

12.13.22

EPSD DAAC Special Meeting Minutes

Attendees: Bev Bachman, Ruby Bode, Shari Baze, Courtney Cabrera, Glenn Case, Tom Cousineau, John Guffey, Terry Leija, Dick Mulhern, Judi Smith, Gayla Sullivan, Marsha Weaver, Stacey Ferree, Mary Baron, Mike Arnold. Guest speaker: Alex Medler
Recorder: Bev Bachman

This is a special DAAC meeting to provide information about and the process DAAC is using to evaluate the Loveland Charter School – EV (LCS) application and answer questions.

After an introduction by Ruby Bode, Alex Medler, Executive Director of Colorado Association of Charter School Authorizers (CACSA), reviewed our role and tips in evaluating the application, answering questions.

- CACSA assists districts (authorizers) in a charter application review to have practices in place so as not as likely to have an appeal of a denial or, if so, more likely to succeed with the denial.
- DAACs are advisory only. The board makes the decision. It can create problems later, mainly if a DAAC recommends to accept an application, but the board denies it.
- **Conflict of interest:** If any DAAC members are part of the charter founding committee and/or have signed a letter of intent to enroll their children in the charter, they must recuse themselves from this process.
- DAAC is a quasi-legal entity. Legally DAAC's records and reports are legal records. The things in the rubric are in statutes. Therefore what we do can be used to make a case. The report to the board can be written and/or verbal. We will have both.
- Potential biases to avoid during review:
 - Halo or Horn: Assessing the application as either all high-quality or low-quality – usually based on one aspect of the application.
 - Contrast Effect: Comparing the application to your own set of expectations instead of those on the rubric.
 - Recency Effect: Only focusing on recently discussed sections of the application instead of taking the entire application into consideration.
 - Easy Grader vs Tough Grader: Being overly generous or overly harsh with application of rubric criteria.
 - Ecosystem Bias: Evaluating the application based on the impact it could have on other schools.
 - Potential vs Actual: Assessing the application's potential instead of what is actually written in the application .
- The board can approve with stipulations, each of which can be appealed.
- Biggest concerns for districts: enough families to warrant a school, including and accommodating special populations of the community, and budget.

- Require proof of enrollment – not just interest – to quantify the number of enrollees. Be sure they will be in the grades proposed by the charter by fall 2024.
- This can be polarizing – especially in a small community. Avoid politicizing the situation. Polarizing politics can kill a school.
- Focus on the merits of the application.
 - Set aside/avoid biases.
 - Stick to facts.
 - Less is better than more.
- State Board’s decision is based on finding: “that the local board’s decision was contrary to the best interests of the pupils, school district, or community.”
- Historically, considerations of the district’s other schools are generally of limited relevance, unless the issues relate to the quality and viability of what the charter applicant is proposing to do.
- Appeals aren’t that common. Appeals focus on the strengths listed in records and reports.
- Q: How do we evaluate if the charter is “fully insured”?
- A: Often authorizing districts provide the special education (SpEd) services. That’s an “insurance plan.” If a district doesn’t have that ability, the application can be denied.
- Q: When considering strengths, must you use just what’s in the application or can you use/ask for information from the LCS Network?
- A: We want to assure DAAC members aren’t being lobbied. There is a question session coming up. Submit your questions to the board to ask. Best for DAAC members to stick with the application.
- Q: What is a charter network?
- A: A network is a single operation that has more than one charter. An Education Management Authorizer would oversee it.
- Q: How much local parent voice is there?
- A: Ask what’s in their management policy.
- Q: Who has oversight for the ELL program? Who makes sure IEPs are being met?
- A: Legally, the charter is part of the district and subject to their policies, like any other school in the district. This is part of the “Insurance” system. The school district is legally responsible. Get clarity on this point in the contract. Use a special MOU.
- Q: How many enrollees are enough?
- A: If application is approved, do so on condition for meeting specific enrollee benchmarks in the contract. Specify a minimum for each grade.
- Q: Are there small districts with charters?
- A: A number do. The scale can make it more affordable if small – e.g. just a few grades.
- Resources: CDE, CASCA,

Review of LCS application evaluation procedure: Bev

- Rubric summary divided into tasks: Tasks are indicated by capital letters and color-coded.
- Task assignments: Letter and number in the top row correspond with the letter and number on the rubric summary with tasks. Task assignments are the light blue cells at the junction of the name on the left and the task letter on the top. Those who sent their first 3 preferred tasks were assigned one of those tasks. Those who didn't send task preferences were assigned from what remained. The red cells indicate the column of the task that still needs to be assigned. Members were asked to take an additional task. Two responded at the meeting.
- The rubric form:
 - Please write your name in the space on the cover page – in case of questions.
 - You may offer your analysis on other tasks as well.
 - Remember: strengths, concerns, and questions – no recommendations.
- Rubrics due to Bev by [Jan. 4](#) for copying and pasting into one document. That document will be sent to members before the Jan. 10 DAAC meeting where we'll discuss and edit it for submission to the board.
- The document and an oral report will be presented to the board.

Addendum: Additional Information from Alex Medler

Info from Alex in a discussion answering questions after the Dec. 13 meeting:

Q: The expenses cited in their 5 year budget are considerably more than LCS-EV would get from EPSD PPFs and any federal funds. LCS Network is heavily subsidizing LCS-EV. From where will the extra funding come when those 5 years are up? Who will subsidize LCS-EV then?

A: Networks will often fund start-ups for a few years. They then expect to be repaid. A question that should be asked of LCS-EV is how they plan to fund their operation and repaying LCS Network.

Alex Medler's Response to Questions Bev Bachman emailed on 12-14-22:

It would be appreciated if you would please clarify:

Q: Re: Conflict of Interest - Should a DAAC member who is on the charter founding committee and/or have a child enrolled in the proposed charter recuse themselves from the whole evaluation process or just parts of it?

A: That's a district decision, but I would recommend they recuse themselves from the review or the district instruct/request them to do so.

Q: "Historically, considerations of the district's other schools are generally of limited relevance, *unless the issues relate to the quality and viability* of what the charter applicant is proposing to do." Does the "quality and viability" pertain to the district school or charter?

A: To the proposed charter school. In appeals of charter closures, the state board does ask about the quality of the district schools the charter students will attend if the charter school is closed.

Historically on the state board during an appeal of a charter application for a new school, district arguments that their other schools in the district are under enrolled, or are going to lose enrollment, are not viewed as evidence that a charter applicant should be denied. The new state board members elected this fall may change this, but many charters have succeeded in districts with declining enrollment. Charter supporters will also say that one of the goals of a charter law is give parents an option if they think existing schools aren't what they want. That can include students in private schools, home schooling, and those choosing schools out of a district. In fact, Denver used charters to reverse a long pattern of declining enrollment, and increased district enrollment by opening new charter schools.

I know that CASE and CASB are interested in making changes to state policy so that districts would not have review or approve schools when they have district enrollment, but those changes in policy, if they happen, won't be in place in time to affect any appeal of a denial you make this winter. I suspect if legislation was proposed on this topic, Governor Polis would veto it.

If you are talking about the applicant, then data on declining enrollment and decreases in school-aged children in the district is likely a justifiable reason for denial. Even better, it is a way of counseling an applicant to withdraw their application when it relates to a charter applicant's lacking evidence of parental interest in the new school.

In an appeal a district might argue that they know there are fewer school-age children in the district, and the district could use data on how many homeschooled and private school parents or those choosing to exit there are in the district or within range to attend a new charter. That data could support a district argument that an applicant doesn't have enough interested families, and is unlikely to get more during the year zero. If you deny an applicant based on their own enrollment challenges, then this data is likely to help your argument. But if the rationale for the decision is the loss of students in the district schools, then the argument as not gone well.

Q: Re: The question asked: When considering strengths, must you use just what's in the application or can you use/ask for information from the LCS network? Clarification of your response: Should DAAC consider only the info on the application? What about the LCS website? Or the responses that LCS Ian Stout made to public concerns at a local meeting (not district)? If I understood correctly, DAAC members should direct their questions to the board to ask at their public meeting with LCS.

A: You can use the additional data that is available to inform your analysis of the application, and I would also suggest that you raise questions about those issues during the capacity interview as well. I think things the applicants' have said in public meetings are also fair game. What I was warning against is going out to look at buildings or other research. I would recommend that the district lead the "due diligence" on the network rather than the DAC. The district should call Thompson School District and ask them about the existing schools and their relationship with the school.

Q: If a charter is part of a school district, shouldn't its mission and practices, which can be different, still align with and advance the district's mission? If the district is ultimately responsible for the education of its students, it would seem that, while a charter may do things differently, it can't be in conflict with what the district is working to achieve and best practices.

A: I would not expect the charter and the district's missions to align, or expect to use that as the primary reason to deny a charter application.

I think you can use the mission in combination with other district policies to justify denial. For example, a district might have a mission “to serve every student to help them succeed in life as a person and a citizen”. The district may then have a lot of other policies that they use to reinforce their vision, like non-discrimination policy, or a policy a LGBTQ students, or a commitment to inclusive special education programming and an emphasis on transitions of kids with IEPs. If the charter school is proposing something that is problematic as it relates to all those things a district does to pursue its mission, that is more likely to be relevant. For example, BVSD had a charter applicant that wanted to waive the district’s non-discrimination policy and refused to say how they would treat transgender students. The district cited that conflict with the district’s values as part of the denial, and their denial was upheld by the state board.

If you just looked at an applicant’s mission and said, “we have a different one” and didn’t have the other evidence of why that mattered, I think a district would be on weak ground with the state board. If the applicant’s mission is truly problematic on it’s face and inadequate, you can use that as part of a reason to deny. But difference from yours, is probably not the standard I would apply. You can also use the mission to analyze programming and staff, and find that their budget, staffing, and policies conflict with their own mission or show why it is problematic.

Q: Re: "Ecosystem bias: "Evaluating the application based on the impact it could have on other schools." Charters have an impact on districts. But there's a significant difference between the impact of a charter of 1000 students on a district of 15,000 students and the impact of a charter of 100 students on a district of 1000 students (before the charter). While some charters can have a positive impact, others can have a negative impact - including staff responsibilities - and not be in the best interests of kids.

A: The state laws say the state board is to judge an appeal based on the best interest of students, the district, and the community. So technically, you can make those arguments. The new state board may be more open to them. Historically, however, these arguments have not been effective. That includes Democratic state board members that are often deferential to district preferences on other issues. I would note that one of the purposes of the charter statute is to give parents choices, and the concept is based on ensuring the district is being responsive to what parents want in their schools. So, if a new applicant is going to attract parents that want the type of education the charter offers, that is considered a good thing among many charter supporters. The fact that parents would leave the district and attend the new school is evidence (among some charter advocates who emphasize school choice itself as a good thing) that the district was not responsive to their desires and maybe will become more responsive because of the loss of students.

If you polled a bunch of experienced districts and asked, “is it wise to deny a charter application based on the potential decrease in enrollment in district-run schools,” I would suspect that 90% of them would say not to try that line of argument. If you have other criticisms that are compelling adding criticism based on this line of argument

undermines your other arguments. During an appeal, the applicant will focus on this line of criticism and the state board's attention is less likely to focus on the other problems that may have justified denial. Worse, they will distrust the other criticisms because they think they are motivated by the effort to avoid competition from the new school. This dynamic is part of why I urge DAC members and district staff to focus on the viability and quality of the proposed school, and to discuss the implications of local enrollment, number of school-aged students, etc. as they relate to the viability of the proposed charter, rather than as they relate to the district's other schools. This is also a line of questioning and debate among DAC members and school board members that will likely be cited during a potential appeal, even if the resolution from the school board about a denial doesn't mention it.