 been giving you a little time to tell me more about my
12 particular questions and you're not there yet. Tell me,
13 you said that there -- it was a group of parents?

14 MR. FARMER: Correct.

15 MS. FLORES: Tell me how many parent -- how
16 large is this Board currently and how many are parents
17 please?

18 MR. FARMER: So I'll direct that to Ms.
19 Gevin, as the Board Chair.

20 MS. GEVIN: We have seven people on our
21 Board. And I believe there's only -- well, I think all of
22 them are parents except for Peggy.

23 MS. FLORES: Parents who are going to enroll
24 their kids in that school?



1 MS. GEVIN: Parents of kids in Cherry Creek
2 School District, most of them, well no, most of us will
3 have kids that will go to this school. There's two of us -
4 - actually I might have one son depending on if we open --

5 MS. FLORES: So I'm confused about the
6 limitation on the regulations or rules about board limiting
7 it to two parents.

8 MS. GEVIN: There -- there's --

9 MS. FLORES: What are the guidelines on
10 creating the Board that will --

11 MR. FARMER: The bylaws aren't a limitation
12 and it was a requirement. And the bylaws where it says
13 there will be two parents, it was at least two parents. It
14 wasn't a limitation to just two parents. Right?

15 MS. FLORES: Okay. And who are the other --
16 what are the professional backgrounds of the non-parents?
17 What sort of other expertise are you seeking in -- in your
18 Board?

19 MS. GEVIN: Both of our non-parents are
20 educators. We have Peggy Downs, she's a non-parent and she
21 is currently the Principal or Director Interim at Vanguard
22 and we have another educator who's -- has some Special
23 Education background and things that we like.

24 MS. FLORES: So -- so the other five are
25 parents who are hoping to send their kids to those schools?



1 MS. GEVIN: One -- actually one has one
2 that's gonna be too old, so the other three will be parents
3 who are sending kids to school.

4 MS. FLORES: Okay. And how are -- how are --
5 once your school is established, how will the Board be --
6 how will membership be replaced or how -- is there a limit
7 of seven or do your bylaws allow you to -- to expand that
8 Board?

9 MS. GEVIN: Our -- I think our Board is seven
10 to -- seven to nine is what we -- either seven or nine is -
11 - is their recommended number. And then we do have Board
12 limitations and we actually did that at our last Board
13 meeting is we all took due papers that tell us what our
14 Board limits were and then we intent to --

15 MS. FLORES: Term -- term limits?

16 MR. FARMER: Term limits.

17 MS. FLORES: Okay. Thank you.

18 MS. GEVIN: Yes. Term limits. Sorry, I'm
19 nervous. So -- but we intend to seek out new board members
20 as soon as we become a charter school. Just we have -- we
21 have outlined ways to do that in our application.

22 MS. FLORES: And if I read it correctly, you
23 will replace Board Members. The existing Board will decide
24 who the other Board members will be. What's the role then



1 of your parent-community once it's -- your school is open
2 in terms of membership of the Board?

3 MS. GEVIN: We have a lot of roles for our
4 parent-community. One thing that I would like to mention
5 in our intent to enroll is that's exciting to me is that,
6 more than half of the people who have -- who have filled
7 out and intend to enroll have said that they do want a
8 leadership position in our school. So to me that means
9 that we have a lot of parents that are really willing to do
10 what it needs to do -- what needs to be done in a charter
11 school.

12 MS. FLORES: So my question related to the
13 Board membership. Do parent -- will that parent-community
14 have an opportunity to somehow vote for a representative
15 that they want rather than you are replacing yourselves?

16 MS. GEVIN: Right. Yeah. I'm sure we'll
17 hold a meeting and vote and have -- and have the parent
18 population be able to give their input.

19 MS. FLORES: Is that -- is that in your
20 bylaws or is that something that needs to be --

21 MS. GEVIN: I think we do have -- in our
22 bylaws that we'd have a survey.

23 MR. FARMER: Right. The bylaws currently
24 don't -- don't provide for that, but it's something the



1 Board is very open to and they would -- wouldn't have been
2 a condition they would have refused.

3 MS. FLORES: Okay. How many letters of
4 intent? I'm gonna be fast because I know my colleagues
5 might have --

6 MS. GEVIN: I'm sorry, 243 families. I know
7 we've had 80 that we haven't broken up into grades but I
8 tell you we have 80 percent, over 80 percent enrollment.

9 MS. FLORES: Of what your goal is?

10 MS. GEVIN: Of two -- yeah, grades two
11 through five.

12 MS. FLORES: Grades what?

13 MS. GEVIN: Well, two through five right now
14 is what we might open. We -- we're open to it. I'm sorry
15 K. I'm so nervous, K through -- K though five.

16 MS. FLORES: Please don't be nervous.

17 MS. GEVIN: Sorry. I know.

18 MS. FLORES: We're nicer than we look.

19 MS. GEVIN: Okay. I was trying to hurry. K
20 through five but we have 80 percent enrollment.

21 MS. FLORES: Okay -- okay. So you do have a
22 financial plan that is based on your goal and you now are
23 80 percent of that goal?

24 MS. GEVIN: Yes.



1 MS. FLORES: Okay. Do you anticipate in your
2 financial plan to receive any of the district's override?
3 Is there a commitment that they have made?

4 MS. GEVIN: No.

5 MS. FLORES: Or will you be strictly the PPO
6 or?

7 MS. GEVIN: We'll be strictly PPR.

8 MS. FLORES: Okay. Finally my question is,
9 will you be able to provide lunch for students?

10 MS. GEVIN: We hope so. That's one thing
11 that we need to look at once we have our PPR. All of those
12 things that we're -- we're gonna have to look at our budget
13 more closely once we've reached our goal and see if we are
14 opening K through five or opening K through six or, and we
15 -- we have a few places that we've looked at for our -- for
16 the building. And one thing that -- the place that we've
17 narrowed it down to, we've narrowed it down to a couple of
18 places. One of the places that has agreed to lease is
19 they've agreed to give us a flexible lease. Meaning that
20 if we only have K through five, we'll only rent out that
21 amount of space and if we open K through six, we'll --
22 we'll pay the lease for the extra room. So hopefully,
23 we'll have room in our budget to be able to play with
24 things like lunch and other things that we've been talking
25 about.



1 MR. FARMER: And part of the food services
2 comment if you look at the application there it answer --
3 it -- it kind of wants a way to look at the student
4 population obviously if it's higher FRL --

5 MS. FLORES: It's the free -- it's a free and
6 reduced lunch?

7 MR. FARMER: But they have -- they have set
8 aside a -- a cushion of funding. So if that they -- if
9 they don't do the federal program, they will have some
10 funding to provide lunch to students that -- that aren't
11 able to bring their lunch.

12 MS. FLORES: So I just lied to you. I have
13 another question.

14 MS. GEVIN: Okay. That's fine.

15 MS. FLORES: Geographically, apparently
16 you're starting to identify some areas. Are you close to
17 the existing charter school that is Core Knowledge?

18 MS. GEVIN: No.

19 MS. FLORES: Are you close to communities
20 where there are kids in need so they can -- that they have
21 easy access to your school?

22 MS. GEVIN: Yes. So our geographic area is -
23 - it takes about 30 minutes to get to CCA to the other part
24 -- to the other charter school.

25 MS. FLORES: From where you're looking?



1 MS. GEVIN: From where we're looking. So we
2 think that's -- that -- that would serve the need of our --
3 of our area of the --

4 MR. FARMER: They're looking towards the
5 Southeast Aurora, Smoky Hill part of the district so the
6 other side of the reservoir basically.

7 MS. FLORES: Okay. Thank you.

8 MS. GEVIN: And -- and one more thing about
9 the free and reduced lunch. That's something that we talk
10 about a lot in our Board, is we really want to serve all
11 populations. We're very passionate about helping
12 everybody. We all have near and dear people to us that we
13 want to be included in our school especially kids with
14 special needs and -- and even kids that are gifted, we'd
15 love our school to be all inclusive and we're very
16 cognizant of that and we'll do all we can do to make that
17 happen.

18 MS. FLORES: Thank you.

19 CHAIRMAN DURHAM: Mr. Farmer.

20 MR. FARMER: Can I quickly just request time?
21 To kinda prioritize?

22 UNIDENTIFIED VOICE: You are at nine minutes.

23 MR. FARMER: Okay, thank you. So I think
24 that -- that -- those questions were great. They covered a
25 lot of what I wanted to talk about at first in terms of



1 parent engagement, parent involvement as that was the first
2 claim of Cherry Creek was that this was not a parent --
3 parent-driven school when in fact it is. I think it's
4 important to talk a little bit about the governance
5 structure as well because there seemed to be some confusion
6 when you look at the resolution of the Cherry Creek Board.

7 It seems to assume that this is one of those
8 charter school models in which the service provider is sort
9 of the driving force, sort of the all encompassing force in
10 the school like a network school that replicates or a
11 school where it's just a board and they hire a service
12 provider to hire the principal and hire all the staff.
13 That is not the case in this situation.

14 Basically, Academica is gonna be brought in
15 to do back of the house type services, financial services,
16 running reports for the Board, helping the Board with Board
17 meetings, those types of things. The Board will be in
18 charge of hiring the head of school, as well as overseeing
19 the head of school hiring all of the teachers and -- and
20 staff within the school. So that gets to this question of
21 autonomy. The HHA board will be incredibly autonomous,
22 much more autonomous than a lot of these service provider
23 type schools that you see out there. They will -- they --
24 they will be hiring the head of school and overseeing all



1 those actions. If for whatever reason -- it's a service
2 provider contract.

3 CHAIRMAN DURHAM: This department then may
4 hire and fire the service provider?

5 MR. FARMER: And that's -- that was what I
6 was about to say. It's gonna be a service provider
7 contract, it is gonna be year-to-year. Essentially, if
8 Academica is not doing what they said they're gonna do. I
9 mean each year they'll have that opportunity to -- to move
10 on find somebody else, and if that relationship is
11 dissolved, HHA will continue to exist. Their existence is
12 not somehow tied into their service provider.

13 UNIDENTIFIED VOICE: Excuse me, I have a
14 question about --

15 MR. FARMER: Sure.

16 UNIDENTIFIED VOICE: -- Academica. How many
17 schools throughout the country do you -- charter schools do
18 you provide this service for?

19 MR. FARMER: The Florida -- I don't work
20 directly in Florida. Academica provide services in
21 Florida, Washington DC, Nevada, California, Utah, and
22 obviously we're looking into Colorado. I am the Head of
23 Nevada Operations and the head of our efforts to grow into
24 Colorado. Exact numbers in Utah are more estimates for me,
25 so I don't want to give any misinformation. It's my



1 understanding that in the South Florida area, they serve
2 between 60 and 80 schools with more than 40,000 students.
3 In -- in Nevada, we serve 12 campuses serving 11,550
4 students.

5 UNIDENTIFIED VOICE: How many years has
6 Academica been managing charter schools?

7 MR. FARMER: The Academica was founded, I
8 believe, in 1999. And I'm -- been with the organization
9 that's been in Nevada since 2010.

10 UNIDENTIFIED VOICE: Thank you.

11 MR. FARMER: And another important note on
12 that is they actually haven't entered into the service
13 contract yet. There was a sample contract provided in the
14 application to just sort of give us sense of what the
15 contract might look like in the end. But ultimately they
16 have not -- the HHA Board has not entered into any type of
17 binding agreement yet with Academica. They plan to, and --
18 and that's reflected in the application. But to date, that
19 has not been entered into. And I know that the Cherry
20 Creek Board had a lot of critique in things about that
21 contract, but the fact of the matter is, it is not a final
22 document. It hasn't, you know, gone through legal review,
23 it hasn't been reviewed by the parties. So naturally,
24 there probably is some -- some lacking in that document as
25 intended as a sample. Another thing that they --



1 UNIDENTIFIED VOICE: Mr. Farmer, excuse me.

2 UNIDENTIFIED VOICE: Yes, Ma'am.

3 UNIDENTIFIED VOICE: I'm sorry.

4 UNIDENTIFIED VOICE: No problem.

5 UNIDENTIFIED VOICE: I don't like doing that.

6 UNIDENTIFIED VOICE: That's okay.

7 UNIDENTIFIED VOICE: Question though. Are
8 you at liberty- is it public information yet- is it yet
9 available about the investigation of Academica that was,
10 it's been mentioned in the press, so I assume it's out in
11 the open for discussion. Is there any word you can talk
12 about that gives us a status report on that and how -- how
13 that might impact what -- what you are having planned for
14 this school?

15 UNIDENTIFIED VOICE: Certainly, the -- the --
16 the case study that was performed by the Department of
17 Education was completed two years ago. We- they asked
18 questions about certain financial transactions that were
19 done by certain schools, which is normally an audit.
20 That's what all organizations go through when audits take
21 place, the specific transactions are pulled, if there's any
22 questions or if they feel that something should have been
23 differently, they give advice or counsel. And it was
24 closed to my knowledge, a final report from the Department



1 of Education has not been forthcoming nor does one
2 expected, it was an internal case study.

3 UNIDENTIFIED VOICE: The way that it was
4 portrayed in the media was completely inaccurate.

5 UNIDENTIFIED VOICE: Not knowing the timeline
6 in any of those reports might have been ready to go out and
7 certain other decisions involving Academica in Colorado.
8 I'm just curious as to how it lines at the time wise and
9 what -- what could that do to serve this discussion?

10 UNIDENTIFIED VOICE: Well, they attached an
11 audit that was performed to the review materials used by
12 the Board, not was done by the Miami-Dade Audit Department
13 from 2008 or '09, I can't remember the exact date of that.
14 Miami-Dade has since approved many charters that Academica
15 handled.

16 So I think, that alone, states the outcome
17 of that, that those questions were answered. And Academica
18 just continues to be a company, a good standing that
19 manages high performing charter schools there. The Federal
20 Department of Education case study that was performed, the
21 timeline on that went through Florida. It wasn't something
22 I directly handled. I have spoken directly within Division
23 of Florida office that responded to that request for
24 information. And again, as far as our understanding is,
25 they requested an information, requested the confidential



1 response. It was provided confidentially three years ago-
2 two to three years ago, and there has been no further
3 request for information.

4 UNIDENTIFIED VOICE: Okay. Thank you.

5 CHAIRMAN DURHAM: Val, did you have a --

6 MS. FLORES: Was the Florida office the one
7 that was busted by the FBI? I mean, did they just go in
8 and bust the schools there?

9 UNIDENTIFIED VOICE: There has never been any
10 involvement by the Federal Bureau of Investigation that I'm
11 aware of in one of our Florida schools but as far as being
12 busted by anything again-

13 UNIDENTIFIED VOICE: In other words, they --
14 they just came in, and did an audit or came in and ask
15 questions? They- it wasn't announced. But I think
16 Academica was -- was named as -- as in Florida.

17 UNIDENTIFIED VOICE: I mean, we serviced
18 dozens and dozens of schools. There have been many
19 reviews, audits, and case studies done of the work that we
20 provide, particularly, because of the high results we get.
21 There's a lot of interest in the services we provide. The
22 -- if -- if you look at Academica's overall performance
23 rate, you will see that we perform a service the highest
24 performing charter schools in the state of Florida,
25 including the tops and reviews by both Blue Ribbon



1 standards done by the Federal Department of Education, as
2 well as by the -- the -- the U.S. News World report
3 ranking.

4 So I know there have been several
5 investigations and audits but the Academics office is in
6 good standing. It is performing well. Our schools are
7 performing well. I was there a month ago and I am going
8 back again next month for my continued business. There is
9 no ongoing busted, I forget the word you used. There's
10 nothing of that nature happening.

11 UNIDENTIFIED VOICE: It was in the Washington
12 Post and the New York Times and several Education.

13 UNIDENTIFIED VOICE: One of the questions
14 that came out, so that was reviews that were done of your
15 proposal by CSI and then by the League of Charter Schools.
16 Can you -- can you address that?

17 UNIDENTIFIED VOICE: Absolutely and-
18 absolutely and I think that one of the interesting thing is
19 when you do a side by side look at the three reviews that
20 were done by CCSD, the DAC, and then by CSI, there's
21 actually- they're kind of all over the map, and there's not
22 a single category that all of them agreed should be a
23 denial category. If you take a look at them side by side,
24 if truly was all over the map which, you know, from an
25 applicant standpoint, it sends such mixed signals and



1 diverse feedback. It really makes it difficult to grab
2 hold of but when you actually look at a side by side, it's
3 -- it's -- it's hard to lend credibility to all three of
4 the reviews when they're all over the place like that.

5 UNIDENTIFIED VOICE: So you're not gonna be a
6 CSI school? So that's not really relevant.

7 UNIDENTIFIED VOICE: Correct. At this stage.

8 UNIDENTIFIED VOICE: But are you willing to -
9 - to work with the League of Charter Schools, to have them
10 help you to the extent that they have concerns?

11 UNIDENTIFIED VOICE: Sure.

12 UNIDENTIFIED VOICE: Or you have concerns for
13 that matter. It seems to me that it's a really strong
14 institution in Colorado designed to help ensure effective
15 schools.

16 UNIDENTIFIED VOICE: I mean my experience
17 with the Board thus far is they're ready and willing to
18 work with anyone who wants to offer help, and whether it's
19 the League of Charter Schools or even the district or what
20 have you. Just quickly to close, I'll just say that again,
21 the decisions whether or not, this is in the best interest
22 of students. You have students, thousands of students
23 interested in the Core Knowledge program that aren't
24 currently getting it, and to deny them that you need a
25 really good reason. Thank you.



1 CHAIRMAN DURHAM: Twenty minutes has expired.
2 Ms. Edgar will now call on you for the 20 minutes allotted
3 for your initial presentation.

4 MS. EDGAR: Thank you very much. Again,
5 Kristin Edgar with Caplan Earnest on behalf of Cherry Creek
6 School District. Mr. Chairman, and members of the Board,
7 and Commissioner Asp, thank you for the opportunity to be
8 here. I want to start by saying what this appeal is not
9 about for the district. This is not a referendum on
10 education management providers whether they should be for
11 profit or not for profits. This is a decision and a look
12 by a school district Board as to whether this proposed
13 school with this education management provider is in the
14 best interests of the district, its students, and its
15 community. And this Board took that decision making
16 process extremely seriously.

17 UNIDENTIFIED VOICE: Excuse me. Did you just
18 say whether this management provider is the best? Okay.

19 MS. EDGAR: Yes, that's correct. This is
20 looking at the proposed school in front of us, which again,
21 is brought forth a vision and a mission by a parent group.
22 And then, the role of Academica in coming to this creating
23 this application, and setting the stage then for the role
24 of Academica in the school that they're seeking to have
25 approved. And that's where the focus of this appeal is.



1 And as you've seen from the resolution of the Board and the
2 briefs before you, a touchstone of the Board's concerns is
3 the role of Academics. And so, I'm going to touch more on
4 that in a minute. However, first, I'd like to start with
5 the suggestion that because Cherry Creek School District
6 has only one charter school, it is somehow not welcoming of
7 charters that couldn't be further from the truth.

8 UNIDENTIFIED VOICE: How many charter schools
9 have applied in Cherry Creek? Well, let's just say, since
10 your -- your other Core Knowledge, the one charter school
11 you have, how many have applied since then?

12 MS. EDGAR: You know, I'm aware.

13 UNIDENTIFIED VOICE: How many applications?

14 MS. EDGAR: I'm aware of two. Prior to this
15 one, And after Cherry Creek Academy.

16 UNIDENTIFIED VOICE: Dr. Bold, do you
17 understand? Do you know how many there have been?

18 MR. BOLD: I don't know the exact number.
19 I'm trying to decide if it's two or three.

20 MS. EDGAR: And two of those, the reason
21 we're aware of them is that the reason they were denied is
22 that they were found to be a conversion of a private school
23 to a public school in violation of the Charter Schools Act.
24 That was the board's decision that was subsequently then
25 upheld by the State Board of Education in those instances.



1 The reality is that Cherry Creek School District just does
2 not get charter school applications. They are very rare.
3 So they have a charter school, they have approved it, and
4 they have a good relationship with that charter school.

5 CHAIRMAN DURHAM: Are you sure your local
6 override with a charter school?

7 MS. EDGAR: Yes. Actually, I'm going to
8 defer to Dr. Bold to answer to that question. Excuse me,
9 Dr. Scooper?

10 Dr. SCOOPER: The answer yes, we do share
11 that override.

12 CHAIRMAN DURHAM: Thank you.

13 UNIDENTIFIED VOICE: Is it correct that you
14 have a 3,000 student waiting list for this Core Knowledge
15 School?

16 MR. BOLD: I don't know that I would agree
17 with that. In fact, I would cite situation.

18 UNIDENTIFIED VOICE: So you don't have a
19 system that you would- so you don't have any kind of a
20 central system for choice?

21 MR. BOLD: I don't have that with regards to
22 the wait list. I don't believe the wait list is as large
23 as been described.



1 UNIDENTIFIED VOICE: Do you have other Core
2 Knowledge schools that are strands or focus schools in your
3 district?

4 MR. BOLD: Just Cherry Creek Academy.

5 UNIDENTIFIED VOICE: Just that charter
6 schools? You don't have Core Knowledge School in district?

7 MS. EDGAR: And to respond to your question.
8 A criticism that was or an observation that came from this
9 Board, Charter School Institute, the district leadership
10 team, and the District Accountability Committee is that
11 there is no evidence that was presented by this group of
12 parents that there is a demand for this. This reference to
13 thousands of students being on the wait list is simply not
14 supported by the record. We don't have the information
15 from Cherry Creek Academy to say what that wait list is.

16 UNIDENTIFIED VOICE: But they have 240
17 students that have signed.

18 MS. EDGAR: They had intent to enroll forms,
19 you are correct. Those intent to enroll forms however are
20 not binding. So it's difficult to gauge the intent -- the
21 true intent of those people. So yes, there is a group of
22 parents here who desire for knowledge program, who claimed
23 that Cherry Creek Academy has a wait list that prohibits
24 them from getting in. There is no support for that in the



1 record before the state court. And none that we're aware
2 of.

3 UNIDENTIFIED VOICE: I think that they've
4 mentioned a parent who had signed up when their child was
5 born and still hasn't been able to get into the Core
6 Knowledge Academy.

7 UNIDENTIFIED VOICE: We have on October they
8 said 3,100 CCA.

9 MS. EDGAR: That is not in the record and has
10 never been shared with the district in any supportable
11 format.

12 UNIDENTIFIED VOICE: So 240 are not on the
13 record either or they are in record?

14 MS. EDGAR: The 240 intend to enroll in this
15 proposed charter, if it moves forward, that is in the
16 record, and we are not denying that they've come forward
17 with those. But the notion that there are thousands of
18 students waiting to get into Cherry Creek Academy simply
19 not supported in the record and never has been. That
20 number we don't know where it is coming from, it's not
21 true.

22 UNIDENTIFIED VOICE: What you're saying is
23 you -- you don't have any proof that it exists that that
24 lists or to that -- that number exist but you also don't
25 know that it doesn't?



1 MS. EDGAR: That's correct- that's correct.
2 But it's not in the record, and so we don't now. But to
3 say that it's accurate is simply not true. So moving
4 forward then, I want to quickly go over what the districts
5 process was here because I think that's important, so you
6 have some background. The district was approached by the
7 Colorado League of Charter Schools prior to this
8 application coming in, that's an advocacy organization for
9 charters.

10 It's also a resource for charter
11 authorizers. And the district enjoys a good partnership
12 with them and recognizing that they do not get frequent
13 charter applications. They -- they heard what the Colorado
14 League of Charter Schools said and they followed with those
15 suggestions. Which was one, since you have an education
16 management provider with no tested record in this state,
17 why don't you go ahead and approach Naxa, and ask them to
18 do a due diligence report that is best practice. And two,
19 why don't you involve another perspective which is the
20 Charter School Institute in reviewing the application? So
21 that your Board will have a wealth of information when they
22 are making a decision before then.

23 And so the charter -- the district went
24 through with those which is why they commissioned those
25 various reports. The district then had its leadership



1 team, its District Accountability Committee, and community
2 input part of this process, and it was literally hundreds
3 of hours of time by staff, and Board members, and community
4 members to review this in a very serious manner. And the
5 suggestion that there wasn't time given to that or that
6 there wasn't a fair shake given to this application is also
7 not true. And that's amply supported by the record.

8 So the touchstone again of the concern
9 across the Board from the reviews that came in, whether it
10 was Charter School Institute, District Accountability
11 Committee, or the leadership team, was that there is an
12 extreme disconnect here between the vision and mission of
13 the parent group who's the proponent of a Core Knowledge
14 program and the application that we see on paper. And a
15 large part of that is that the application is identical in
16 most instances to another Academica school application in
17 this state. Now, the reason that that is very concerning
18 and shows a disconnect between what the parents want and
19 what this education management provider is providing, or
20 offering, or directing is that it is simply not tied in any
21 most instances to the actual curriculum proposed by this
22 program nor is it tied to the demographics of the district,
23 much less the target area where this school is proposed to
24 open. And that is seen throughout the application.



1 For example, take one of the big problematic
2 areas, which is accountability. Those end school
3 performance and measurement of that. Those sections of the
4 Heritage Heights Academy application are identical to what
5 you see in the Deurali Academy application. That's
6 interesting because they are two entirely different models
7 of schools opening into entirely different district.

8 UNIDENTIFIED VOICE: So how are they
9 essentially different in terms of accountability? They
10 might have different demographics, they might have a
11 different curriculum, they may have different students,
12 different parents. But in terms of accountability, isn't
13 it- isn't it correct that you can use essentially the same
14 model from school to school?

15 MS. EDGAR: No, it's not correct. The way
16 accountability is measured in this state is through
17 standardized testing.

18 UNIDENTIFIED VOICE: How most districts do
19 it?

20 MS. EDGAR: It is. And that's not where
21 we're saying they're -- they're going awry. Although, they
22 haven't really identified that they understand the testing
23 framework in the state but they've gone awry is in setting
24 their goals. And that should be unique to the school, to



1 the model that they're proposing, and to the district in
2 which they're opening. That is not the case here.

3 The accountability section fundamentally
4 misunderstands how we assess students in this state and how
5 we measure performance. When you look at it and look at
6 what the goals are, they don't even reflect an
7 understanding of, for example, how we measure and report
8 academic achievement. That goal is reported as our
9 students will be 80 percent proficient in academic
10 achievement. That's not how we measure it. We measure
11 academic achievement in four different subject areas, and
12 then, we do look at the percentage of students, and what
13 percentage of those students are proficient or advanced in
14 those subject areas.

15 In Cherry Creek, and in particular in this
16 target demographic, most of the elementary schools, if not
17 all of them, have at least 80 percent proficiency in all of
18 the areas or greater. So saying that you're going to have
19 a goal where 80 percent of your students will be proficient
20 in the various subject areas is actually not a goal for
21 this area, because all of the students that you're pulling
22 from are there. So it shows that -- that Academics,
23 because it appears they're the one who is behind this,
24 since these two pieces are the same, it appears that they



1 have not done their homework, and don't understand how we
2 measure goals in this state. It also-

3 UNIDENTIFIED VOICE: For a first year, for a
4 school though, it would be reasonable to say we would like
5 our students to perform just as well as other district-
6 other students in the district, right?

7 MS. EDGAR: I'm gonna defer that to Dr.
8 Scooper.

9 MS. MICHAEL: I believe what we would look
10 for in -- in goal setting, is a relationship to their
11 targeted population, and as was outlined in -- in the
12 schools that are identified and their targeted population,
13 that achievement is clearly in 90 percent and higher on our
14 past assessment, which would have been on T-CAP, a little
15 bit different with a new assessment.

16 MS. SCHROEDER: So you think that their goal
17 is too low?

18 MS. MICHAEL: I believe their goal is not
19 what we would call a stretch goal, the answer is yes. The
20 other thing that they identified is that they would only
21 include in that goal, students who were in a cohort and
22 that they would wait in a three year period of time. And -
23 - and that is an excessive amount of time for a school
24 goal, or to begin taking a look at your achievement after



1 three years, and only for students who had been with you
2 for three years.

3 CHAIRMAN DURHAM: Let's go back. I think
4 when I asked my previous question, I may have been hurtful.
5 Do you share all of your local override with the existing
6 charter or only 50 percent of your local override donors?

7 MS. MICHAEL: It's 50 percent.

8 CHAIRMAN DURHAM: Thank you.

9 MS. SCHROEDER: So I'm a little -- I'm a
10 little concerned about what I think -- I think I'm hearing.
11 What I think I'm hearing is that there are a group of
12 parents who would like to see another core knowledge school
13 in the district. And I've been around long enough to know
14 that it is really -- really hard work to develop an
15 application for a charter school. You need a really deep
16 understanding of what our education system requires, and
17 that these guys, that the group that wanted to form this
18 school sought help from what is basically an out of state
19 organization to help them prepare this application. And
20 Michael, I -- is it your observation that there are -- some
21 were close on that?

22 MS. MICHAEL: I'm sorry, can you repeat that
23 last part?

24 MS. SCHROEDER: Is that what you think is
25 happening also? So they -- they -- they don't understand



1 deeply the nuances of this. That doesn't actually mean
2 that they aren't gonna get there, because if they feel
3 passionately about doing this, there will be a learning
4 curve and they will get there. But right now, they're seem
5 to be very dependent on an outside organization that has a
6 boilerplate, if I heard you right, that has a boilerplate
7 application, and doesn't really get into the -- to the
8 specifics of the Colorado accountability system and the
9 accountability assessment system.

10 MS. MICHAEL: Yeah.

11 MS. SCHROEDER: And that's, you know, the --
12 my question for myself is -- is that a reason for denying
13 it or is that a reason for giving this group a whole lot of
14 help and getting a whole lot of help from the League of
15 Charter Schools?

16 MS. MICHAEL: And, certainly, we hear that.
17 And -- and that's when I said this isn't a referendum on
18 education management providers opening a new school, this
19 Board, anybody who's education recognizes it's a daunting
20 task, and the Charter Schools Act contemplates and
21 authorizes that a charter entity can contract with an
22 education management provider for that. With the caveat
23 being that that Board then must be independent from that
24 organization, and the Board here is not seeing that
25 independence. I also want-



1 CHAIRMAN DURHAM: Based on what evidence are
2 they not independent? Financial ties to the management
3 company, personal relationships with the management
4 company, what are the specifics of that allegation?

5 MS. MICHAEL: Sure. Potentially, financial
6 ties, one of the things that --

7 CHAIRMAN DURHAM: To your allegation, is
8 there is some sort of financial transaction between members
9 of the Board and the company? What evidence do you have of
10 that?

11 MS. MICHAEL: Well, in their application,
12 there is reference, a \$25,000, it's -- sometimes it's
13 called a loan and sometimes it's called a grant, that's
14 going to be given by Academica to HHA. And there's been
15 the Board --

16 CHAIRMAN DURHAM: And by Academica to which
17 school?

18 MS. MICHAEL: To Heritage Heights Academy, as
19 a start -- as a source to start --

20 CHAIRMAN DURHAM: That is not a payoff to any
21 Board member, is it?

22 MS. MICHAEL: No it's not, and --

23 CHAIRMAN DURHAM: So the allegation is the
24 Board has financial ties to this -- to the provider, that's
25 the allegation you made?



1 MS. MICHAEL: No. So let me correct myself.
2 There are no financial ties right now between us -- as we
3 traditionally think of conflict of interest under Title 24
4 between members of the Board and Academica. However, here
5 is the concern from this Board. This set of parents is
6 very reliant upon Academica, that's evidenced by the fact
7 that the entire application or most of the application save
8 the -- the minor points about their curriculum is Academica
9 boilerplate. So they're very dependent on that, and that
10 is something that we see happen. When they started their
11 school --

12 CHAIRMAN DURHAM: They're dependent upon a
13 company that has apparently successfully opened 100 charter
14 schools and somehow that dependency is viewed as a fault or
15 a failing of the Board as opposed to some of the
16 applications we have which are very amateurish. So would -
17 - you would presume that somebody who has done it 100 times
18 and still has schools and business, maybe the Board ought
19 to be congratulated for going to somebody with a track
20 record.

21 MS. MICHAEL: The Board of the district
22 doesn't oppose using an education management provider. The
23 way this application is put together, there are concerns
24 about the independence of this Board because of several
25 things. There's no tie between the parents vision and



1 curriculum and the remainder of the parts of the
2 application. The budget reflects that Academica may be
3 making a \$25,000 startup loan to Heritage Heights Academy.
4 Here's where that potentially becomes problematic.

5 Let's say that Heritage Heights Academy in
6 the first year that they're working with Academica,
7 Academica doesn't perform. Now, by the way, there's no
8 contemplation Heritage Heights Academy Board will evaluate
9 Academica, there's no goals to measure Academica by,
10 there's nothing tied the curriculum to measure the
11 education management provider by. So a, there's no way to.

12 UNIDENTIFIED VOICE: Is there a way to view
13 every year Is it year to year or?

14 UNIDENTIFIED VOICE: Excuse me. May I just
15 ask a question?

16 CHAIRMAN DURHAM: Yap, go ahead.

17 UNIDENTIFIED VOICE: You know that, the --
18 the thing I think that -- that I hear from -- from Cherry
19 Creek is, and of course listening to you, is that there --
20 there is a boilerplate, and that it's been probably very
21 good boilerplate material that you have done and -- and
22 probably you've done great work, Academica has done great
23 work in other places. But I think the big concern, and I
24 saw this while sitting on CAC and reading all these
25 proposals coming to Denver Public Schools, and that is that



1 oftentimes things such as where the school is going to be
2 located really listening to parents.

3 Sometimes people just handed out at a -- at
4 a program, you know, these management firms, and they send
5 out just letters and sign your name here. I don't know if
6 you did that, but it -- it's easy to do, and if you don't
7 have the steps correct, like not knowing that -- that the
8 population where you wanna have this school really is
9 performing higher than 80 percent, where you say, I mean
10 that's very important, and that would really trigger, you
11 know, the bells in my head saying, "Oh, no, no, I don't
12 know if I, you know, really want to deal with this." So I
13 think that's -- that's what I hear you guys saying. Is
14 that correct? That they really didn't do their homework as
15 far as knowing the population that they were going to
16 serve?

17 MS. MICHAEL: That is part -- that is a basis
18 for the Board's decision. Yes. How much time do I have
19 left?

20 UNIDENTIFIED VOICE: 17 second.

21 MS. MICHAEL: Oh, great. Well, with that, I
22 -- I will -- I will wind at this section, and I get to
23 reserve the rest for rebuttal. The record is before the
24 Board and I know you've read the briefs. The concern here
25 is that there is a disconnect between what the parents want



1 and what Academica has really provided you today, and that
2 the parent voice is lost in that now, and will be lost in
3 that in the future, and that there are a number of concerns
4 around that. The District Board is not the only entity
5 that -- that made that determination, there is consistency
6 in those, and Charter School Institute agreed with that.

7 CHAIRMAN DURHAM: Your time has expired.

8 MS. MICHAEL: Thank you.

9 CHAIRMAN DURHAM: Mr. Farmer for 10 minutes.

10 MR. FARMER: So I -- I want to start by sort
11 of rebutting the -- the allegation regarding the
12 "identical" application, really by the district's own
13 admission, it's sort of varied between its two thirds
14 identical to 80 percent identical, I don't know where
15 they're -- they're coming up with those. But the fact of
16 the matter is A, that other application was approved, I
17 think that's important to note, and B, it's only
18 boilerplate in areas that are appropriate to be
19 boilerplate.

20 The curriculum section was actually mostly
21 drafted by this lady who sat next to me who has extensive
22 knowledge in the core knowledge curriculum. She's been a
23 teacher, she's been a principal, she's worked in the
24 charter -- charter school space for years. So I actually
25 think it's wholly appropriate for that to be the area where



1 it's different, and the boilerplate areas again are where
2 it should be boilerplate, again that application was
3 approved. I think it's important to note that in terms of
4 the demand at the beginning of -- of the conversation, you
5 know, even the 240 plus letters of intent, that's without a
6 charter in hand.

7 These are -- are families that are so
8 desperate, that they're already signing up and we don't
9 even have a charter in hand yet. You can imagine once we
10 have an assurance that the school is going to open, those
11 floodgates are gonna open, those parents are going to be
12 coming. In terms of the accountability, I -- ultimately,
13 what I think it boils down to is a couple of things. A, is
14 maybe some formatting issues, you know, maybe we didn't
15 presented in quite the right format and we can -- those are
16 easy adjustments. The other thing is it's difficult to
17 come up with goals when you haven't seen your citizen
18 population yet. You know, we -- we can estimate, we can
19 approximate, you know, at the end of the day, they are
20 lofty worthy goals that -- that, you know, would be the
21 envy of a lot of school districts in this state.

22 But at the end of the day, these are things
23 -- the types of things that when you're doing an
24 application, you haven't seen your student body yet, that
25 you just do your best to sort of approximate and -- and



1 come up with the best goals that you possibly can. And
2 once we see our student population, you see their task
3 force we'll be able to articulate some more meaningful
4 goals with that information. The \$25,000 loan that's --
5 that's been continually mentioned again, it's -- it -- it
6 was offered, it has not yet been accepted by HHA, it may or
7 may not be accepted by HHA.

8 But if anything, that's -- I -- I -- think
9 something that should be commended here is a -- a -- a
10 management company that's got a track record of starting
11 successful schools, they know what it takes, they know
12 maybe sometimes you need a little bit of upfront help as
13 any small organization trying to get up off the ground
14 needs. So if anything, again they should be congratulated.
15 And, you know, thank goodness that you went out and sought
16 out this organization that knows how this works and knows
17 how to get this done. This is not an area, you know, in
18 which they should be discounted. I think in the end, I
19 want to just go back to this original point.

20 When you look at this rationale, frankly
21 it's weak. Frankly, you look at and it looks like a denial
22 in search of reasons, and there's not any good reason that
23 this Board was able to come up with in my opinion to deny
24 this charter school. Now, if it was a district with a
25 plethora of different educational programs and options with



1 zero wait list, parents can pick and choose where they go
2 and this, that, and the other, it might be a different
3 story, but this is a school district where parents feel
4 like they don't have choices.

5 Parents have come together and they're
6 trying to create more choices, and quite frankly, the
7 hurdle that the district has to get across in order to say,
8 you know what? It's actually better that we not give you
9 this choice, than open the school, is really, really high,
10 and it has not been met in this case. And I just again
11 urge you to -- to remand this to the -- the district to
12 reconsider this decision. Thank you.

13 CHAIRMAN DURHAM: This buys so much time for
14 me. Anybody with further questions to members of the
15 Board?

16 MS. SCHROEDER: I have one.

17 CHAIRMAN DURHAM: Yes, Dr. Schroeder.

18 MS. SCHROEDER: Going back to the
19 accountability issue which I don't think is insignificant
20 at all. I'm a little confused why -- whether -- whether it
21 was the -- the vendor who was helping or whether it was the
22 parents. Why wouldn't you have looked at the goals of the
23 district as they are now? In order to demonstrate that
24 what you're going to do for our kids, all Cherry Creek
25 kids, the ones that come to you are going to meet or exceed



1 the expectations that have already been develop at each
2 individual school and through the accountability committee
3 in the somewhat complex process that we have all set up for
4 them. Why is there that significant disconnect?

5 UNIDENTIFIED VOICE: I'd like to answer that.

6 MS. SCHROEDER: Thank you.

7 UNIDENTIFIED VOICE: So one thing that we did
8 when we were writing our application, when we were first
9 starting out, we knew we were gonna need help. We wanted
10 our application to be airtight. We wanted no mistakes. We
11 wanted nothing to be wrong with our applications so that we
12 went to Cherry Creek School District who is already a high
13 performing school district. They would see the merit of
14 having another choice in the district. So when we're
15 setting out goals, we knew that the first year it would
16 have to be -- be conservative.

17 We relied on Academica's expertise, who goes
18 by the hundred -- I think it was 134 schools in this -- the
19 United States, and use their best practices and they have
20 an outstanding record. So we trusted that those
21 conservative goals and we have outlined or, you know,
22 different- a lot of robust procedures and things that the
23 Board oversees and the principal oversees, and we're also
24 willing to -- to change those two if the district thinks
25 they need to be.



1 MR. FARMER: I think it would help just to
2 shine light on -- an -- on a charter writing process. How
3 -- how does this happen? And we -- we don't go into a dark
4 room and come out with a preset form and say, "Here you
5 go." That wouldn't be right. What we do is we have a team
6 of individuals, myself I have a background in law, others
7 have a background, you know, our policy director has a
8 masters in public policy and education, and we have a
9 doctorate in special education, and they bring pieces to
10 the Board.

11 And the Board writes the mission and vision
12 completely on their own, the Board -- and Board member
13 wrote the curriculum, and then we come back to them and
14 say, "Here are -- are models, here are pieces, here are
15 things similar to what we have used in other places." They
16 advise us, they tell us what to do. Again, that's how a
17 Board manage -- a Board service provider relationship
18 should be.

19 And there was robust discussion regarding
20 goals. In the end, I'm hearing what they're saying,
21 they're disguising not knowing they -- they're disguising
22 not liking the goals as being too low as not knowing
23 Colorado. They -- it's not about whether we know the state
24 or not, they're just -- they just weren't happy with those
25 particular goals. As you've heard this Board say, they



1 wanna be a very high achieving goal school. They knew they
2 would -- didn't know their initial student population and
3 they were setting something to be a starting point for
4 growth from, that's all that was. In every other aspect of
5 that application, they had considerable input into. And
6 the DURAL (ph) -- or the DURAL (ph) application that's
7 referenced, was both created, reviewed with that Board and
8 submitted after the Heritage Heights Academy application.
9 This was the first application we worked on in Colorado.

10 CHAIRMAN DURHAM: Any further questions,
11 okay, that will close the presentation?

12 UNIDENTIFIED VOICE: I think.

13 MS. FLORES: Get to the bottom.

14 CHAIRMAN DURHAM: Yes. No, I -- I know.
15 We're -- and whoever.

16 MS. EDGAR: Thank you, sorry.

17 CHAIRMAN DURHAM: Yes. And so we'll now
18 proceed to the 10 minute rebuttal by Cherry Creek School
19 District, Ms. Edgar.

20 MS. EDGAR: Thank you, Mr. Chair.

21 MS. EDGAR: I would like to start first by
22 actually going back to the question that Director Schroeder
23 asked around the history of choice of core knowledge in
24 this district and the origin of this application. For
25 that, I would like to give Dr. Bill the opportunity to talk



1 about specifically the nascent of this application in his
2 role.

3 MR. DILL: Vice Chairman Schroeder, I -- I
4 appreciate your question and acknowledgment of the
5 difficulty of -- of parents and starting to charter school
6 and generating an application. And the first opportunity
7 that I had to sit down with the Heritage Heights parents, I
8 recognize I think their genuine intent and their desire to
9 have this. A conversation early on recognizing the Cherry
10 Creek Academy is also a core knowledge school was an
11 inquiry on my part to see if they would be interested in
12 working with the district or helping having the district
13 help facilitate a conversation with Cherry Creek Academy,
14 so that we could actually create a second campus or a
15 second opportunity on the east side of the district.

16 In that conversation, my recollection is, is
17 that offer was -- was rejected, there was an acknowledgment
18 that there had been already a conversation between Heritage
19 Heights and Cherry Creek Academy and the founding Board of
20 Heritage Heights rejected that partnership or the
21 opportunity to -- to try to create a second core knowledge
22 school on the eastern part of the district. So I -- I just
23 I -- I think it's important to put that in the context of -
24 - of your question. I -- I would also suggest that the
25 portrayal of the desperation of families on the East side



1 of the district, this alleged 3,000 list -- wait list from
2 Cherry Creek Academy. I would submit to the State Board
3 that if in fact, there truly was desperation, the Cherry
4 Creek School District would have received numerous
5 applications over a period of time. A desperation suggests
6 to me that parents would really pursue opportunities, and
7 as evidenced by an earlier question, we have just not
8 received but a few charter school applications from -- from
9 anywhere including the East side of the district.

10 MS. EDGAR: So turning back to the question
11 to this appeal, I think that Heritage Heights Academy
12 illustrated our point in their last discussion. You heard
13 from one of the founders that for accountability goals,
14 they relied on Academica, and Academica has told you that
15 they relied on their models. That in so many words, is the
16 concern here. Good governance is tied to accountability
17 and transparency. A Board which governs an organization is
18 supposed to set the goals of that organization, which are
19 supposed then to be tied and directly linked to the
20 mission. And then, certainly, you hire experts whether
21 it's a form of a superintendent and other cabinet staff,
22 whether it's in the form of an education management
23 provider to help you get to those goals.

24 But those experts can't be the ones to set
25 the goals for you, you need to be accountable to your



1 community for reaching those goals. You also need to be
2 able to evaluate your experts against reaching those goals,
3 and that is not what is seen in this application. From
4 everything to the accountability, to how they're going to
5 serve kids in different groups, which is another concern
6 that we haven't touched on, and I'd like to spend my
7 remaining minutes on.

8 There is a real concern here that they do
9 not have a plan in place to serve students with a variety
10 of needs. The application goes through a recitation with
11 Academics boilerplate of how students in different groups,
12 whether they be students with disabilities, gifted and
13 talented, free and reduced lunch or English language
14 learners require different instruction and some time tiered
15 interventions. But there has been no efforts where --
16 where there's been parent consideration related to what the
17 mission is to talk about how those interventions are going
18 to look, when they're going to be deployed, and how the
19 school is going to rely on the existing data it has for its
20 students in carrying those out. In addition, the -- the
21 targeting efforts to target kids to enroll in this district
22 have really just focused on three particular ZIP codes in a
23 very small area from what they're hoping to draw from.

24 So that's a pretty narrow view of things.
25 In addition, there's been no effort to translate forms into



1 different languages, the primary languages in this area
2 would be Spanish and Russian. Cherry Creek School District
3 itself translates into a variety of languages across its
4 district to ensure that there is that inclusively and
5 access to the students, and that is not seen in this
6 application and is not part of the plan. If it is, there's
7 been no specifics around that. So that is a really big
8 concern as well.

9 Finally, the facility aspect is a concern,
10 and I want to raise it here because this application is
11 unique in that they came forward with absolutely no
12 facility options whatsoever. The school district is very
13 aware that it is difficult to secure a site, but it is
14 routine that a charter applicant is looking and has at
15 least identified a few at least to go through the effort
16 and exercise of factoring those needs into its budget.
17 Here, this was another area that was Academia boilerplate,
18 it cited a 15 percent number for its budget without regard
19 to market rates in the area and without regard to the need
20 to build out. And that is very concerning particularly if
21 the school is wanting to open in the fall back then.

22 So that is very concerning along with the
23 other issues that we see, and that are set forth in the
24 Board resolution. At the end of the day, what this Board
25 is saying, and again, what the charter school Institute is



1 saying, and what Naxa is saying. And we're inferring that
2 the League of Colorado Charter Schools are saying is we
3 were never given that review. Is that there is a
4 disconnect though this may have been a well-intentioned
5 group of parents in the beginning who had good intentions
6 in hiring education management provider that the role of
7 that education management provider has usurped their role
8 as a Board. And if that has happened in the application
9 process and there are no checks on that in the actual
10 operation of the school, then the parent choice here is
11 really meaningless because there is no parent
12 accountability for what Academica is doing.

13 For these reasons, for the other reason
14 stated in the Board's resolution, we are asking you to
15 uphold the districts Board, the Board that is elected by
16 the citizens of the district, their decision that this
17 school is not in the best interests of their district,
18 their community or their students. Thank you.

19 CHAIRMAN DURHAM: Thank you, Ms. Edgar. Has
20 any -- do any members of the Board have additional
21 questions? We've all set a new record. Both parties
22 finished early. So it's a good trend. All right. Thank
23 you. Thank you very much. This -- this closes the
24 testimony piece of the hearing, and we'll now move to the
25 deliberation. So let's see here. Are there comments from



1 members about you would look -- anything you would like to
2 discuss or put on the record, relative to the application?
3 Any of the members? Yes, Dr. Flores?

4 MS. FLORES: I call for a deny.

5 CHAIRMAN DURHAM: Yeah. If any of you have
6 comments, we'll get to a motion in just a second.

7 MS. FLORES: Okay.

8 CHAIRMAN DURHAM: No one? Yes, Ms. Goff?

9 MS. GOFF: Yeah. I'll start off here.

10 Appreciation for everything that was said here today. I
11 guess you could say that we're fortunate that we -- that we
12 live in a situation where options can be discussed and
13 cases laid out, opportunities considered, and weighed
14 carefully and all of that. I would -- I would also like to
15 remind all of us involved in this decision making process
16 that any one approval of a charter program is unique and or
17 -- or non -- or non approval. So the -- the consideration
18 of the current context in both district's authorization, I
19 -- I think it's something that at least I find hard to --
20 to dismiss from my thinking. All -- all charter
21 application processes establishing them in unique
22 communities and they -- they are very different context
23 from what's presented. The other thing too is that, I
24 guess, it -- it's -- I'm still a little at ease, I'm -- I'm
25 -- I will look -- I want to learn more about this. I am --



1 I'm not quite totally comfortable with the idea of a loan
2 being granted on behalf of the management company for
3 whatever end -- the end goals are. I -- I -- I just find
4 that real curious. It's no wonder there are questions
5 about that. And I guess, I would just make a comment about
6 words -- words matter.

7 And so when I hear a weak rationale and then
8 the inference that this Board perhaps, you know, that we
9 might have been influenced by what is a weak rationale and
10 that will -- that precludes us making a weak decision in
11 this. It was my reaction, it's -- it's not something that
12 sits well with me to let me have a predetermined judgment
13 about where we will come down on these decisions.

14 CHAIRMAN DURHAM: Okay. Any other? Yeah,
15 yes.

16 MS. GOFF: Sure.

17 CHAIRMAN DURHAM: Sure.

18 MS. GOFF: I'm counting on it. So, before
19 today, having read the briefs, I wondered, as I have in the
20 past on one or two occasions, is this a management company
21 in search of a school or is there really a community of
22 families that want something unique? There are families
23 that just want a charter school because they want more say
24 in the management of that school. I honestly can't tell
25 based on the suggestions that you've given that these folks



1 really might not be in control that in fact it's the
2 management company that might be in control, that makes
3 that problematic. Nevertheless, I do get the -- I do get
4 the impression that this is not only a management company
5 looking to have a school in Colorado. It's about some
6 families having a charter school -- another Charter School
7 in Cherry Creek. It's about families having another core
8 knowledge school in their community.

9 So I've really struggled with this. I don't
10 think you're ready. I don't think this charter school is
11 ready for prime time. I think there's some real work to be
12 done in particular to really have this Board understand the
13 immense -- immense responsibility that the Board takes on,
14 that it cannot transfer to a management company, that they
15 are ultimately accountable for the success of the kids.
16 And so they really need to know how to set the goals, how
17 to set the vision, how to bring the community together in
18 order to create that vision.

19 And so I think there's a lot of work that
20 needs to be done. And what I'm struggling with is, do I
21 deny it and have you guys come back in six months or do we
22 just get everybody going and get this fixed? I'm just not
23 convinced that the school shouldn't go forward without a
24 whole lot of help. I think this is so far a pretty weak
25 application. It is not the weakest application we've ever



1 had here. But I -- I do think -- I do think there's some
2 work. From what I heard today, there have been some
3 thought brought into what should this Board really be doing
4 that wasn't evident in any of your petitions. So I sort of
5 see some greater understanding of what the huge
6 responsibility is of the Board of this school. And that's
7 what I think is gonna be a critical piece of this, the --
8 the governance piece.

9 CHAIRMAN DURHAM: Further discussion? Okay.
10 Seeing none. Is there a motion? Yes, Ms. Mazanec?

11 MS. MAZANEC: I -- I move to deny the -- I'm
12 sorry. Where is the paper? Yes. I need a scrap.

13 CHAIRMAN DURHAM: I got it here.

14 MS. FLORES: It's not we to make a motion for
15 you.

16 MS. MAZANEC: It's over here. I move that
17 the decision of the local school Board was contrary to the
18 best interests of pupils, the school district, and the
19 community. And move to remand the manor to the Cherry
20 Creek School District for reconsideration.

21 CHAIRMAN DURHAM: Is there a second to that
22 motion? Yes. Dr. Scheffel, seconds that motion. Any
23 further discussion on the motion? Seeing none, Ms.
24 Cordial, would you please call the roll?



1 MS. CORDIAL: All right. Board Member
2 Flores?
3 MS. FLORES: No.
4 MS. CORDIAL: Board Member Goff?
5 MS. GOFF: No.
6 MS. CORDIAL: Board Member Mazanec?
7 MS. MAZANEC: Yes.
8 MS. CORDIAL: Board Member Rankin?
9 MS. RANKIN: I just would like to say Dr.
10 Bolt, thank you very much for your leadership in Cherry
11 Creek. Thank you for what you do for the parents there.
12 I've read 350 letters in the last week. I've called and
13 talked to some of them. Thank you for what you do.
14 UNIDENTIFIED VOICE: Thank you.
15 MS. RANKIN: Yes, I.
16 MS. CORDIAL: Board Member Scheffel?
17 MS. SCHEFFEL: I would echo that, I
18 appreciate your leadership in Cherry Creek and the great
19 education you're offering your students. Yes.
20 MS. CORDIAL: Board Member Schroeder?
21 MS. SCHROEDER: Yes.
22 MS. CORDIAL: Board Member, or Chairman
23 Durham?



1 CHAIRMAN DURHAM: Yes. That motion is on a
2 vote five to two. Thank you all very much. We will stand
3 in recess.

4 MS. SCHEFFEL: Isn't that --

5 CHAIRMAN DURHAM: Oh, yes?

6 MS. SCHEFFEL: Sorry. We need to designate a
7 Board Member for the responsibility to give the
8 instructions.

9 CHAIRMAN DURHAM: Dr. Scheffel, would you
10 take that responsibility?

11 MS. SCHEFFEL: Okay.

12 CHAIRMAN DURHAM: You need one or two.

13 MS. FLORES: That be in difference there.

14 CHAIRMAN DURHAM: Two, anybody would like to
15 join in.

16 MS. FLORES: I'll come, I'll go.

17 CHAIRMAN DURHAM: Okay. All right, Dr.
18 Flores.

19 MS. FLORES: Thank you.

20 MS. SCHEFFEL: Okay. Okay.

21 CHAIRMAN DURHAM: All right. Anything else,
22 Elizabeth?

23 MS. CORDIAL: No.

24 MR. DILL: Thank you so much for your time.



1 CHAIRMAN DURHAM: Okay. So you all need to
2 be available, so we can get this done. Do we need more
3 than one signatory.

4 UNIDENTIFIED VOICE: No.

5 CHAIRMAN DURHAM: Just mine? Okay. I'll be
6 available anytime. All right. Thank you all. Five --

7 (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 25th day of October, 2018.

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

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