

DOUGLAS COUNTY SCHOOL DISTRICT Re. 1

Charter School Application Review

Challenge to Excellence Charter School

October 2001

The District's review comments are below, CTE's responses follow in Italics. The District's response to CTE's responses are below the Italics with CTE's final responses following in bold (starred).

Enrollment

- 352 students in grades K-8 for the 2002-03 school year the enrollment is projected to be 214 students
- Class size: 22:1 (two classes per grade K-6, one class per grade 7-8 at full enrollment).

PLEASE NOTE: Our charter application is for a total of 396 students with two classes in EACH grade from K through 8 at full enrollment. The CTE charter application states under Goal #6, p. 14, "school size will be limited to two of each grade from Kindergarten through 8th grade."

Location

- Proposed undisclosed location is in Parker, which would account for 22% of total budget.
- No written verification from property owner regarding availability of site.

See written verification attached to this charter review response.

Strength of Application

- Mission focuses on cognitive processes through application of the Paideia principles.
- District Core Values and Strategic Plan Goals and Objectives are reflected in mission statement.
- Science, math and technology focus is planned.
- Student/teacher ratio of 22:1 with use of instructional aides to reduce ratio in kindergarten.
- Personal Education Plan is to involve each student, parents and teacher.
- Integrated character education program is planned.
- Board governance philosophy description utilizes Carver's Policy Governance Model.

Concerns and Recommendations

Mission, Vision Philosophy

1. It appears that Challenge to Excellence Charter School (CTE) currently plans to offer classes only for students in grades K-8. Please indicate whether CTE has any plans to offer classes in grades 9-12 at any time in the future.

The CTE charter application states under Goal #6, p. 14, "school size will be limited to two of each grade from Kindergarten through 8th grade." Therefore, the charter application is for a total enrollment of 396 students with two classes in EACH grade from K through 8 at full enrollment.

CTE does NOT have any plans to offer grades 9-12 at any time in the future.

District Response (11/30/01): CTE indicates on the first page of its responses and in response to item #1 within the "Mission, Vision Philosophy" section that the charter application "is for a total of 396 students." The target date of this enrollment number is not clear, however, because the number of students reflected on the budget after five years is only 330 FTE students. Please clarify the enrollment figures.

*****Our five-year budget does not depend upon reaching full enrollment of 396 within the five years. Reaching full enrollment will be gradual but it is too early in the process to do more than make a broad prediction that full enrollment will be reached by year seven, although it could be much sooner. CTE's Governing Council will make the determination regarding target dates for additional enrollment growth on an annual basis with input from the staff and School Accountability Advisory Committee. As well as with information such as the number and grade level of students on the wait list, available space and resources including but not limited to financial, and progress towards goals.**

2. The term *applied technologies* is unclear, needs to be defined.

It is not CTE's goal to duplicate nor to surpass the District's technology program, but to meet the State and District standards while tailoring CTE's technology use to CTE's goals. The term "applied technologies" refers to CTE's use of appropriate, available technology to support its educational program rather than offering separate technological-based programs such as CISCO or computer repair.

See Charter Application, p. 11 which states, "CTE will emphasize the use of computers as a tool for learning and the accomplishment of academic tasks"; and p. 12 which states "Interaction with students from area schools in academics as well as world citizenship activities. ... Internet connections with on-line resources such as Ask Dr. Math and NASA QUEST Learning Technologies Channel for Students. ... Internet connections for distance learning and professional development for teachers to such as Bank Street College's Mathematical Learning Forums and Center for Children and Technology."

District Response (11/30/01): No additional questions.

3. Technology-based mission is not seen as surpassing the District's technology program nor do the supporting supplies and materials indicate so: needs to describe in body of application how this technology-based program differs from the District technology-based program.

The Charter School Act reference to how a program is different has been repealed. Page 17 of CTE's Charter Application states, "Although, CTE's curriculum will utilize the best available, it will not be identical to anything being used by any charter or regular public school in the Douglas County School District, nor in the state, as far as CTE knows. CTE is not unique in any one component of its education program but in the combination of the elements included." In addition, according to our information obtained from The National Paideia Council, CTE would be the only school in Colorado

incorporating, throughout its curriculum, the use of the Paideia teaching methodology by Paideia-trained teachers. Although the District has a technology-based program, CTE's program will incorporate the use of the Paideia teaching methods while using technology, which differentiates the programs.

District Response (11/30/01): CTE's response to item #3 within the "Mission, Vision Philosophy" section states that "[t]he Charter School Act reference to how a program is different has been repealed." CTE's response to item #1 within the "Curriculum and Instruction" section similarly states that the Charter School Act section asking charter schools to address in their applications how they are different has been repealed. These statements are incorrect.¹ C.R.S. § 22-30.5-106(1)(a) requires that CTE's mission statement must be consistent with the principles of the general assembly's declared purposes set forth in C.R.S. §§ 22-30.5-102(2) & (3). Those purposes specifically include "[t]o encourage *diverse approaches* to learning and education and the use of *different, proven, or innovative* teaching methods," "[t]o allow the development of *different and innovative* forms of measuring pupil learning and achievement," and "to create a legitimate avenue for parents, teachers, and community members to take responsible risks to create *new, innovative, and more flexible* ways of educating all children within the public school system." C.R.S. §§ 22-30.5-102(2)(c), (d), & -102(3)(emphasis added). It is appropriate to consider whether a proposed school will bring anything new, different or innovative to the District when reviewing a charter application. CTE claims that it "would be the only school in Colorado incorporating, throughout its curriculum, the use of the Paideia teaching methodology by Paideia-trained teachers." However, the application does not describe when or how such Paideia training will occur, and it is not reflected in the budget.

*****CTE has already met the requirement of C.R.S. 22-30.5-106(a) requiring that the CTE's mission statement be consistent with the "principles of the general assembly's declared purposes" and addressed this with specific references to C.R.S. 22-30.5-102 on pages 6 and 7 of the Charter Application. Further information is included with CTE's goals on pages 9-16, in #5 on pages 16-17, and in #6 on pages 17-19.**

There seems to be a misunderstanding that CTE is a math/science/technology school. As stated in the mission statement of the charter application on page 4, "To prepare students...delivering a comprehensive educational program with a challenging curriculum that combines the basic skills with a strong focus on standards-based education. The curriculum will integrate reading, writing, math and science through the applied technologies...". In CTE's Goals provided on pages 9-16, Goal #1 states, "Challenge to Excellence will provide a program for each of its students ...solid academic foundation with a mastery of basic skills as identified through standards-based education." Goal #2 states, "CTE will provide a program for each of its students with a strong emphasis on Math and Science based on a firm foundation of basic skills including reading and writing." CTE is using a standards-based education with a strong emphasis in Math and Science. Technology will be applied throughout the curriculum but is not a main emphasis of the school. Therefore, a technology plan was included in the Charter Application in the Attachments section. This plan will be further developed into lesson plans with the help of all the teachers, especially the technology teacher after they are hired.

Resources for Paideia are available through the National Paideia Council. There are Paideia-trained teachers/administrators within Colorado with the credentials to perform the training as

¹The only charter application requirement in the Charter Schools Act that has been repealed is C.R.S. § 22-30.5-106(1)(d), which required "A statement of the need for a charter school in a school district or in a geographic area within a school district." See H.B. 96-1293, § 3.

well. As the educational administrator and staff supervisor, CTE's Director will make the determination as to the best resource based upon the experience/needs of the staff when hired (some staff may have previous training and may also be used as a resource to reduce any training costs). Also, possible training costs have been added to the budget under the Administration Budget.

4. Application states, as the basis of the need for another charter school, that other Parker area charter schools have waiting lists. These waiting lists don't necessarily indicate the need for this particular kind of charter school.

CTE has discussed our charter school with many parents including some on the wait list at other charter schools. The Core Knowledge Charter School in Parker has a wait list of 1500, and many of these parents having had their 2002 Kindergarten children on the wait list for years (some even since the child's birth). Even so, that child is still number 150+ on the wait list with little chance of having a spot in 2002. CTE's discussions with parents indicate a priority for "back to the basics" education with high academic and behavioral standards within a small school and community setting wherein parents can play a more active role over any particular curricular package, especially given the wait lists.

District Response (11/30/01): No additional questions.

Standards, Assessment and Accountability

1. A commitment to standards reporting to the District is absent. A written explanation of how standards will be reported is needed.

CTE will follow the standards reporting requirements used by the other District charter schools, in accordance with District policies. On page 9 of the Charter Application it states, "CTE will evaluate achievement progress of the goals annually through its School Accountability Advisory Committee. This committee will prepare the School Improvement Plan for presentation to the Douglas County School District and the CTE school community." The goals this statement refer to include (on the same page as listed above) "standardized testing, including CSAP and others, to serve as baseline data for developing teaching plans for each student."

District Response (11/30/01): District requires reporting at grades K-8 for Reading, Writing, Number Sense and Computation. Grades 7-8 also report on Science #1 (Investigation) and Social Studies #3 (Location/Place) and Social Studies #6 (Chronology).

*****Challenge to Excellence will follow these listed District reporting requirements and will also keep a portfolio on each student using the rubrics and benchmarks developed by the District to ensure standards have been met.**

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2. Goals state strategies with no measures for attaining goals. A measure for attaining goals and a corresponding timeline are needed.

The Goals stated in #4 of the CTE charter application, on pages 9-17, are stated as three-year goals. CTE will begin implementing all the goals immediately but as goals rather than absolutes, with this being an ongoing process. The goals address CTE's mission and are broad enough to encompass the school's long term operation. However, the School Accountability Committee, who will also develop

more specific goals to be addressed for each upcoming school year, will measure progress towards these goals on an annual basis.

As stated in the Charter Application on p. 33, "The SAAC will prepare the annual School Improvement Plan, including information on measurable school goals and school profile information and the corresponding plans to implement those improvement actions." Some goals, such as Goal #8, with an 80% re-enrollment rate and Goal #2 hiring a teacher with a math degree and a teacher with a science degree can be addressed even sooner.

District Response (11/30/01): What would targets for each goal be for year #1, year #2, year #3?

*****These "targets" will be determined by the School Accountability Advisory Committee on an annual basis and presented to the Governing Council for adoption.**

3. Goals state what **teachers** will do. Goals need to be **student-centered** and stated in terms of learner outcomes/student achievement.

Each of the following goals is "student-centered and focused on learner outcomes/student achievement". Note: The District states its STANDARDS in terms of learner outcomes/student achievement as will CTE; CTE's stated goals are organizational goals i.e. what CTE will do to its student-centered mission and related standards.

Goals on Page 9-16 of the CTE charter state that there will be "the mastery of basic skills will be accomplished through standards-based education occurring systematically through:

**standards-based curriculum;*

**portfolios for each student identifying benchmarks attained by each student";*

Goal #1

**"High academic and behavior standards will apply to all students and will be clearly defined for students...Personal Education Plans will be developed for all students with their participation";*

**the Paideia teaching principles include student participation;*

**"CTE will implement a student mentor program";*

Goal #2

**"CTE will implement a rigorous program for helping each student gain a strong foundation in basic skills and math facts...computers will be utilized to allow students to advance in math at an accelerated rate";*

**"Hands-on exercises/experiments will be required for grades 1-8";*

Goal #3

**"CTE will recognize and teach to different learning styles"*

Goal #4

"CTE will implement programs and strategies to assist students in developing a sense of ownership and responsibility in their education and school."

**"Students will participate in designing a Personal Education Plan";*

**"Students will be involved in decisions regarding the format and type of their educational projects";*

**"Students will be involved with activities that assist them in assuming responsibility for their education";*

**"Students will be exposed to different teaching approaches and learning strategies to bring out individual strengths, helping them*

- Goal #6** *develop a sense of pride."*
School size and teacher/student ratios will be limited to give students the best environment for individualized learning
**"Regular reviews of the Personal Education Plan will be held with the opportunity for students and parents to review progress, express concerns, and identify new strategies for success."*
**"Students will be taught organizational and study skills and time management..."*
- Goal #7** *Provides student surveys to rate overall STUDENT satisfaction (centering fully on students).*

District Response (11/30/01): No additional questions.

4. Program description and student achievement description don't correlate. Student learning appears to be focused solely on knowledge acquisition. A description of how students will apply their learning is needed.

Student learning is not focused solely on knowledge acquisition but is instead focused on the acquisition and use of knowledge with instruction from teachers trained in the methods and implementation of the Paideia Principles. One of the reasons that Paideia was chosen was because it emphasizes going beyond the transfer of information to its mastery. Besides the traditional lectures, demonstrations and textbook use, Paideia emphasizes the use of Socratic seminar. As stated in the Charter Application on page 10, "The purpose of this method is to encourage critical thinking and understanding of ideas and improving communication through the discussion of literature, art works, historical documents and other primary source material in sessions that are facilitated by the teacher. Each student must think critically to understand ideas, solve problems make decisions, resolve conflicts and apply knowledge and skills to new situations. Students' articulation, conceptual understanding and listening are improved, along with increased respect for others. These seminars, based on selected reading and other materials, and using Socratic questioning, will help to develop communication and higher order thinking skills."

District Response (11/30/01): No additional questions.

5. Only the areas addressed on the CSAP are to be reported. How will the subject areas **not** assessed on CSAP be addressed?

As stated on page 15 of the Charter Application, "CTE will administer all the State and District mandated assessments, CSAP, Terra Nova, or ITBS testing for all grades on an annual basis and to establish baseline data. The long-term goal is for students to score at the Proficient Level in their respective CSAP's with at least 20% of the students scoring at the Advanced Level. After the baseline is established, the goal would be that on each successive CSAP, a greater number of students would score at the Advanced and Proficient Levels. A weekly progress report would be sent to parents to advise them regarding the student's academic progress. Report cards will state benchmarks that have been reached; again with the purpose of making the students, parents and teachers partners in the educational process."

The Charter Application states on p. 16, "The development of student portfolios, Body of Evidence (example included in Attachment C), teacher observations and teacher-developed evaluations will allow the charter school to monitor student achievement between grade levels and provides a feedback

for parents on their students' attainment of the standards. Kindergarten Assessment, Reading and Writing Assessments will be developed (Example: Six Traits) or QRI-2 (literacy evaluation), helping with placement and benchmarks, will be utilized for level assessment and as a basis for the literacy program. This will also document 3rd grade reading level-literacy validation. CSAP, Terra Nova and Iowa Basic Skills assessments will be administered as required by the State, Douglas Country School District and the charter school." CTE will not rely solely on the CSAP since it does not measure all core subjects.

District Response (11/30/01): In order to be in compliance with the Colorado Basic Literacy Act (CLBA), schools are required to administer individual reading assessments to all students K-6. Group reading assessments are allowed at the middle school. ILPs (which are not exactly the same as PEPs) must be developed for students reading below grade level beginning in Kindergarten.

*****Individual Literacy Plan: For students not reading at grade level. The CTE program will commence at the end of Kindergarten (for 1st graders) and will be developed for each student not reading at grade level, including 7th and 8th graders. A student's academic progress (including literacy) is followed during their entire enrollment at CTE. Assessments (for the development of an ILP) will include the STAR Reading Assessment, CSAP, ITBS, Teacher observation, and Teacher-made evaluations. If a student has not reached reading grade level by the following year, the ILP will be updated with the parent and carried out until the student has reached the goal of "Reading on grade level". The ILP becomes a part of the Personal Education Plan (PEP) developed by the teachers(s), parent, and student. The PEP format has been developed. If you would like a copy, please request one from Dr. Tritt.**

6. In the section of Appendix C under science standards it is stated that Douglas County School District has no standards in this areas. This is not true. The Douglas County School District has science standards and checkpoints for 3, 6, 8 and high school and has grade level indicators for 7-12 for science standard #1 (scientific process). The School District also has anchor assessments for that standard.

CTE located this statement on the back of an attachment in Appendix C, included as a sample of the curriculum developed by CTE's Curriculum Consultant, when she was working as the director for Colorado Visionary Academy. The inclusion of this document was not intended to reflect upon the current state of the District's standards and its considerable body of work over the last few years in this area. This exhibit should be understood in the time context in which it was written, several years ago, and as a copy of an original document.

District Response (11/30/01): No additional questions.

7. In Appendix C, there is a Body of Evidence Guide for Language Arts Standard #4 that includes grade level expectations, assessments, record keeping forms and so forth. This is cited as being the work of Dr. Tritt. These materials were produced by the Douglas County School District (through the Assessment Office) and are copyrighted by Douglas County School District.

CTE apologizes for putting the statement on the Language Arts Standard #4 of the charter application. The statement indicating Dr. Tritt's work product was on a label stuck to the page before photocopying. It was supposed to be put on the page before the Language Arts Standard #4 describing the personalized educational plan of the charter application. This was an unintentional mistake made in the placement of the label.

District Response (11/30/01): No additional questions.

8. Need to see complete document where curriculum is aligned to District standards.

The basis for the curriculum used by CTE comes from the Colorado Visionary Academy's curriculum approved through Douglas County, which was already aligned to District standards. The former CVA's curriculum has since been expanded upon for Challenge to Excellence, with all standards still aligned. CTE's curriculum uses the former CVA curriculum (see footnote 21 about CTE's Curriculum Consultant, on p. 21 of the charter application, and on p. 10 of the charter application it states, "The best curriculum available is being used, including Douglas County School District's, Colorado Visionary Academy's..."). CTE expands upon the curriculum with the "Choose to be a Star", "Character education program" and technology plan. CTE's Charter Application includes a brief biography of the consultant's relevant background as Attachment E. She is also available to meet with the District to discuss her subsequent development of the original curriculum. At this time, the enhanced curriculum developed by Dr. Tritt is her work product and not available for mass production.

District Response (11/30/01): We have reviewed the curriculum delivered to us by Challenge to Excellence and are still in need of the following information:

Grade	LA	Science	Social Studies	Math	Reading	Band	Music	Choir	PE	Technology
K	√	√	√							
1	√	√								
2	√									
3	√				√					
4	√	√	√							
5	√	√								
6		√	√			√	√	√	√	
7		Scope & Sequence Only	√			√		√	√	
8		√	√			√		√	√	

*****ALL OF THESE ITEMS SHOULD BE CHECKED AFTER THE LATEST INFORMATION WAS PROVIDED TO LAURA ON THE MORNING OF DECEMBER 4th*****

- A. Curriculum for the missing subject areas?
- B. If school's focus is science/math/technology, where is math and technology curriculum?
- C. A copy of the complete curriculum to be housed at the school district office.
- D. What are the CVA standards as noted in some of the curriculum guides?
- E. What are the other references to standards?
- F. Please demonstrate how the curriculum is aligned to District County School District standards.

*****A. As stated in the Charter School Act, in Section 22-30.5-106, Charter Application-contents, "(1) The Charter school application shall be a proposed agreement and shall include: (e) A DESCRIPTION of the charter school's educational program, pupil performance standards, and curriculum..."(emphasis added). CTE has provided a description of the educational program, pupil performance standards and curriculum. CTE has also offered its**

Curriculum Consultant to meet with the District. There was only one hour and one date made available to her for to do this. She could not meet at that particular hour due to her prior employment commitments and the amount of notice given. However, she made herself available earlier and later on the same day as well as other days. Since she could not meet with the District at the appointed hour, a CTE board member tried to attend the meeting in her place but was refused admission. Due to a large volume of curriculum information, some of the items were inadvertently left out for that one-hour meeting. Since the CTE Board Member wasn't allowed to attend, she did not know until late night November 30th (Friday), that all the curriculum had not been included. Therefore, the CTE Board Member advised Laura Harmon that she would bring the other curriculum to the District at 9:00a.m. on December 4th for all items to be "checked off." All subject areas should now be covered.

- B. There seems to be a misunderstanding that CTE is a math/science/technology school. As stated in the mission statement of the charter application on page 4, "To prepare students...delivering a comprehensive educational program with a challenging curriculum that combines the basic skills with a strong focus on standards-based education. The curriculum will integrate reading, writing, math and science through the applied technologies...". In CTE's Goals provided on pages 9-16, Goal #1 states, "Challenge to Excellence will provide a program for each of it's students ...solid academic foundation with a mastery of basic skills as identified through standards-based education." Goal #2 states, "CTE will provide a program for each of its students with a strong emphasis on Math and Science based on a firm foundation of basic skills including reading and writing." CTE is using a standards-based education with a strong emphasis in Math and Science. Technology will be applied throughout the curriculum but is not a main emphasis of the school. Therefore, a technology plan was included in the Charter Application in the Attachments section. This plan will be further developed into lesson plans with the help of all the teachers, especially the technology teacher after they are hired.
- C. A complete copy of the school's curriculum will be housed in the school office once a building has been leased and occupied by CTE.
- D, E, F. Since CTE is using former CVA curriculum developed by CTE's Curriculum Consultant and such curriculum met the District standards and was reviewed annually by the District, this is a confusing request. CTE has already submitted curriculum samples and made over six three-ring binders available to the District to provide this assurance. CTE's Curriculum Consultant has been working with other Colorado schools on curriculum development and has been working with the Colorado Department of Education, as well. If more assurance is necessary, CTE would ask for letters of reference from state officials regarding her qualifications and experience in this area. It is hoped that the District could make more time available to review the curriculum with CTE and its Curriculum Consultant who are willing to make time for this. Since CTE will be purchasing the District's assessment services, the District has a built-in mechanism to ascertain continued compliance with District standards.

Benchmarks and rubrics will be used to determine the acquisition of state and Douglas County standards. These will be part of the portfolio of each student. CTE will utilize the system (benchmarks/rubrics) developed by Douglas County so that information collected on the CTE students would be relevant for the Douglas County Educational programs and state reporting.

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9. An understanding of how student work will be assessed as measured against standards is needed. Only a grading policy is described.

As stated on page 15 of the Charter Application, "CTE will administer all the State and District mandated assessments, CSAP, Terra Nova, or ITBS testing for all grades on an annual basis and to establish baseline data. The long-term goal is for students to score at the Proficient Level in their respective CSAP's with at least 20% of the students scoring at the Advanced Level. After the baseline is established, the goal would be that on each successive CSAP, a greater number of students would score at the Advanced and Proficient Levels. A weekly progress report would be sent to parents to advise them regarding the student's academic progress. Report cards will state benchmarks that have been reached; again with the purpose of making the students, parents and teachers partners in the educational process."

The Charter Application states on p. 16, "The development of student portfolios, Body of Evidence (example included in Attachment C), teacher observations and teacher-developed evaluations will allow the charter school to monitor student achievement between grade levels and provides a feedback for parents on their students' attainment of the standards. Kindergarten Assessment, Reading and Writing Assessments will be developed (Example: Six Traits) or QRI-2 (literacy evaluation), helping with placement and benchmarks, will be utilized for level assessment and as a basis for the literacy program. This will also document 3rd grade reading level-literacy validation. CSAP, Terra Nova and Iowa Basic Skills assessments will be administered as required by the State, Douglas Country School District and the charter school." CTE will not rely solely on the CSAP since it does not measure all core subjects.

District Response (11/30/01): It appears that Challenge to Excellence now plans to purchase the school district's assessment services as noted in a letter by Nila Tritt dated November 27, 2001. (Please see attached.)

*****Yes, CTE will follow the staff's recommendation and will purchase District assessment services.**

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10. What do progress reports report? Grades, standards, how often?

See above for weekly progress reports. In addition, on page 39 of the Charter Application, it states, "...the charter school will issue quarterly Progress Reports followed by teacher/parent/student conferences. Included in these conferences will be a review of the Personal Education Plans and a determination as to whether the goals have been met, or need to be extended or amended. One of the measures for "at risk" students will be falling below 75% of the students in their current grade level in one or more subject. Test assessments, standardized tests, Body of Evidence materials will also indicate which students are "at risk". The grading policy is also outlined on this same page 39 of the charter.

District Response (11/30/01): No additional questions.

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11. What corrective measures will be taken if a student falls below academic expectations?

As the Charter Application states on pages 37 and 38, "Individualized Learning Plans will be developed by classroom teachers for students falling below grade level in any subject."

District Response (11/30/01): No additional questions.

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12. Clarification needed about *Individual Learning Plans to be developed for students who fall below the 75% of grade level*. What does 75% of grade level mean? How is this determination made? How will ILP's relate to IEP's and Section 504 Plans? Procedure for referrals for special education team is not consistent with State and Federal law governing students with disabilities.

CTE assumes that the ILP is the PEP (Personal Educational Plan). The PEP will have the diagnosis for the IEPs and 504s listed on them and these will be taken into consideration before goals (academic and behavioral) are developed for the Personal Educational Plans (PEP). As stated in the charter application on page 38, "At risk students would have IEP's or 504's to accommodate their identified needs. A Student support team ... would be designated to review students exhibiting an identified need in any class."

District Response (11/30/01): Please see question 5. ILPs are more limited in their scope. They can be part of the PEP.

*****Individual Literacy Plan: For students not reading at grade level. The CTE program will commence at the end of Kindergarten (for 1st graders) and will be developed for each student not reading at grade level, including 7th and 8th graders. A student's academic progress (including literacy) is followed during their entire enrollment at CTE. Assessments (for the development of an ILP) will include the STAR Reading Assessment, CSAP, ITBS, Teacher observation, and Teacher-made evaluations. If a student has not reached reading grade level by the following year, the ILP will be updated with the parent and carried out until the student has reached the goal of "Reading on grade level". The ILP becomes a part of the Personal Education Plan (PEP) developed by the teachers(s), parent, and student. The PEP format has been developed. If you would like a copy, please request one from Dr. Tritt.**

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13. How will the Colorado Basic Literacy Act be addressed?

The Individual Literacy Plan (ILP) is developed for second through eighth grades for those students not reading on grade level. Determination is made by a battery of tests including ITBS, STAR Reading Evaluation, CSAP, Student performance and teacher observation, and teacher made tests.

District Response (11/30/01): The Colorado Basic Literacy Act requires assessment beginning at the end of Kindergarten.

*****Individual Literacy Plan: For students not reading at grade level. The CTE program will commence at the end of Kindergarten (for 1st graders) and will be developed for each student not reading at grade level, including 7th and 8th graders. A student's academic progress (including literacy) is followed during their entire enrollment at CTE. Assessments (for the development of an ILP) will include the STAR Reading Assessment, CSAP, ITBS, Teacher observation, and Teacher-made evaluations. If a student has not reached reading grade level by the following year, the ILP will be updated with the parent and carried out until the student has reached the goal of "Reading on grade level". The ILP becomes a part of the Personal Education Plan (PEP) developed by the teachers(s), parent, and student. The PEP format has been developed. If you would like a copy, please request one from Dr. Tritt.**

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14. Clarify how special education services will be provided.

As stated on page 38 of the charter application, "CTE will serve students with disabilities according to their needs, purchasing special education services from DCSD..."

District Response (11/30/01): No additional questions.

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15. Clarification needed regarding the statement, *if CTE is not the best school placement for any student, the staff will aggressively seek the correct school placement?* The intent behind this statement appears contrary to legal requirements that charter school enrollment be open to any child on a nondiscriminatory basis who resides within the school district.

As the Charter Application states on p.36, under Enrollment Policy, "The charter school will follow all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services."

CTE's mission, goals and educational program stress recognition of students as individuals and uses several strategies to meet their needs as individuals such as the Paideia teaching method and Personal Education Plans. CTE will conduct orientation sessions to enable parents to understand its programs and operation to enable them to be well informed when they choose to attend or not to attend CTE. Inherent in the charter school philosophy, is the idea that no one charter school can be all things for all students. Therefore, if, after attending CTE, a parent does not feel that a student's needs are being met, CTE staff will conference with the parent (and perhaps student) to determine what more could be done. If CTE is unable to satisfy the student's needs and the parent expresses the desire to change schools, CTE will assist the parent in finding the most appropriate placement, to the degree possible.

District Response (11/30/01): No additional questions.

Curriculum and Instruction

1. It is unclear how this program is truly unique; application does not appear to describe how teaching methods are innovative or different in a significant way. Although the mission statement describes a technology-based school, the program doesn't appear to be uniquely different from other district schools.

A couple of years ago, during a meeting of the State Board of Education, Colorado Commissioner of Education Moloney said that 'charter schools are no longer experimental and are now a part of the educational landscape'. Perhaps the attitude that charter schools are now part of the educational system rather than an experiment was reflected in the repeal of that section of the Charter School Act that asked charter schools to address how they were different in their applications.

In addition, charter schools are recognized as an effective educational delivery mechanism (without regard to individual uniqueness) by Governor Owens in his plan to convert public schools, which are not performing adequately into charter schools.

However, as stated earlier in this response, according to the National Paideia Council, CTE would be the only public school in Colorado to use Paideia across the curriculum. As stated in the Charter Application on page 17, CTE's curriculum "will not be identical to anything being used by any charter or regular public school in the Douglas County School District, nor in the state, as far as CTE knows. CTE is not unique in any one component of its education program but in the combination of the elements included."

District Response (11/30/01): CTE's response to item #3 within the "Mission, Vision Philosophy" section states that "[t]he Charter School Act reference to how a program is different has been repealed." CTE's response to item #1 within the "Curriculum and Instruction" section similarly states that the Charter School Act section asking charter schools to address in their applications how they are different has been repealed. These statements are incorrect.¹ C.R.S. § 22-30.5-106(1)(a) requires that CTE's mission statement must be consistent with the principles of the general assembly's declared purposes set forth in C.R.S. §§ 22-30.5-102(2) & (3). Those purposes specifically include "[t]o encourage *diverse approaches* to learning and education and the use of *different*, proven, or *innovative* teaching methods," "[t]o allow the development of *different and innovative* forms of measuring pupil learning and achievement," and "to create a legitimate avenue for parents, teachers, and community members to take responsible risks to create *new, innovative, and more flexible* ways of educating all children within the public school system." C.R.S. §§ 22-30.5-102(2)(c), (d), & -102(3)(emphasis added). It is appropriate to consider whether a proposed school will bring anything new, different or innovative to the District when reviewing a charter application. CTE claims that it "would be the only school in Colorado incorporating, throughout its curriculum, the use of the Paideia teaching methodology by Paideia-trained teachers." However, the application does not describe when or how such Paideia training will occur, and it is not reflected in the budget.

*****CTE has met the application requirements of C.R.S.22-30.5-106. CTE has already met the requirement of C.R.S. 22-30.5-106(a) requiring that the CTE's mission statement be consistent with the "principles of the general assembly's declared purposes" and addressed this with specific references to C.R.S. 22-30.5-102 on pages 6 and 7 of the Charter Application. Further information is included with CTE's goals on pages 9-16, in #5 on pages 16-17, an in #6 on pages 17-19.**

Resources for Paideia are available through the National Paideia Council. There are Paideia-trained teachers/administrators within Colorado with the credentials to perform the training as well. As the educational administrator and staff supervisor, CTE's Director will make the determination as to the best resource based upon the experience/needs of the staff when hired (some staff may have previous training and may also be used as a resource to reduce any training costs).

It is CTE's understanding that the District's footnote regarding the repealed "need" was interpreted by the District as 'uniqueness' when evaluating previous charter school applications.

Paideia training is in the budget under the Administration Budget as Professional Development and Inservice and it will occur before school starts.

2. Need to see complete curriculum with scope and sequence in each content area.

CTE has an extensive curriculum including over 6 of the 3" binders describing scope and sequence in each content area and for each grade approved by the Douglas County School District for the Colorado Visionary Academy. CTE's curriculum uses the former CVA curriculum (see footnote 21 about CTE's Curriculum Consultant, on p. 21 of the charter application, and as stated on p. 10 of the charter application, "The best curriculum available is being used, including Douglas County School District's, Colorado Visionary Academy's..."). This curriculum is expanded upon with, for example, the "Choose to be a Star", "Character education program" and technology plans. Our Curriculum Consultant would be happy to meet with the District's curriculum staff to review the scope and

¹The only charter application requirement in the Charter Schools Act that has been repealed is C.R.S. § 22-30.5-106(1)(d), which required "A statement of the need for a charter school in a school district or in a geographic area within a school district." See H.B. 96-1293, § 3.

sequence however CTE is unable to supply 30 copies of these large binders to the District due to the high monetary cost it would present. In addition, the enhanced curriculum developed by Dr. Tritt is her work product and not available for mass production.

District Response (11/30/01): We have reviewed the curriculum delivered to us by Challenge to Excellence and are still in need of the following information:

Grade	LA	Science	Social Studies	Math	Reading	Band	Music	Choir	PE	Technology
K	√	√	√							
1	√	√								
2	√									
3	√				√					
4	√	√	√							
5	√	√								
6		√	√			√	√	√	√	
7		Scope & Sequence Only	√			√		√	√	
8		√	√			√		√	√	

*****ALL OF THESE ITEMS SHOULD BE CHECKED AFTER THE LATEST INFORMATION WAS PROVIDED TO LAURA ON THE MORNING OF DECEMBER 4th*****

- A. Curriculum for the missing subject areas?
- B. If school’s focus is science/math/technology, where is math and technology curriculum?
- C. A copy of the complete curriculum to be housed at the school district office.
- D. What are the CVA standards as noted in some of the curriculum guides?
- E. What are the other references to standards?
- F. Please demonstrate how the curriculum is aligned to District County School District standards.

*****This question was answered in number 8 on page 8 of this document under Standards, Assessments and Accountability.**

3. It is noted that staff development is a priority. What are the staff development components for teachers related to the needs of teaching the curriculum?

Each year teacher skills, strengths, weaknesses, knowledge will be assessed and a Professional Development Plan will be developed based on the outcomes by the Director and the teachers. They will be based on curriculum and learner outcome expectations including State standards and CSAP. In-service will include Six Traits of Evaluation, Open Court, Learning/Teaching Strategies for all learners, Step-Up-To-Writing, Paideia Principles, and Phonics Principles.

District Response (11/30/01): CTE’s response to item #3 within the “Curriculum and Instruction” section states that “In-service will include Six Traits of Evaluation, Open Court, Learning/Teaching Strategies for all learners, Step-Up-To-Writing, Paideia Principles, and Phonics Principles.” However, there is no money in the budget to cover the cost of these inservices.

- a) *Step-up-to-Writing about 100/participant, 3 participants anticipated (one primary, one elementary and one middle school). Then the three trained teachers and the Director will conduct in-service for the rest of the teachers.*
- b) *Six Traits about \$1,000 (conducted in Denver area).*
- c) *Paideia in-service will be completed as in #a) above. We will select two teachers to be tainers. About \$350.*
- d) *Dr. Tritt (through arrangement with other Charters) will conduct the Phonics and Rules. This is a consortium that has already been formed-it assists Charters minimize professional development by Directors and other personnel exchanging in-service duties between schools. About \$100 copying cost.*
- e) *Learning/Teaching Strategies will be prepared by the Director, prior to teachers fall "workdays". These are built on the strength of the incoming staff and other Consortium in-service programs as described in #d) above. About \$100 copying costs. It is anticipated that there will be at least two workshops at the local level-- the second occurring after "learning styles" have been determined for each student.*

Please see Administration costs budget under Professional Training and inservices for money to cover these costs.

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4. Paideia Principles are described as the basis for the instructional model, yet are absent from the description of the instruction. How are the Paideia Principles woven into instruction?

As stated on p. 9-10 of the Charter Application, "The teachers will utilize the Paideia teaching principles in the classroom. ... These principles will include the following methods:

Didactic - Students learn facts, concepts, and information through methods that require active student involvement, text material and lecture.

Coaching - Students practice and master skills introduced from the didactic sessions. A variety of small group activities and strategies are used including cooperative learning, peer coaching, process review and tutorials. Students are involved in guided and independent practice and are given appropriate feedback and reinforcement.

Seminar - The purpose of this method is to encourage critical thinking and understanding of ideas and improving communication through the discussion of literature, art works, historical documents and other primary source material in sessions that are facilitated by the teacher. Each student must think critically to understand ideas, solve problems make decisions, resolve conflicts and apply knowledge and skills to new situations. Students' articulation, conceptual understanding and listening are improved, along with increased respect for others. These seminars, based on selected reading and other materials, and using Socratic questioning, will help to develop communication and higher order thinking skills."

District Response (11/30/01): No additional questions.

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5. Need to see demonstration of coherence in math and science with technology through scope and sequence with linkages to Star Math Program, hands-on science program and Paideia Principles.

See item immediately above for description of Paideia teaching method as contained in the Charter Application. Application of Paideia principles for math is no different than for any other academic subject. The hands-on science is an example where the coaching application is very appropriate: "Coaching Students practice and master skills introduced from the didactic sessions. A variety of small group activities and strategies are used including cooperative learning, peer coaching, process

review and tutorials, students are involved in guided and independent practice and are given appropriate feedback and enforcement." However, this is not an exclusive application since the hands-on element of science is one element of the science curriculum that includes the didactic presentation of materials from texts, for example.

Technology is a tool that will be used in math and science, as it is a tool to be used in the other disciplines as well. For example, use of the Internet is no different in the actual Internet use process, but in what sites are accessed, according to the subject matter.

As stated in the Charter Application on p. 22, "In conjunction with these programs and as integrated across the curriculum, CTE will use STAR Math Evaluation..."

The STAR Math Evaluation is an example of applied technology. CTE will purchase the software for this computerized assessment program. This assessment will enable CTE to determine if/when students have the skills necessary to pass the higher level math within the science curriculum. This is particularly applicable to students at higher grade levels who are academically advanced in their performance so they can move ahead.

The STAR Math evaluation will also be used as an evaluation tool for ALL STUDENTS. The STAR Reading Assessment will be used for all students in the development of Individual Literacy Plans.

District Response (11/30/01): Based on the curriculum documents delivered to the school district for perusal, there appears to be no math or technology curriculum as well as the absence of science in grades 2 and 3. We observe no linkage Star Math, Hands-On Science or Paideia Principles which would demonstrate coherence of program and curriculum. We repeat the same question: Need to see demonstration of coherence in math and science with technology through scope and sequence with linkages to Star Math Program, hands-on science program and Paideia Principles.

Some of the curriculum binders were inadvertently forgotten when they were delivered to the District on Nov. 29th so, there is math curriculum for all grades (as delivered to Laura on Dec. 4th) and a Technology plan is in place with final lessons to be developed by the teachers (with input from the Director and Technology teacher) after they are hired.

The Accelerated Math program coupled with STAR Math Evaluation provides computer-based (technology link) math enrichment program while the STAR evaluations provide immediate feedback (used in development in PEP as well as identifying if students have met math standards) to determining if the student has learned the math concept for which he/she is being evaluated. Paideia is a method of instruction that will be implemented throughout the curriculum and in the individual teachers' lesson plans. Any experiments in science demonstrate not only hands-on science but also Paideia teaching methodology.

6. If technology use is a school focus, keyboarding skills need to be taught before fourth grade.

CTE feels that our timeline for keyboarding is correct for the program we are implementing, allowing for sufficient development of the eye-hand coordination for writing. As the Charter Application states on p. 11, "CTE will emphasize the use of computers as a tool for learning and the accomplishment of academic tasks. Beginning in kindergarten, students will become familiar with computer use; however, because the K-3 curriculum will concentrate on student mastery of basic skills including handwriting, keyboarding instruction will begin at grade 4. Beginning with grade 5, students will begin immersion in computer and program usage. Older students will learn to utilize the technologies for research and knowledge acquisition."

District Response (11/30/01): No additional questions.

7. Outdated instructional practices are cited. Application of a progressive technological program is stated, yet old hardware is to be used. A statement about providing a solid foundation in literacy is noted, yet reading instruction appears to be solely novel-based. A description of how researched-based best practices will be used for instruction is needed.

CTE does not believe that Pentium III processors are "old hardware" and also, with the use of IBM compatible computers versus MacKintosh, CTE is more in-line with what the business community is using. Therefore, our students will be familiar with the computers used by the majority of the business industry.

Reading is more than novel based. As stated on p. 22 of the Charter Application, "Reading instruction in the primary grades will center around whole language, reading and phonics. Teachers for older grade levels will utilize novel-based programs to allow for individualization. Vocabulary and comprehension strategies will be heavily emphasized. The Six Traits Analytical Model of Writing Assessment will be utilized. CTE will use Accelerated Reading (AR)...In conjunction with these programs and as integrated across the curriculum, CTE will use...STAR Reading level system. Individual Literacy Plans will be developed starting a 3rd grade, as determined by the results of the evaluation."

District Response (11/30/01): No additional questions.

8. Is it realistic to undertake so many programs all at once (i.e., application of Paideia Principles, math/science/technology integration and curriculum development, Core Knowledge Curriculum training and implementation, integrated character education program, internet distance learning for students and as staff development for teachers, teacher/student/parent partnership groups, kindergarten readiness program, home school support program)?

As the Goals #1-8 list in the charter application on pages 9-16, CTE has identified what it is striving to accomplish. It will be a process, not an immediate completion. However, it is realistic to begin all of these from the inception of the school. CTE's math/science/technology curriculum is already developed from former CVA District-approved curriculum with some of it including the Core Knowledge curriculum. Since only a small portion of Core Knowledge is being used, and the materials are available, (classic literature and social studies), this will not require training, as CTE will be changing the social studies sequencing to better integrate with its programs. The kindergarten readiness program is a summer course and the homeschool program will use CTE curriculum offered for the subjects requested during after-school hours. Teachers will attend workshops offering Paideia training. Core Knowledge curriculum training and implementation will take place from the start of school with the developed curriculum.

District Response (11/30/01): No additional questions.

Community and Parent Engagement

1. The Charter Schools Act requires charter school applications to include evidence that an adequate number of parents, teachers and pupils support the formation of a charter school. Letters of support

provide general support but not specific support for a science/math/ technology focused school. In order to evaluate whether a sufficient number of students from the District or contiguous districts intend to enroll in the CTE charter school to generate revenues sufficient to operate the school, the following information is needed:

The following letters are under Attachment D of the Charter - Letters of Community Support.

The letter of support from Representative Keith King states, "I am impressed with the design of your school. I especially like your additional emphasis on Science, Mathematics and Applied Technology."

The letter of support from Parker business owners Dave and Margie Doyle states, "The focus on critical thinking, problem solving, achievement, and behavior are sorely needed in this country today."

The letter of support from Town of Parker Councilman, Michael May states, "This school is enhancing their curriculum by teaching Science, Math and Applied Technology. It would give the parents in our county another choice."

The letter of support by Senator John Evans states, "CTE's mission and stated goals will provide yet another choice in the academic spectrum that recognizes students as individual learners."

CTE has communicated its mission, educational program and other information through its web site and its public meetings, which are a means for parents to obtain the letter of interest for submission to CTE.

District Response (11/30/01): No additional questions.

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2. The total number of students to date whose parents/guardians have indicated an intent to enroll in CTE for the fall semester of 2002-2003 school year.

CTE has a total number of 194 students whose parents have indicated an interest in enrolling in CTE in the fall of 2002, with a wait list of 29 for the following years.

District Response (11/30/01): No additional questions.

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3. With respect to each student, the grade in which the student will be enrolled, the school district in which the student currently resides and the school (or home school) which the student currently attends.

CTE has the following numbers of students who attend the following schools:

<i>Mountain View</i>	<i>- K - 6</i>	<i>Northeast</i>	<i>- Fourth - 4</i>
	<i>- First - 4</i>		<i>- Fifth - 3</i>
	<i>- Second - 1</i>		<i>- Sixth - 5</i>
	<i>- Third - 4</i>	<i>Ironhorse</i>	<i>- Second - 3</i>
<i>Cherokee Trail - K - 4</i>			<i>- Sixth - 2</i>
	<i>- First - 3</i>	<i>Pine Grove</i>	<i>- Third - 3</i>
	<i>- Second - 3</i>		<i>- Fourth - 3</i>
	<i>- Fifth - 3</i>	<i>Pine Lane</i>	<i>- Second - 5</i>
<i>Pioneer</i>	<i>- Second - 2</i>		<i>- Third - 2</i>

	- Third – 2		- Fifth - 1
	- Fourth – 1		- Sixth - 4
Sierra Vista	- Seventh - 4	Core Knowledge - Second – 2	
	- Eighth – 2		- Third - 1
Sagewood	- Seventh – 2		- Fifth - 2
	- Eighth – 1		- Sixth – 2

Homeschool - 23 (Kindergarten - 3, Second - 5, Third - 1, Fourth - 4, Fifth - 1, Sixth - 4, Seventh - 4, Eighth - 1)

Attending Out of District (but residing in District) - 37 (Kindergarten - 5, First - 5, Second - 6, Third - 5, Fourth - 6, Fifth - 3, Sixth - 3, Seventh - 4)

Out of District - 21 (First - 1, Second - 2, Third - 3, Fourth - 4, Fifth - 3, Sixth - 2, Seventh - 5, Eighth - 1)

Private - 29 (Kindergarten - 5, First - 4, Second - 6, Third - 2, Fourth - 3, Fifth - 2, Sixth - 6, Seventh - 1)

PreKindergarten - 29 (waiting list)

District Response (11/30/01): No additional questions.

4. Enrollment procedure needs to clarify use of lottery system. When will it be used for enrollment?

As stated on page 37 of the charter application, "After all openings are filled, the school will hold a lottery on the first day of February of each year." "When a vacancy is created during the school year, that vacancy may or may not be filled at the director's direction. If the school chooses to fill the vacancy and has more applicants in the enrollment pool than spaces available, the spaces shall be filled by lottery among those students currently in the enrollment pool." CTE will use the lottery system to fill its classes after they have all reached capacity. After capacity is reached, any new students needed to fill vacated positions will be determined by a lottery draw.

District Response (11/30/01): Douglas County School District student enrollment policies govern district charter schools as they do district neighborhood schools.

*****In Waiver Request 25, CTE is requesting waivers of District policies: JC, JCA/JFB, JCA/JFB-R, JCA/JFBE and states: "School Attendance Areas. CTE will serve all of the area encompassed within the School District's boundaries. CTE will follow state requirements for enrollment using the lottery for the waiting list placement after classes are filled, keeping a sibling preference and adding a staff preference in accordance with the state requirements". On page 48 of the Charter Application, CTE states, "CTE will follow all non-waivered DCSD policies and non-waivered state and federal requirements...". In CTE's waiver requests, #27 of the Charter Application, CTE states, "CTE will follow all non-waivered district policies which apply to charter schools."**

5. The wait list at other charter schools doesn't necessarily substantiate the need for this particular type of school.

This question was answered on page 3 of this charter application review response.

District Response (11/30/01): No additional questions.

6. School community description doesn't align with the student population description. Need to see student numbers residing in and out of Douglas County, respectively.

There are currently 202 Douglas County resident students with the other 21 coming from contiguous districts.

District Response (11/30/01): No additional questions.

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7. A home school support program is referenced. Please describe how the program will operate, including location of services, any requirements as to number of classes or hours of instruction in which home schooled students must be enrolled, and how the program will be funded to operate after regular school hours as indicated on page 21.

The home school support program will be operated by the staff and supervised by the Director after regular school hours in the school classrooms. We will ask for the homeschool students to attend 6 hours per week of instruction so as to receive 1/2 PPR for each of them (to meet the 90 hours per semester/180 hours per year to receive PPR). However, if a homeschool student wants to only attend one class, we will offer that class to them at a fee.

District Response (11/30/01): CTE's response to item #7 within the "Community and Parent Engagement" section and item #21 within the "Governance and Organizational Stability" section state that the home school support program will be operated by the staff after regular school hours in the school classrooms. There is no money in the budget to cover this program and no money to cover overtime, additional/extra duty pay, or stipends. CTE's responses to items #7 and #21 also state that "if a homeschool student wants to only attend one class, we will offer that class to them at a fee." This would be tantamount to charging tuition for academic courses, which is prohibited by the Charter Schools Act, C.R.S. § 22-30.5-104(5), and by Colo. Const. art. IX, § 2 and C.R.S. § 22-1-102(1). It is also contrary to the statement on page 36 of CTE's application that "As a public charter school tuition will not be charged."

*****Section 22-30.5-104(5) states, "except as otherwise provided in sections 22-20-109, 22-32-115, and 22-54-109, a charter school may not charge tuition". CTE will not charge tuition for any programs for which it receives public school funding. Presently, public schools receive half (half PPR) funding for kindergarten. Charter schools who offer a full-day kindergarten are allowed to charge for the additional half day if they choose to provide that. Charter schools are also allowed to charge for after school and day care programs, if they choose to provide them. Both of these are addressed in CTE's Charter Application, as future possibilities depending upon available space and community need.**

CTE discussed its proposed homeschool program with Colorado Department of Education representatives. CTE understands, from these discussions, that a homeschool student must enroll for a requisite number of hours in order for a charter school to receive public funding (PPR). If a student enrolls for less than the requisite hours, public funding is not available. For those students who wish to enroll in less and for whom CTE would not receive public funding, CTE would charge a fee to cover their use of the program.

(Section 22-20-109 relates to children with disabilities, which is not at issue here. Section 22-32-115 relates to payment by a district for a child to attend outside the district, which is not at issue here. Section 22-54-109 relates to attendance in another district, which is not at issue here)

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8. The required twenty hours of volunteer service needs to be listed in Parents' Role. Is this a requirement or a request? Does the time commitment apply equally to single parent and two-parent families, regardless of number of children attending?

As stated in Goal #5, p.13 of the CTE charter application, "each family will be asked to volunteer at least 20 hours of service to the school." CTE does not feel "mandatory" and "volunteer" are consistent concepts. In addition, "requiring" volunteerism creates enforcement issues. Therefore, CTE will not require volunteer hours be met but request that parents volunteer. Also, most charter school students' parents enroll in charter schools so they can be very active in their students' education. Volunteering is a wonderful way to be active in a child's education.

District Response (11/30/01): No additional questions.

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9. A paid person is needed to coordinate the volunteer program for it to be effective.

For its first years, CTE's budget will not support hiring staff, exclusively, to coordinate a volunteer program. However, the responsibility for overseeing the coordination will be assigned to a staff person. Since this function is important and time-consuming, it will be a goal to hire separate staff for this function when it is financially feasible in later years. In addition, as stated on page 34 of the Charter Application, "CTE's Curriculum Consultant is in communication with a non-governmental agency that sponsors charter schools. This agency has expressed its interest in working with her to help CTE develop a volunteer program at no cost to the school. The development process would proceed so as to empower parents to take over the process and would include training on record keeping and recruiting." Also, on the same page in footnote 24, "CTE will designate a staff contact person for the volunteer program."

District Response (11/30/01): No additional questions.

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10. A copy of or description of the contents of the school handbook needs to be provided.

CTE's plan is to address the following items in the school handbook. Behavior Expectations, Student Conduct, Code of Conduct Rights and Responsibilities, Student Attendance, Weapons in School, Smoking and other uses of tobacco, Alcohol Use/Drug Abuse, Student Dress, Student Conduct on School Buses/Field Trips, Discipline of Habitually Disruptive Students, Student Suspension and Expulsion, Non-Discrimination/Non-Harassment of students and staff, Search and Seizure, and Student Records and Information.

District Response (11/30/01): No additional questions.

Governance and Organizational Stability

1. What are the specific, substantive descriptions of the steps CTE will take to ensure accountability to the Board of Education?

As stated on page 33 of the Charter Application, (second paragraph), "The charter school will have an on-site School Accountability Advisory Committee (SAAC) composed of staff, parents and community members, who will meet on a regular basis. The SAAC will prepare the annual School Improvement Plan, including information on measurable school goals and a school profile and the corresponding

plans to implement those improvement actions. The SAAC will also prepare the annual report to be distributed to the school community and the Douglas County School District."

The first paragraph, on this same page, states, "The charter school will implement the Colorado League of Charter Schools' (CLCS) Accountability Process." Information from this process will be provided to the District.

CTE will provide any other reporting information that other District charter schools provide to the Board of Education, including the annual presentation and supporting documentation.

District Response (11/30/01): No additional questions.

Executive Council issues:

2. A conflict of interest could arise if the director and two teachers hold nonvoting positions on the Board. Please eliminate these positions.

"The director is an ex-officio member", as stated on p. 24 of the Charter Application. The director sits with the board similar to the Superintendent's position with the Board of Education.

Charter schools have a variety of governing board compositions that reflect their mission and goals. For example, a Littleton charter school has a voting position on its governing board held by a student. CTE has a strong emphasis on creating a teacher/student/parent partnership. Allowing teachers to elect up to two representatives to attend board meetings, make presentations as scheduled and to be available as a resource to answer questions that may occur during a governing board meeting reflects this partnership emphasis. In addition, the teachers are then able to bring timely, first-hand information back to their peers. Teachers are not required to fill either of the possible two communication positions. This opportunity is offered to them but will not be mandated.

District Response (11/30/01): The 3 non-voting council positions for the director and 2 teachers have not been eliminated.

*****CTE clarified this at the November 20, 2001 meeting with the DCSD Board of Education. At that time Mr. Sheehan glanced around at the other Board members and stated that he did not have a problem with that, referring to the teachers as Communication Liaisons with the Board.**

The by-laws state in Article II, Section 6 - Communication Positions WITH the Council" (emphasis added for WITH the Council; by-laws do not say "ON the Council" and further states: "There shall be up to three non-voting communications positions to facilitate the flow of communication related to the management of the school and its educational mission."

Teachers should not be council members (voting or non-voting) for several reasons. The process of teachers electing representatives to serve on the Council would violate the Douglas County Board of Education's insistence that all charter school board members be elected by the parent population. In fact, Article II, Sec. 3, of the proposed by-laws describes the composition of the Governing Council: "all members must be a parent of a child currently enrolled at CTE during the parent's term."

*****The teachers are not electing members to the council since they are not members of the council. They may determine their own selection process for representatives to attend the public Council meetings if they wish. None of them are required to attend or all of them can attend. If the staff**

elect Communication Liaisons, they will be recognized as such at meetings rather than recognized as individuals attending on their own behalf. This practice is no different than having the Assistant Superintendents of DCSD attend meetings to be available as resources for their areas of expertise.

Next, the Council will deal often with personnel issues such as staff salaries, evaluations, discipline, employment, and termination. If staff members participated as council members, these discussions would be awkward at the least (which was the case at CVA meetings) and could constitute a conflict of interest at the most. Article II, Sec. 3, of the proposed by-laws recognizes the inherent problem: “The parent spouse of an employee shall not be a member of the Council during the period of the spouse’s employment.” This would be even more of a conflict of interest if the employee was a council member.

*****Staff will not participate as Council members, since they are not Council members. They will not be included in discussions related to evaluations, discipline, employment or termination. They may attend and be available if the Council wishes to access their input. When staff input is given, the Council will know whether or not it is given by an individual as an individual on his or her own behalf or if staff peers have chosen them to attend to present relative to particular information.**

It is not necessary for teachers to be council members for them to fulfill the tasks envisioned in the CTE proposal. They still could serve as effective communicators from the staff to the Council and vice versa. The Council could seek and value their advice at any time.

*****Yes, this is what CTE is saying, so the confusion seems to be one of semantics rather than an actual conflict. CTE is merely clarifying their role and allowing them the option to provide representational input rather than as numerous individuals. It would be useful for the Governing Council to be able to turn to an upper grade teacher with a question that could come up during the discussion of a scheduled topic related to upper grade students, as the Board of Education can turn to its Chief of Operations for questions that arise related to facilities during a Board meeting.**

Similarly, the director should not serve as a council member. This would be another instance of a council member not being elected by the parent population.

Further, the title *ex-officio* does not erase the problems that could come up if there is not a clear differentiation between the functions of the council members and those of the director. For example, the Governing Style section language in the charter application (p. 26) includes the need for a “clear distinction of council and chief executive roles,” and the fact that “the Council, not the staff, will be responsible for excellence in governing.” This is in line with John Carver’s Policy Governance principles. Regarding the CEO (the CTE Director), Carver states:

The CEO ...reports to the board and is the recipient of all executive authority passed into the operating organization. This officer is held accountable by the board for organizational performance. The board must provide direction to its CDO in such a way as to preserve board accountability while maximizing CEO flexibility, creativity, and freedom. (Carver, Reinventing Your Board, 1997, p. 17)

How can this occur if the person the Council must hold accountable for organizational performance is also a member of the Council itself? For example, how could the director, being the CEO, function when the Council (which would include the director) evaluates him or her? While the Director would refrain from participating in discussions regarding issues where there was a conflict of interest (Article II, Sec. 19 of the proposed by-laws), this action would eliminate valuable input that the Director could have offered if he or she was not a council member. Consider the case of a termination of a staff member, when the director would make the decision with the approval of the Council (Article IV, Sec. 2). Being the evaluator and also a council member, the Director could not be part of the council discussion because

there would be a conflict of interest. However, as Director and not a council member, he or she could provide information and perspective that would help the Council make an informed decision.

*****The By-Laws of the Challenge to Excellence Charter School" do not include the director as a member in Article II, Section 3 "COMPOSTION OF THE GOVERNING COUNCIL" which only includes the seven parent members. The director is included in Article II, Section 6 "COMMUNICATION POSITIONS WITH THE COUNCIL". Note that this says "with" the Council, not "on" the Council. The District is applying the terminology "member" to the Director and staff communication liaisons after CTE has already clarified this from the Charter Application. The District's confusion is related to semantics but there is no disagreement between CTE and the District as to the roles and practices of the Director and Council, as outlined.**

Looking at it another way, there is no need for the director to be a council member in order for him or her to be held in high regard and to contribute substantially to council deliberations. In keeping with the policy governance model, Carver offers this viewpoint:

Board Members and CEO are Colleagues. The relationship between the CEO and any *individual* board member is collegial, not hierarchical. As the CEO is accountable only to the full board and as no board member has authority individually, the CEO and board members are equals. (Boards That Make a Difference, 1991, p. 116)

Serving as principal/CEO of the school, the Director should be present at all meetings (with the possible exception of certain parts of the Council's evaluation of the Director), just as the superintendent is present at all local school board meetings. There need not be any guessing whether the expression of an opinion is a conflict of interest.

In the end, potential problems regarding conflicts of interest, unclear lines of accountability, and confusion of roles can be avoided without compromising CTE's intentions. The strong partnership between parents, teachers, and students that CTE desires will be created by the actions of individuals skillfully exercising roles that are different, yet complementary. All are critical to the success of the school.

*****CTE agrees that the Director is not a member but attends meetings as the CEO. The By-Laws of the Challenge to Excellence Charter School" do not include the director as a member in Article II, Section 3 "COMPOSTION OF THE GOVERNING COUNCIL" which only includes the seven parent members. The director is included in Article II, Section 6 "COMMUNICATION POSITIONS WITH THE COUNCIL". Note that this says "with" the Council, not "on" the Council. The District is applying the terminology "member" to the Director and staff communication liaisons after CTE has already clarified this from the Charter Application. The District's confusion is related to semantics but there is no disagreement between CTE and the District as to the roles and practices of the Director and Council, as outlined above.**

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3. All Governing Council positions should be elected by parents of the students enrolled in the school. No specific committee assignments should be aligned with specific council vacancies. Please remove this provision.

CTE will remove the provision for the possibility of a non-parent, community member as a voting member of the governing board (similar to what Crown Point Academy has to fill expertise deficiencies on their council).

However, CTE feels a need is being met by the committee assignment aligned with a position is that chosen by the School Accountability Advisory Committee, which has a state-mandated function and would provide additional accountability towards the goals and mission as a representative on the

governing board. Since attending the School Accountability Committee meetings will be available to all parents, this position is to be elected by that Committee and therefore, open to any parent attending meetings. All other Executive Council positions would be elected. This opportunity is offered to them but will not be mandated.

District Response (11/30/01): The elimination of the possibility that non-parent, community members serve on the CTE Governing Council was not requested. If the CTE parent community elected such an individual, that person could serve.

CTE did not agree to remove the provision of a designated council position for a representative from the accountability committee. The Douglas County BOE has insisted that board positions not be aligned with committees. CTE's position is not supported by the fact that the accountability committee is state-mandated; school districts have accountability committees as well, yet representatives from these committees are not guaranteed positions on local boards. The ultimate accountability occurs when CTE council members run for election.

*****CTE has eliminated the designation of a representative from the accountability committee. This was not included in the By-Laws of the Challenge To Excellence Charter School (provided to the District on November 20), which in Article X, states, "In the event of a conflict between documents, the following is the order in which priority shall be given" and which prioritizes the by-laws over the CTE Charter.**

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4. In order to assure clear lines of accountability please eliminate the provision for the Executive Council to appoint a council member to meet a *stated need*.

CTE will remove the provision for the possibility of a non-parent, community member as a voting member of the governing board (similar to what Crown Point Academy has to fill expertise deficiencies on their council). The only committee assignment aligned with a position is that chosen by the School Accountability Advisory Committee, which has a state mandated function and would provide additional accountability towards the goals and mission as a representative on the governing council.

District Response (11/30/01): The power of the Governing Council to appoint a parent (or anyone else) to the Council to meet a stated need needs to be eliminated. Here, the key principle is that all council members must be elected by the parent community.

*****This was removed in CTE's first response to the District's review on page 15 (as stated above). (This was a reference to the non-parent, community member addressed in the previous paragraph. The "stated need" was the reason for a non-parent member to serve: to serve a recognized deficiency of expertise on the Council.) This was not included in the By-Laws of the Challenge To Excellence Charter School, provided with CTE's initial response to the District's review (November 20) which in Article X, states, "In the event of a conflict between documents, the following is the order in which priority shall be given" and which prioritizes the by-laws over the CTE Charter.**

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5. Length of terms need to be specified. Clarify the statement that the Governing Council will *contract for goods and services*. Does that include employees?

As stated on page 25 of the charter application, "The Council will select its Chairperson by Council vote for a two year term, following the general elections. After the expiration of the initial terms, all positions will be staggered, two year terms." The chairperson will have a two-year term for continuity and training. Following the first year election, the other six members may state a preference for one or

two year terms with any conflict being resolved by a lottery drawing. After the first election, the Council will stagger its terms as stated on page 25 in the CTE charter application.

CTE does not include employees in its description of goods and services as employees are staff.

District Response (11/30/01): CTE seems to have specified that all council members will serve 2-year terms. They mentioned staggered terms, but it doesn't appear that the election process they describe will work. It would be simpler if for the first round, half the positions would be for one-year terms and half for two year terms. Then, they would have annual elections for the expired terms (half of the council membership) that would be two years each.

Language is needed in the appropriate document stating that employees are not included in their description of goods and services.

*****CTE agrees to include this statement in the contract with the District.**

The initial Governing Council terms are for one and two years to begin the staggering as indicated in CTE's written response to the District's Charter School Application Review on page 16 and on p.25 of the Charter. The By-Laws of the Challenge to Excellence Charter School, provided with CTE's initial response to the District's review (November 20), state in Article II, Section 8, "The terms of the officers shall be one and two year terms, staggered for continuity".

6. A Community Advisory Board is proposed, yet no focus for this group has been identified. Define what this group will do.

Refer to Attachment B in the CTE charter application which states the purpose of the Advisory Board is "to assist with the identification and development of community resources that will enhance CTE's mission and goals as stated in its charter, (such as student internship programs and in-class mentoring)."

District Response (11/30/01): No additional questions.

7. Clarify how the Council will *enforce upon itself whatever discipline is needed?*

Discipline will be enforced through adherence to the detailed policies. The Code of Conduct that binds the members is stated on p. 27 of the Charter Application. As stated in the Charter Application on p.26, "The council will enforce upon itself whatever discipline is needed to govern with excellence. Discipline will uniformly apply to matters such as attendance, preparation, respect of roles, and ensuring continuance of governance capability. ... The council will monitor and discuss the council's process and performance on a quarterly basis. Self-monitoring will include comparison of council activity and discipline to policies." Article II, Section 17 addresses removal of Council members for cause and Article II, Section 18, addresses removal of Council members for repeated absences.

District Response (11/30/01): CTE responded to the request that they describe how they will "enforce upon itself whatever discipline is needed" by referring to Article II, Sec. 17 and Article II, Sec. 18 in their by-laws. Here, the process entails the Council itself deciding whether to remove one of its members, either with or without a parental petition requesting such an action. This has potential for major problems. For example, the Council could retain a member even if the entire parent community desires that member's removal and, conversely, could remove a member who enjoys widespread support. Such actions could be interpreted easily as those of a Council majority ignoring the wishes of their community and seeking only to fortify its position. To insure clear lines of accountability and to protect the

viewpoints of all who were properly elected, the decision to remove council members belongs to the people who elected them—the parent community.

*****CTE has researched the possible ramifications before deciding upon this provision. Charter schools are small, unique communities and differ in size, composition and involvement from that of a school district as a whole. This provision is appropriate to address those differences as well as to provide due process for what as the District correctly refers to: "a decision to move a council member is a serious one." This is also consistent with CTE's governance by policy structure and the principles in the Charter Application.**

In deference to the District's view, CTE will, however, add the following additional provision as an amendment to its By-Laws of the Challenge to Excellence Charter School in Article II. Section 17, as an insert following the provision, "If cause is then determined, the member may be removed by a majority vote of the Council, counting all members except for the member at issue, rather than a quorum." Insert shall read: "In the event that the Council does not vote to remove the member at issue, the Council shall publish its findings related to the cause stated in the original petition. Following publication of the Council's findings, a petition signed by 75% of the parents eligible to vote may be again submitted to the Council requesting removal. Such petition shall include the Council's findings on the signature pages and the petitioners' reasons for again requesting removal. Upon receipt of a valid petition, the Council shall hold an election to open to all eligible voters on the question of removal and the outcome of such vote shall be determinative."

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8. There needs to be language specifying that the council will abide the District policies and state and federal law, rules, and regulation unless specifically waived.

CTE will abide by all applicable District policies and state and federal law, rules, and regulation unless specifically waived. As requested, CTE has added to the waiver requests, the District policies which correlate to the waiver requests from state laws, as well as the District policies which do not relate to charter schools (for example those relating to the Purchasing Department or Food Service).

District Response (11/30/01): While stating that the school will abide by the District policies and state and federal law, rules, and regulations unless specifically waived, CTE did not provide specific language in an appropriate document to that effect, although there is an implied agreement in Article X, Sec. 1, of the proposed by-laws.

*****The language in the By-Laws of the Challenge to Excellence Charter School in Article X, provided on November 20 in CTE's response to the District's review of the Charter Application states, " In the event of a conflict between documents, the following is the order in which priority shall be given." Federal, State or local laws, unless waiver obtained. 2. Douglas County District policies, unless waiver is obtained." On page 48 of the Charter Application, CTE states, "CTE will follow all non-waivered DCSD policies and non-waivered state and federal requirements...". On page 48 of the Charter Application, CTE states, "CTE will follow all non-waivered DCSD policies and non-waivered state and federal requirements...". In CTE's waiver requests, #27 of the Charter Application, CTE states, "CTE will follow all non-waivered district policies which apply to charter schools. CTE expects that this agreement will be codified in the contract between the charter school and the Board of Education.**

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9. A Council member's affirmative vote cannot be required for any issue. Please remove this provision.

CTE does not have any policy requiring an affirmative vote on any issue. On page 27, of the Charter Application, the Code of Conduct sets forth the expected behaviors and affirmative duties. The bullet,

"Vote for an executive session of the council if the situation requires it. Not discuss the confidential business of the council outside of council meetings" states a duty of the member's role; it does not mandate voting by a member or on an issue. This duty reflects the responsibility to handle confidential matters as such and within the prescribed legal mechanism.

District Response (11/30/01): At the same time that CTE states that it "does not have any policy requiring an affirmative vote on any issue," they still retain the language on page 27 that council members will "Vote for an executive session of the Council if the situation requires it." This is a requirement for an affirmative vote. If the purpose of this statement is to assure that council members keep executive session information confidential and within legal limits, then they only need the second sentence in that bullet, which addresses the issue.

******As the By-Laws for the Challenge to Excellence Charter School state, "Members shall have the following duties". One of the duties is to recognize the need for an executive session for such things as attorney/client privileged matters. Stating a duty, asking members to recognize a duty is not synonymous with requiring a vote. The vote will be what it will be. This is not the same as keeping executive session information confidential since, there has to be an executive session in order to have confidential information. For example, CTE cannot "require", in the sense of mandating or controlling "respect[ing] the opinion of others and making no unprofessional remarks" either but it is still one of the duties. However, CTE will remove the objectionable sentence.***

10. A Council member should excuse him/herself from deliberation or vote on an issue if they have a conflict of interest...avoidable or unavoidable. Please remove the word *unavoidable*.

CTE has corrected this in its by-laws, which read, "Excuse themselves from the deliberation and vote of an issue in which they have an actual or potential conflict of interest." (Article II, Section 1; conflict of interest is further addressed in Article II. Section 17).

District Response (11/30/01): No additional questions.

11. The Council needs a process to determine how items get on the agenda that allows for the judgment of the Council as a whole instead of the chairperson alone. Provide a process to do the same.

Page 28-29 of the Charter Application states, "The Council Chairperson will set the agenda for the meeting. The agenda will usually include items from the previous meetings, monitoring data, information and business items. Council members must get their agenda items to the Chairperson at least 48 hours in advance of council meetings."..."The agenda will identify, as such, items which are informational only, and all agenda items will be aligned with council policy." These same policies and practices would apply to anyone who requested to put something on the agenda. The Chairperson sets the agenda within the stated policy parameters.

District Response (11/30/01): CTE did not change the role of the chairperson. This individual remains the one who decides what is on the agenda. While individual council members, and other interested parties, may submit agenda items, it still is not clear whether all, some, or any of these submitted items will appear on the agenda. There is not a process whereby the entire Council decides on agenda items for their meetings. Please provide a process for agenda item selection.

******CTE's chairperson has stated duties and responsibilities as a Council member and as such cannot arbitrarily include or exclude appropriate items. The District is reading too much authority***

into housekeeping role. The District's policy on "AGENDA PREPARATION AND DISSEMINATION" reads, "The agenda for meetings of the Board of Education shall be prepared by the superintendent in cooperation with members of the Board." CTE's by-laws state: "The Chairperson shall set the agenda with input from the Council members and Director."

CTE will add to the By-Laws: "The Director shall finalize the agenda for Council meetings, post and disseminate it." Also we will change "The Chairperson shall set" to read "The Chairperson shall initiate agenda preparation".

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12. According to the Open Meetings Law, the Council needs a 2/3rd vote of the quorum, not a *majority of the members present* to adjourn to executive session. A definition needs to be included and should be at least a majority of the total Council.

CTE has confirmed this as correct and will change its policy to reflect the requirement of 2/3 of the Council membership rather than those present and this is reflected in the by-laws. (Article III, Section 4).

District Response (11/30/01): No additional questions.

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13. Clarify Chairperson's role: in deciding whether a decision regarding an agenda item belongs to the Council or the director, in deciding meeting procedures, in arranging a vote for a Vice Chairperson so that there is an automatic process that takes effect if the Chairperson is unable to fulfill responsibilities.

The Chairperson will set the agenda and review it with the Director who will finalize it with any additional items. The Director will distribute the agenda to Council members and post the agenda. CTE will add a vice-chairperson position to its by-laws (see attached copy).

District Response (11/30/01): Again, the chairperson seems to be the only person who decides what is on the agenda for CTE meetings. Please provide an agenda item selection procedure as requested in #12.

*****Interpretation is incorrect. CTE's chairperson has stated duties and responsibilities as a Council member and as such cannot arbitrarily include or exclude appropriate items. The District is reading too much authority into housekeeping role. See above changes, which are consistent with the District's practice/policy.**

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14. Bylaws need to be developed and the following topics need to be addressed: procedure to fill Council vacancies, election procedures, how the Council will produce and safeguard the minutes of their meetings.

As requested, CTE has addressed this. Included as an attachment to this response, are the by-laws of the CTE non-profit from which the CTE board of directors has been operating since they were adopted on September 14, 2000 date. As stated in Article II, Section 2, "The Board shall have the authority to develop the governing structure for the administration of a charter schools, including the by-laws". The CTE board of directors adopted the by-laws for the operation of a charter school on November 14, 2001, which will be used by the CTE governing council, after charter approval.

As is the common practice with other charter schools, according to the CTE charter school bylaws Article III, Section 9, the original copy of the minutes shall be kept in the CTE school office and a copy will be made available to the public.

District Response (11/30/01): Comments regarding Bylaws:

A. In response to different items within the “Governance and Organizational Stability” section, CTE has submitted and referred to “By-Laws of the Challenge to Excellence Non-Profit Corporation” and “By-Laws of the Challenge to Excellence Charter School.” Article II, § 2 of the Corporation By-Laws provides that future board members are chosen by current board members, and Article II, § 7 provides that there is no term limit for board members or officers. Pursuant to Article II, § 2, the CTE corporation board has developed another set of By-Laws for the CTE charter school, but pursuant to Article VII, § 1 the CTE corporation will dissolve “only upon the determination that the CTE is not the best available mechanism for the implementation of the purpose stated in Article I.” Although the foregoing By-Law provisions concern only the CTE corporation, they are problematic because they provide for a self-selected corporate board that is not accountable to parents, students, the community or the School District which, as explained below, has authority to determine how the CTE charter school operates.

*****The CTE non-profit board's role is to obtain charter approval and then transfer complete authority to the school's Governing Council. The Governing Council will then be the responsible entity to both the school community and the district so the private, non-profit's by-laws are not relevant.**

B. Article I, § 4 of the Charter School By-Laws states that the charter school is a Colorado non-profit corporation. This is questionable in light of the fact that the non-profit corporation is a separate entity with separate by-laws and a separate governing body. Article I, § 6 of the Charter School By-Laws states that the CTE charter application and any amendments thereto are incorporated into the By-Laws. Article I, § 7 of the Charter School By-Laws states that “all decisions made by the CTE non-profit Board of Directors, in accordance with its by-laws and documented in its board minutes, shall hereby be incorporated into these by-laws.” Both of these sections are inadvisable and improper. These sections must be deleted or revised so as to allow the charter school to be an autonomous stand-alone entity solely accountable to the District’s Board of Education, and not governed or controlled, directly or indirectly, by another organization such as the CTE corporation. Although it would not be objectionable for the By-Laws to require or allow charter school council members to be placed on the CTE corporation board, it would be objectionable for the By-Laws to require or allow corporation board members to be placed on the CTE charter school’s governing council.

*****The CTE non-profit board will have no authority over the charter school or the Governing Council. As previously stated, its involvement ends after the charter is approved and the Governing Council is in place. The District is confusing two separate by-laws for two separate entities, one of which does not yet exist and won't until after charter approval, while the other is involved with the Charter up until that point in time. The charter school will be autonomous and independent of the private, non-profit.**

Incorporation provisions relate to "effectuate transfer of authority for the Charter's sponsoring entity, the CTE non-profit Board of Directors to The Charter's implementing entity, the CTE charter school's Governing Council, and in order to further the pursuit of The Charter's mission" Article I, Section 7 of the By-Laws of the Challenge to Excellence Charter School.

C. Article II, § 1 of the Charter School By-Laws states that council members shall have the duty of serving students, parents and staff “in accordance with The Charter, *Principles, By-Laws, Contract* with District Board of Education, and *any other governing documents approved by the Council*.”

(Emphasis added.) Because the “principles” and “any other governing documents approved by the Council” have not been produced the School District may not wish to allow them to govern the conduct of CTE council members. As set forth above, the provision stating that the Charter School By-Laws include “all decisions made by the CTE non-profit Board of Directors” should be deleted. Article II, § 1 of the Charter School By-Laws states that council members shall have the duty of following the “Communication and Conflict Resolution Policies.” Because it is not clear what these policies are, please submit them.

*****Article II, Section 1 of the By-Laws of the Challenge to Excellence Charter School, states, "The Council shall have broad policy-making authority and govern according to THESE by-laws, its charter and its stated policies. THESE by-laws may be amended from time to time."** (emphasis added). There is no reference to the private, non-profit's by-laws and governing after the charter school's by-laws are in place. The principles have been provided to the District in the Charter Application and in particular on pages 23-33 and pages 48-53. "[a]ny other governing documents" includes the Charter Application and the contract between the school and the district.

D.

• (Sec. 4, 4th line) There needs to be a statement added that the chairperson is a council member elected by the Council. Additionally, a secret ballot would be helpful if the position was uncontested.

*****An option for a secret ballot provision has been added to the by-laws for chair and vice-chair selection.**

• (Sec. 5) The vice-chairperson should also be elected (not “selected”) by secret ballot, unless the position is uncontested.

*****The verb "selected" will be clarified by changing it to "elected".**

• (Sec. 6) It is not clear if the Communication Positions held by teachers would be considered positions on the Council itself. This function could be easily carried out without council membership and thus would avoid conflict of interest problems as discussed at the beginning of this document.

*****See CTE's response at beginning of this document.**

• (Sec. 7) Requiring the recording secretary to have a complete copy of all minutes available at all regular meetings could become a burdensome task after the school has been in operation for a long period of time.

*****Since the meetings are generally held at the school, this inconvenience can be overcome.**

Availability of previous minutes may be necessary to review past decisions, especially those that were passed by previous members.

• (Sec. 8) It appears that there are only 2 (chairperson, vice chairperson) or 3 or 4 (the possible addition of financial officer and/or recording secretary) officers. Since the chairperson already has been assigned a 2-year term, it would be simpler to prescribe the terms for each position rather than to state that the terms would be staggered.

*****The reason for this is the extensive commitment involved and to attract parents who may not be able to make a two year commitment. The positions are limited to parents of enrolled students. Parents of 8th grade students would not be available for two years.**

• (Sec. 17) Removal for Cause: This section needs redrafting in line with the arguments relating to page 16, #7 CTE responses to the school district.

*****CTE has researched the possible ramifications before deciding upon this provision. Charter schools are small, unique communities and differ in size, composition and involvement from that of a school district as a whole. This provision is appropriate to address those differences as well as to**

provide due process because as the District states below, "the decision to remove a Council member is a serious one". This is also consistent with CTE's governance by policy structure and the principles in the Charter Application. In deference to the District's view, CTE will, however, add the following additional provision as an amendment to its By-Laws of the Challenge to Excellence Charter School in Article II. Section 17, as an insert following the provision, "If cause is then determined, the member may be removed by a majority vote of the Council, counting all members except for the member at issue, rather than a quorum." Insert shall read: "In the event that the Council does not vote to remove the member at issue, the Council shall publish its findings related to the cause stated in the original petition. Following publication of the Council's findings, a petition signed by 75% of the parents eligible to vote may be again submitted to the Council requesting removal. Such petition shall include the Council's findings on the signature pages and the petitioners' reasons for again requesting removal. Upon receipt of a valid petition, the Council shall hold an election to open to all eligible voters on the question of removal and the outcome of such vote shall be determinative."

- (Sec. 18) Removal for repeated absences: Since only a majority vote of the quorum is required to retain a member after that person has missed a certain number of meetings, the decision could be made by three out of four votes (assuming a seven-member Council). As argued previously, the decision to remove a council member is a serious one and should belong to those who elected him or her.

*****With this exception, removal for cause is determined by the procedures previously discussed (By-Laws of the Challenge to Excellence Charter School, Article II, Section 17). A governing body for a charter school cannot operate effectively if it is restrained from a quorum and thus action, by a potentially well-meaning, but frequently absent council member. "For cause" refers to "a specified abuse of power or authority, illegal activity or deliberate and serious breach of the by-laws". In the event of repeated absences (Article II, Section 18), the Council does not remove this member, rather the member removes him/herself by not obtaining permission from Council for absences in excess of the stated limit. The Council then acknowledges this and puts it into writing for the record so the position can be filled. CTE does not agree to a process which would allow someone who might be generally likeable in the public view, to hold a position on the Council when lack of attendance repeatedly interferes with the Council's to function. Note that the absence provision relates only to "regularly scheduled meetings, those which a member is aware of when committing to run for a position. Members are not penalized for missing special, not-regularly scheduled meetings.**

- E. Article III, § 3 of the Charter School By-Laws states that personal notice of special meetings may be given to council members by message over the telephone, "whether personal contact is made or not." In order to prevent the potential for abuse, the School District will require the notice of special meetings to comply with the requirements applicable to boards of education under C.R.S. § 22-32-108(2) that: "The secretary of the board shall cause written notice of any special meeting to be mailed or delivered to each member of the board stating the time, place, and purpose of the meeting; if the notice is delivered, it shall be in the hands of the member no later than twenty-four hours prior to the hour set for the meeting, and if it is mailed, it shall be mailed no later than seventy-two hours prior to the hour set for the meeting." The first Article III, § 4 of the Charter School By-Laws² states that no minutes shall be made of executive session discussions. This provision is contrary to the Open Meetings Law requirement of C.R.S. § 24-6-402(2)(d.5)(II) and should therefore be deleted.

*****The intent of this provision is as follows: CTE will record the actions taken by the Governing Council, including the motion with the topic to go into Executive Session, as does the DCSD Board**

²Note that there are *two* Section 4s within Article III.

of Education. This record would not include the actual discussion held in Executive Session. CTE will remove this confusing verbiage from the by-laws.

CTE has addressed the special meeting notice in Special Meeting Section of the By-Laws. CTE has changed the numbering to remove the two Section 4s within Article III of the By-Laws.

- In addition, there should be an alternative to having the chairperson being the only person authorized to call a special meeting, such as requiring the chairperson to call a special meeting upon the request of a majority of council members [as is required in school districts—C.R.S. 22-32-108 (5)].
*****CTE will add this provision to the by-laws.**

F. The second Article III, § 4 of the Charter School By-Laws states that “A simple majority of the filled Council positions shall constitute a quorum.” The word “filled” should be deleted from this provision, as it would allow the council to meet and act, even if it only had one member.

*****According to the By-Laws of the Challenge to Excellence Charter School, in Article II, Section 3, it states: "The Council shall be composed of seven members. The required number of members may be amended from time to time based upon the needs of the school as long as there are not less than five positions at all times." Due to the numerous, ongoing issues facing a charter school's governing body, especially in the start-up years, it would be unduly burdensome to prevent this body from taking necessary action due to a vacancy when its population is a mobile one and it may take time to fill the vacancy due to the time commitment involved.**

The second Article III, § 4 of the Charter School By-Laws also states that “A quorum shall not be necessary to hold a regular or special meeting, but a quorum shall be necessary to vote on any substantive policy or major issue.” This provision should be amended to require the presence of a quorum to vote on *any* matter, because there are bound to be disagreements and disputes over what is a “substantive” policy and/or a “major” issue. Finally, the second Article III, § 4 of the Charter School By-Laws states that “A majority of the members present at a duly organized meeting may transact business and take any action until adjournment, notwithstanding the withdrawal of enough members to leave [less] than a quorum.” In order to prevent the potential for abuse, this provision should be deleted.

*****It is the duty of Council members to be present at regular meetings. If members leave before the conclusion of business, the responsibility falls to the remaining members to conclude the agenda items, if necessary. As is customary, agenda items may be re-ordered when a member must leave, to obtain the member's vote.**

G. Article IV, § 2 of the Charter School By-Laws authorizes CTE's director to hire personnel without council approval, but requires council approval in order to terminate the employment of personnel. The School District may wish to consider whether this inconsistency is appropriate.

*****Omitting "not" is a typo. By-Laws are corrected to read, "The Director shall have the authority to terminate employment without the approval of the Governing Council."**

H. Article VII, § 1 provides that there are no term limits for council members. This provision is contrary to Colo. Const. art. XVIII, § 11, which is applicable to school districts and requires that unless modified by district voters, board members can serve no more than two consecutive terms in office (three consecutive terms in office when the terms are two years or shorter).

*****CTE will amend the by-laws to include a limit of three consecutive terms.**

I. (Article VII, Sec. 2) Staff members should not be eligible to vote on school issues that are submitted by the Council. They may vote if they are also parents of CTE students.

*****Staff members are members of the school community. Charter schools in Colorado handle this in various ways. CTE feels strongly that staff members, as members of the school community and**

in accordance with CTE's teacher, student, parent partnership, should be able to participate in the election of Council members. (Students do not vote because they are minors). Council members are not just representatives of parents. As the Charter Application states, (p. 24) and is reiterated in the By-Laws of the Challenge to Excellence Charter School, (Article I, Section 2): "The charter school shall be managed by a Governing Council who shall represent the charter with input from parents, students, staff and others." The decision that the governing body would represent the charter was the result of much thought and is integral to the Charter Application. CTE has developed a mission to be implemented through the means in the Charter Application. It does not intend its mission to be subject to change. For example, if a number of parents belonging to a particular religious organization were to enroll with the intent to change the mission to one of their agenda, such as eliminating the science focus and substituting a focus on art, it would not be possible. Their option would be to accept the mission or to start a school that would meet their needs.

J. (Sec. 3) Staff members should not vote for Governing Council members. They may vote if they are also parents of CTE students.

*****Staff members are members of the school community. Charter schools in Colorado handle this in various ways. CTE feels strongly that staff members, as members of the school community and in accordance with CTE's teacher, student, parent partnership, should be able to participate in the election of Council members. (Students do not vote because they are minors) Council members are not just representatives of parents. As the Charter Application states, (p.24) and is reiterated in the By-Laws of the Challenge to Excellence Charter School, (Article I, Section 2): "The charter school shall be managed by a Governing Council who shall represent the charter with input from parents, students, staff and others." The decision that the governing body would represent the charter was the result of much thought and is integral to the Charter Application. CTE has developed a mission to be implemented through the means in the Charter Application. It does not intend its mission to be subject to change. For example, if a number of parents belonging to a particular religious organization were to enroll with the intent to change the mission to one of their agenda, such as eliminating the science focus and substituting a focus on art, it would not be possible. Their option would be to accept the mission or to start a school that would meet their needs.**

K. Any bylaws proposed for change must first be approved by the school district.
CTE agrees to submit all proposed by-law changes to the School District for review.

15. Please provide a copy of CTE's current bylaws, a list of the individuals on CTE's board of directors and on CTE's steering committee, and the title and/or position of each individual on CTE's board of directors and CTE's steering committee.

*****CTE's current bylaws and bylaws for the school's governing council are attached to this response as requested. CTE's Board of Directors and their title/positions are listed in the CTE charter as Attachment J, asked for by the DCSD Board in their requested amendment to the charter application.***

The CTE steering committee does not have title/positions defined and since they are parents, "a charter school application is not required to provide personal identifying information concerning any parent...prior to the time that the charter is approved." C.R.S.22-30.5-106(3) as also stated on page 18 of the charter application.

District Response (11/30/01): No additional questions.

16. Please identify each and every person who was a director, trustee, member or employee of Colorado Visionary Academy who either is or will be director, trustee, member or employee of CTE. With

respect to each such person, identify their title(s) and /or position(s) with Colorado Visionary Academy and their current or prospective title(s) and/or position(s) with CTE.

CTE nonprofit corporation has hired only Dr. Nila Tritt as our Curriculum Consultant (former Director of the Colorado Visionary Academy). The Board has hired no one else. CTE may hire a charter-school experienced attorney for site contract and District contract review and this is reflected in the budget but this hiring has not occurred at this time. (See Charter Application p. 23).

CTE is confused about the District is asking about "members" from CVA. Not only is it not clear what is meant by "members" but we do not understand the relevance of the request. CVA is a separate legal entity with its own board, however, CTE welcomes involvement by former CVA parents.

District Response (11/30/01): No additional questions.

17. The Governing Board and School Accountability Committee appear to be parallel committees yet should have different roles. What is the relationship of one to the other and what is each group's specific role and duties?

The "Governing Board" is not a committee as the "School Accountability Committee" is. The Charter Application describes the "Executive Council (also known as Governing Council)" on p. 24 of the Charter Application as, "The charter school is managed by an Executive Council consisting of seven voting positions held by parents...". On page 25, it states, "The Executive Council, assisted by other standing and special committees, contracts for goods and services, approves the operating budget, selects, evaluates, and determines the compensation of the director, determines the educational program (insures adherence to the mission while the director determines the means for delivery); adopts the school improvement plan; procures insurance; secures a facility; purchases and leases equipment and supplies, accepts and expends gifts, donations, and grants." The Charter Application further states, on page 26, "The purpose of the Executive Council is to ensure compliance with and maintain the consistency of the school's charter and principles and other governing documents for the benefit of the school community."

Page 25 of the Charter Application states, "The Executive Council is assisted and advised by standing committees such as the School Accountability Advisory Committee...". Detailed information regarding the Executive or Governing Council's role is described on pages 25-32. The Charter Application states, on page 33, "The school will have an on-site School Accountability Advisory Committee (SAAC) composed of staff, parents and community members, who will meet on a regular basis. The SAAC will prepare the annual School Improvement Plan, including information on measurable school goals, school profile information and the corresponding plans to implement those improvement actions. The SAAC will also prepare the annual report to be distributed to the school's community and the Douglas County School District."

The relationship between the two bodies, due to the importance and impact of their roles (the Council's as the governing body and the SAAC's with its state-mandated role) is facilitated by one position on the Governing (Executive) Council which has the same authority as other Council members, but, unlike other Council positions, is "elected by the School Accountability Advisory Committee" for its expertise related the to the duties of the SAAC.

District Response (11/30/01): CTE appears to have delineated the differences between the Governing Council and the accountability committee. However, they include a member of the accountability committee as a voting member on the Governing Council. This conflicts with the Douglas County Board of Education's requirement that council positions not be linked to committees. This provision is not in the

by-laws, so it is unclear just how many council members there are; i.e., do the seven members include the accountability committee representative?

*****CTE has followed the District requirement and removed the Accountability position on the Council. There would still be seven members on the Council.**

18. Who mediates disputes among Governing Board members and what is the process?

CTE is not sure what is being requested here and therefore went to the District's board policies on its web site for guidance but found no such reference. Issues appropriate for Council deliberation are outlined in the Charter Application. As is stated in the Charter Application on p. 27 and in the Charter School by-laws in Article II, Section 1, Council members have a duty to "carefully read all information and ask critical questions so that they are fully informed about issues facing the Council. They will also carefully examine all sides of issues before making decisions." Disagreements by Council members on these issues are resolved by vote.

The by-laws further state, in Article III, Section 6, "Except as otherwise provided in these by-laws, the act of a majority of the Council present at a meeting, shall be the act of the Council." Article II, Section 1 and page 27 of the Charter Application state that council members have a duty to "Abide by and support majority decisions of the Council."

The Council, as a body, deals with business, not personal matters. Should Council members have personal issues, it is their responsibility to deal with them outside the Council arena. It is the Council's responsibility to insure that personal issues do not interfere with the effectiveness or integrity of the Council.

District Response (11/30/01): CTE did not specify a conflict resolution process for council members in their response. The delineation of such a process is requested.

*****As CTE said in its response, it "is not sure what is being requested here and therefore went to the District's board policies on its web site for guidance but found no such reference." Please provide the written policy the District uses to resolve conflicts for its members so we can understand exactly what conflicts the District is concerned about and its process to adapt for inclusion in the charter school by-laws.**

19. School Accountability Committee needs to include a non-parent in order to meet state requirements.

As stated in the Charter Application on page 33, "The school will have an on-site School Accountability Advisory Committee (SAAC) composed of staff, parents and community members...."

District Response (11/30/01): No additional questions.

20. It does not appear that CTE has identified any school district policies or regulations for which it is requesting waivers.

Although CTE stated its intent "to follow all non-waivered district policies which apply to charter schools" in its waiver requests, it did not specify the district policies which correlate to the state statutes or which are not applicable to charter schools. These have now been included (see attached).

District Response (11/30/01): No additional questions.

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21. What are the written policies regarding the school's Home School Support Program? The application gives no indication of how the program will operate, where services will be provided, any requirement as to the number of classes or hours of instruction in which home schooled students must be enrolled, or how the program will be funded to operate after regular school hours.

The home school support program will be operated by the staff and supervised by the Director after regular school hours in the school classrooms. We will ask for the homeschool students to attend 6 hours per week of instruction so as to receive 1/2 PPR for each of them (to meet the 90 hours per semester/180 hours per year to receive PPR). However, if a homeschool student wants to only attend one class, we will offer that class to them at a fee.

Please provide written policies regarding the school's home school support program. CTE's response to item #7 within the "Community and Parent Engagement" section and item #21 within the "Governance and Organizational Stability" section state that the home school support program will be operated by the staff after regular school hours in the school classrooms. There is no money in the budget to cover this program and no money to cover overtime, additional/extra duty pay, or stipends. CTE's responses to items #7 and #21 also state that "if a homeschool student wants to only attend one class, we will offer that class to them at a fee." This would be tantamount to charging tuition for academic courses, which is prohibited by the Charter Schools Act, C.R.S. § 22-30.5-104(5), and by Colo. Const. art. IX, § 2 and C.R.S. § 22-1-102(1). It is also contrary to the statement on page 36 of CTE's application that "As a public charter school tuition will not be charged."

*****Please refer to the attached budget for teacher salaries for homeschool. Homeschool Support program will have the same grading, discipline, and enrollment policies as the rest of the charter school.**

Section 22-30.5-104(5) states, "except as otherwise provided in sections 22-20-109, 22-32-115, and 22-54-109, a charter school may not charge tuition". CTE will not charge tuition for any programs for which it receives public school funding. Presently, public schools receive half (half PPR) funding for kindergarten. Charter schools who offer a full-day kindergarten are allowed to charge for the additional half day if they choose to provide that. Charter schools are also allowed to charge for after school and day care programs, if they choose to provide them. Both of these are addressed in CTE's Charter Application, as future possibilities depending upon available space and community need.

CTE discussed its proposed homeschool program with Colorado Department of Education representatives. CTE understands, from these discussions, that a homeschool student must enroll for a requisite number of hours in order for a charter school to receive public funding (PPR). If a student enrolls for less than the requisite hours, public funding is not available. For those students who wish to enroll in less and for whom CTE would not receive public funding, CTE would charge a fee to cover their use of the program.

(Section 22-20-109 relates to children with disabilities, which is not at issue here. Section 22-32-115 relates to payment by a district for a child to attend outside the district, which is not at issue here. Section 22-54-109 relates to attendance in another district, which is not at issue here)

Management

1. Qualifications for administrator and classified employees need to be written.

CTE has requested waivers of the "classified employee" and "administrative" designation and policies. The board will hire the director for CTE based upon prior charter school administrative and curriculum development experience. The qualifications will remain broadly stated in order to attract the maximum pool of candidates. Recruitment will include reference to CTE's web site containing the Charter with specific references to the director's role and duties at CTE for review.

The director has the authority to hire the rest of the staff and to determine the necessary qualifications based upon curricular needs and adjusted by experience and education as candidates are interviewed and hired.

The following are all in the CTE bylaws.

"The Council shall have no authority to manage the day-to-day administration of the school or be involved in classroom management, such authority being vested in the Director through The Charter, except through formal policy and procedural decisions made in accordance with The Charter. Support the school director's role as the school's instructional leader and operations manager. The school director shall serve as an ex-officio member of the Council. "

In "Section 1. GENERAL: The day-to-day operations of CTE are the responsibility of the Director. The Director shall be the executive officer of CTE, and educational leader of CTE.

Section 2. RESPONSIBILITIES: The Director shall, in general, have the authority to supervise and manage the day-to-day affairs of CTE, including hiring and the management of human resources, supervision of staff, students and volunteers as well as CTE's educational and financial affairs. The Director shall have the authority to terminate employment with the approval of the Governing Council. Except as otherwise provided in the by-laws or Council-enacted policies, the Director shall have the authority to act for CTE and such actions shall be considered as the actions of CTE."

Also, "Section 1. CONTRACTS: The Council may authorize the Director to enter into any contract and to execute and to deliver an instrument in the name of and on behalf of CTE.

Section 2. CONTRIBUTIONS: The Council, a member thereof, or the Director may accept, on behalf of CTE, any contribution, gift, grant, bequest, or device for the general purpose or any special purpose of CTE."

District Response (11/30/01): No additional questions.

2. Recruitment procedures need to be described in more detail.

CTE will use the League of Charter Schools resources, such as its on-line job site and publications, to recruit its director since charter school administrative experience is essential for the implementation of CTE's mission. An aggressive recruitment plan will be developed based on equal opportunity. In addition to the regular media and online recruitment data, we will utilize community organizations, networking with other schools and districts, posted notices in the community will be utilized, universities and private placement services will also be canvassed.

District Response (11/30/01): No additional questions.

3. What is the plan for resolving employee problems and grievances?

The plan for handling complaints is detailed on pages 51-52 of the Charter Application, titled Public Complaints. The fourth paragraph addresses employees. "In the event that a complaint should involve conflict between the Director and a subordinate staff member..." etc. Employees will follow the procedures stated on these pages for public complaints, the same as any other person, if they are not employment related.

District Response (11/30/01): No additional questions.

4. What is the employee evaluation system and corresponding criteria?

A formal evaluation, utilizing pre-and post-meetings will be designed. Informal evaluations will occur at the request of the teacher or by the director. All evaluations will be signed and will be a part of the Employee records. At least two formal evaluations will occur annually plus a summative evaluation, annually.

District Response (11/30/01): No additional questions.

5. Staffing clarification needed: staffing and budget figures don't match.

As requested, CTE is providing a more detailed budget attached to this response with the staffing and budget figures clarified.

District Response (11/30/01): Salaries appear very low for the current market.

*****CTE has increased the salaries somewhat and feels comfortable with our ability to find teachers at these rates as we have already been approached by 4-5 teachers interested in applying for positions.**

6. Will salary be capped at a certain level in order to operate within the budget?

The salaries budgeted are the capped amounts unless more students are enrolled than anticipated or extra grants or donations provide for different salaries

District Response (11/30/01): No additional questions.

7. No due process provisions.

As stated on p. 51 of the Charter Application, in the section Public Complaints: "In the event that a complaint should involve conflict between the Director and a subordinate staff member, both parties shall make a good faith effort to resolve the issues at their interpersonal level. If this is not successful, the staff person may request a hearing. Such request must be made to the Executive Council. The request must be made in writing, with a copy given simultaneously, to the other party in the conflict. The Council shall give the Director 10 working days within which to make a written response to the complaint." CTE's resolution process, which contains a due process provision, continues on this page and covers most of p. 52. If this "due process" phrase is intended to refer to Section 504 of the Rehabilitation Act of 1973, please note that CTE did not request a waiver of this federally mandated process.

District Response (11/30/01): No additional questions.

8. What standards will be used against which to judge employee performance bonuses?

As stated in the Charter Application p.50, "Based upon available funds, the Council shall have the authority to offer a performance-based bonus to the director and the director shall have the same authority to offer a performance-based bonus to staff members, based upon stated criteria for staff members under the director's supervision." As stated on p. 32, "Systematic and rigorous monitoring of the director's job performance will be solely based upon expected director job outputs: the accomplishment of the Executive Council-stated goals and avoidance of Executive Council-prescribed means." Also on page 32, "Annually, the council and the director will agree on goals. Accomplishment of these goals will also be viewed as successful director performance."

After student baseline data is developed, a performance salary schedule will be developed based on "value added", plus director evaluations. The salary schedule will also include COLA and other considerations in addition to performance.

The director will establish the criteria for staff bonus, based upon available funds as determined by the Executive Council, and in accordance with the director's authority as outlined on p.32 of the Charter Application which states, "The director is authorized to establish all further policies, make all decisions, take all actions, establish all practices, and develop all activities which adhere to the council's policies and goals." Also stated on the same page 32, "The director or his designee will be the sole evaluator of staff." On page 48 of the Charter Application, it states, "CTE's director will be responsible for the hiring and dismissal of other personnel with ratification by the Executive Council. As part of the daily administration of the school, CTE's director will identify the staffing needs, develop job descriptions, determine salaries within the prescribed budgetary limitations, conduct hiring and develop staff evaluations.

District Response (11/30/01): No additional questions.

9. Employment contracts are referenced on page 48 of the application. Please provide copies of all employment agreements CTE plans to use for classified and licensed personnel.

On page 48 of the Charter Application, CTE references "at-will employment agreements as approved by the District" which CTE will be using "rather than the traditional teacher contract". All employees will be at-will. CTE has requested waivers of these classifications and associated requirements. See Waiver #1, 2, 3 pages 58-59 of the Charter Application.

District Response (11/30/01): The establishment of at-will employment through employment agreements that ensure the at-will employment relationship are requested (subject to approval to ensure proper wording).

Additional Comments: C.R.S. § 22-30.5-106(1)(i.5) requires that the charter application include the employment policies of the proposed charter school. The CTE application appears deficient in this regard because it states on page 49 that it will establish its own set of sick leave and other leave, as well as other benefits, rather than actually doing so. Later on pages 49 and 50, the application partially describes a sick leave policy and five unspecified holidays that apparently apply with respect to support staff, and generally references funeral leave (without specifying whether it is paid or unpaid), health and life insurance for employees, and employee performance bonuses. These general references are problematic not only because they fail to describe the terms and conditions of the benefits referenced, but also because without a specific understanding of such terms and conditions it is impossible to evaluate whether CTE's budget properly accounts for the benefits.

*****As stated on p.49 of the Charter Application: "The sick leave policy will be a standard of one day per month with 5 holidays. Beginning the second year, CTE will study whether or not to implement a policy of allowing sick leave to be carried over to the following year... CTE will review its benefits and leave policies on an annual basis and will have the flexibility to adjust based upon this review for the following year. CTE will have the ability to assist its staff in an unexpected personal crisis by allowing staff with unused leave to donate to the staff member in crisis." CTE will offer five paid holidays which shall be the same as those the District offers and which occur during the school year, not to exceed five.**

Financial Administration and Funding

1. Although the application states that the school intends to prepare an annual financial report, there is no mechanism to provide fiscal accountability to the Board of Education. The report needs to be prepared more frequently than annually to be of use to the Board. The contents and the preparer of the report need to be specified.

CTE will hire an office staff member who will provide a financial report on a biannual basis to the Board of Education .As stated on page 33 of the Charter Application, "The charter school will establish an in-house computerized accounting program and will reconcile its books with the School District's records of income and expenses." The "preparer" will be an accountant. CTE has not hired an accountant at this time.

As a public entity, CTE's financial records will be open to inspection.

District Response (11/30/01): The District will require financial reports on a monthly basis along with a short narrative disclosing potential problems, contingencies, issues and plans including significant contract discussions with potential vendors.

*****CTE will assign this duty to a staff member. The District will be introduced to the designated staff member.**

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2. Budget and employee compensation don't relate. Need consistency between student and employee FTE's and dollars. Need to see salary schedule/system to verify relationship between FTE's and budget provisions. Number of students on budget summary and number of students on budget detail are different. Need to see budget match revenues and expenditures. More detail is needed to provide understanding.

CTE is using in the charter application and this response, the format approved by Phil Onofrio, DCSD's financial/budget expert, for the Colorado Visionary Academy (in spring of 2000), to detail the budget. The employee compensation did include different FTE numbers, this is corrected in the more detailed budget attached. The revenues include federal and state grants totaling \$75,000. However, the final budget numbers show a surplus of \$68,423 in 2002, without the grants, providing for the salary accrual. There is also a minor surplus (after the grant removal) of \$958.

District Response (11/30/01): No additional questions.

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3. Numbers suggest that PPR rather than PPOR, as stated, was used in budget preparation.

A typing error may have caused this misunderstanding. CTE is using PPR not PPOR on all budgets in the charter application and attached to this response.

District Response (11/30/01): The 1% Amendment 23 money is included in PPR. It should not be a separate line item.

*****The attached budget reflects the changes requested including the removal of the 1% state funding increase as a separate line item, it is now included in the PPR.**

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4. Application states dollars are set aside for capital improvements, yet it is not apparent in the budget. More detail needed on capital expenditures.

As requested, CTE is providing a more detailed budget attached to this response. All capital improvements (except playground equipment, which is a line item in the budget,) are included in the lease amount paid to the landlord listed. Exterior maintenance, lawn care, snow removal and common area fees are included in the lease amount.

District Response (11/30/01): The district spends approximately \$50,000 at a school for playground equipment. CTE's budget shows \$5,000 available. We are concerned that \$5,000 will not be sufficient for safe equipment. Please tell us what plans CTE has for a playground at the site.

*****Challenge to Excellence will be much smaller than the average District school and therefore will have smaller playground needs. CTE plans to establish a very basic playground at the site the first year with equipment added yearly. There will be a grassy area for the older kids to play on, a pea gravel area with equipment approved through Risk Management for the younger kids and a small blacktop area with a basketball hoop. Challenge to Excellence does not anticipate having an elaborate playground and certainly cannot spend \$50,000 on one. The area will be graded for the pea gravel by the builder and the grassy area, lawn care and maintenance are included in the common area fees of \$3.80/square foot Challenge to Excellence is paying in lease payments.**

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5. It is not clear if or where CTE's budget accounts for the per pupil share of central administrative overhead costs retained by the School District for services actually provided to the charter school (not to exceed 5% of PPR for each student enrolled in the school), as authorized under C.R.S. § 22-30.5-112(2)(a)(III)(A).

CTE used 95% of the PPR amount in figuring all of the budget in the charter application therefore, allowing for the 5% administrative overhead costs to have already been retained by the School District for services provided to the charter school. CTE is now using the anticipated District PPR as the basis for CTE's funding and a line item has been added under General Operations, stating the 5% administration overhead costs CTE will pay to the District in the more detailed budget (attached).

District Response (11/30/01): The district provided 100% of PPR for our charter schools and there are specific required services. Please include in your budget as line items. Insurance Risk \$48.45, Liaison \$36.11, Legal at cost, Audit at cost, Special Education \$431.13, Health \$16.09, and SASI \$2,000 per year plus \$4 per student. These are the current per pupil charges. Expect significant increases for 2002-2003.

*****Challenge to Excellence has provided an amended budget with the line items as requested. The amounts above were increased by 3% anticipating "significant increases in 2002-2003".**

-
6. Need to see health services costs reflected in budget.

It is our understanding that there are no health service costs as the charter school's staff will be trained by district as it is done at other charter schools.

District Response (11/30/01): Please see #5 above.

*****Answer in #5 above.**

7. Technology-based mission is not supported sufficiently in the budget.

The use of applied technology to support the delivery of the academic program will be accomplished over a three-year period through donations, grants and fundraising as well as with the amount designated in the budget.

District Response (11/30/01): There are significant costs to network a building. Are these costs included in the building/capital budget?

*****Challenge to Excellence has been assured that the building will be set up to include Internet. Since our interior design needs are minimal requiring only classrooms without the more expensive accessories the builder usually includes in his buildings, networking the building is included.**

8. SASI hookup costs are absent from budget.

The SASI hookup costs obtained from Laura Harmon are listed in the more detailed budget, attached to this response, as a line item under General Operations.

District Response (11/30/01): Please see #5 above.

*****Answer in #5 above.**

9. Application states that General Accepted Accounting Principles (GAAP) are to be used yet line items are inconsistent under budget categories. Line items need to be placed in the proper accounting categories.

CTE is using, in the charter application and this response, the format approved by Phil Onofrio, DCSD's financial/budget expert, for the Colorado Visionary Academy (in spring of 2000), to detail the budget. CTE will change the line items to the format required by the District with receipt the required format however, a change in placement of line items will not change budget numbers.

District Response (11/30/01): The teacher accrual is a balance sheet item. It should not be displayed on the budget, which is a list of revenue and expenditures. It appears that CTE's salaries are annual. Yet, including the accrual implies the salaries are only 9 or 10 months. Please revise.

*****Challenge to Excellence has provided an amended budget with the line items as requested.**

10. Sources of state and federal grant money need to be identified.

The following grants will be applied for: State Startup Dissemination grant, Federal Special Education grant, Free and reduced lunch grant, Title programs grants, and technology grants.

District Response (11/30/01): Please identify each grant individually such as Charter school start up grant and the anticipated amount. Present each grant on one line since they may be used over multiple years.

*****CTE identified grants for which it will apply only to provide additional information to the District on its plans. Since this is creating confusion, CTE will omit all grants in its budget documents except for the startup charter school grant from the state. The budget does not depend**

upon grants to balance. We did however, list the grants we will apply for and may receive funds from under the footnotes of the Summary Budget.

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11. A description of the proposed location and facility where CTE plans to conduct its operations is an essential element missing from the application. Not only is such a description necessary for the Board of Education to evaluate CTE's plan for the delivery of education services to students within the District, it is also necessary for a determination as to whether the proposed budget is economically viable. Please provide information on the proposed location and facility where CTE plans to conduct its operations, as well as a description of all costs associated with operating the facility as a school.

CTE will lease 12,000 square feet of an office building in the Parker Valley area of the Town of Parker, as provided by our future landlord, Faestel Properties. The lease price of the building (as stated in the more detailed budget attached), will include the capital improvements, snow removal, exterior maintenance, common area fees and building maintenance all in the square foot lease amount. The utility and janitorial costs are listed separately on the budget attached. The actual playground equipment is also listed as a separate line item not included in the lease amount. Please note the attached letter of intent to lease signed by Faestel Properties and CTE. Depending on the District's final determination of the charter approval date, and the final date of approval, CTE will provide our anticipated timeline for occupancy and school start.

District Response (11/30/01): The sketchy information provided by CTE in response to item #11 within the "Financial Administration and Funding" section (including the November 19, 2001 letter from Faestel Properties) is insufficient for a proper evaluation of the terms and conditions of CTE's lease of a site to use for the charter school. The rental rate of \$22.80 per square foot appears to be high, unless it includes all costs of remodeling. The District will require CTE to provide a proposed form of lease agreement for the review, as well as plans and budgeted costs for necessary construction/remodeling. Also, please provide an explanation of CTE's plan to furnish the facility and pay for the technology contemplated by its educational program, neither of which appear to be reflected sufficiently in the budget.

*****Challenge to Excellence will be paying a lease rate of \$19/square foot with a CAM (common area maintenance) fee of \$3.80/square foot for a total of \$22.80/square foot. This lease amount includes the lease of the building that will be built to Challenge to Excellence's specifications therefore, there will not be any remodeling costs.**

See line item under Instructional Budget in the attached budget for the costs anticipated in furnishing the rest of the facility.

At the present time, CTE has only a possible draft of a lease agreement but will provide a proposed form of lease once it has been finalized with direction from our attorney after charter approval.

Technology equipment will be provided through mostly grants and donations however, if so needed, we will reduce the Technology teacher to a half-time position and use that funding to provide computers in each room the first year. The technology teacher would then be responsible for developing the technology lessons with the input from the Director and each teacher for each class.

Additional Comments:

12. Please provide a statement that CTE will maintain a positive fund balance in excess of the Tabor Reserve requirement.

*****CTE agrees to include this statement in the contract with the District.**

13. Salaries seem low and the health package at \$189 per month seems low or not a package competitive to school district (DCSD averages \$300 per month). We question CTEs ability to attract quality educators at these salary rates and benefit packages.

*****CTE has increased the salaries somewhat and feels comfortable with our ability to find teachers at these rates as we have already been approached by 4-5 teachers interested in applying for positions.**

14. The application indicates on page 56 that "CTE plans to offer a before and after school program." Please describe the program, including proposed times, who will be eligible to participate, the fees that must be paid in order for a student to participate, who will staff the program, who will supervise the staff, and the source of revenue to pay for staffing and supervising the program if not fully covered by student fees.

*****CTE does not plan to supplement the before-after school program with PPR funds in the initial years. The program will be self-supporting so costs are not reflected in the budget for the school operation. Should additional funds be available, in excess of what is necessary to balance the budget, as presented, CTE reserves the right to allocate surplus funds to the before and after school program, upon recommendation by the Director and approval by the Governing Council.**

15. As a condition for approval of CTE's charter application, it would be required to identify, by March 15, 2002, all current School District students who plan to enroll in CTE so that the District can account for these students in making next year's staffing decisions.

*****As stated under #24 on page 57 of the Challenge to Excellence Charter application, "CTE will provide this by April 1, unless participation in the statutory appeals process delays the timeline." Challenge to Excellence then again verbally agreed to provide the current Douglas County School District students enrolled in CTE information at the new date, March 15th, as stated by the District in the November 20th meeting, 2 weeks earlier than asked for on the District's Charter Application form, along with a budget corresponding to the number of students enrolled on the March 15th date. This does not have to be a condition as it has already been agreed to both verbally and in writing.**

CTE will present the names to the District by March 15, 2002, however, these are not necessarily the exact students CTE will receive funding for on the October count date. This is 6 months prior to school start and enrollment could change due to job changes, out of district moves, etc.

16. As a condition for approval of CTE's charter application, it would be required to provide a balanced budget based on the minimum of 175 students that would allow the school to open and operate. CTE would only be allowed to open and operate if this minimum number of students enroll by March 15, 2002.

*****Challenge to Excellence can provide a balanced budget based on the minimum of 175 students to this report. However, CTE cannot agree to this condition. It is not realistic to expect finalized enrollment by this early date, 6 months prior to attendance.**