

MINUTES

REGULAR MEETING OF THE BOARD OF EDUCATION PUEBLO SCHOOL DISTRICT 60

Thursday, January 12, 2017 (2:00 PM)

1.0 CALL TO ORDER AND ROLL CALL

Board Vice President Dr. Patricia Milner called the meeting to order at 2:01 p.m.

UPON THE ROLL BEING CALLED, THE FOLLOWING WERE PRESENT:

BOARD MEMBERS:

Barbara Clementi
Frank Latino
Robert Gonzales
Dr. Patricia Milner
Absent: Phyllis Sanchez

ALSO IN ATTENDANCE: Mr. Richard E. Bump, Attorney

OPEN IN EXECUTIVE SESSION

Recommendation: The Board of Education meets in executive session to discuss: Legal matters and to receive legal advice and the opinion of counsel on specific legal questions, including pending and threatened legal claims and charter school application review requirements and procedures, pursuant to C.R.S. 24-6-402(4)(b); and Personnel matters, including the Interim Superintendent's evaluation and recommendations involving individual employees, pursuant to C.R.S. 24-6-402(4)(f).

ORIGINAL - Motion

Member (**Barbara Clementi**) Moved, Member (**Frank Latino**) Seconded to approve the **ORIGINAL** motion 'The Board of Education meets in executive session to discuss: Legal matters and to receive legal advice and the opinion of counsel on specific legal questions, including pending and threatened legal claims and charter school application review requirements and procedures, pursuant to C.R.S. 24-6-402(4)(b); and Personnel matters, including the Interim Superintendent's evaluation and recommendations involving individual employees, pursuant to C.R.S. 24-6-402(4)(f)'. Upon a roll call vote being taken, the vote was: Aye: **4** Nay: **0**. The motion **Carried. 4 – 0**; Absent: Phyllis Sanchez

The Board of Education met in executive session to discuss: Legal matters and to receive legal advice and the opinion of counsel on specific legal questions, including pending and threatened legal claims and charter school application review requirements and procedures, pursuant to C.R.S. 24-6-402(4)(b); and Personnel matters, including the Interim Superintendent's evaluation and recommendations involving individual employees, pursuant to C.R.S. 24-6-402(4)(f).

2.0 CORRECTIONS AND MODIFICATIONS TO THE AGENDA

ORIGINAL - Motion

Member **(Barbara Clementi)** Moved, Member **(Frank Latino)** Seconded to approve the **ORIGINAL** motion 'The Board of Education amends the agenda to move the School and District Unified Improvement Plans from the work session to 12.0 Action Items'. Upon a roll call vote being taken, the vote was: Aye: **4** Nay: **0**. The motion **Carried. 4 – 0**;
Absent: Phyllis Sanchez

3.0 ADOPTION OF THE AGENDA

Adoption of Agenda

Recommendation: It is requested that the Board of Education adopts the agenda for January 12, 2017 as modified.

ORIGINAL - Motion

Member **(Barbara Clementi)** Moved, Member **(Frank Latino)** Seconded to approve the **ORIGINAL** motion 'It is requested that the Board of Education adopts the agenda for December 13, 2016 as modified'. Upon a roll call vote being taken, the vote was: Aye: **4** Nay: **0**. The motion **Carried. 4 – 0**; Absent: Phyllis Sanchez

WORK SESSION

Pueblo Vocational Academy Charter Application

Alan Nelms presented information to the Board of Education on the Pueblo Vocational Academy Charter Application.

2017-2018 School Choice Process

Marcie Bartley, Director of Magnet Schools and Bruce Richards, Supervisor of Student Records and Reporting, presented information to the Board of Education on the 2017-2018 School Choice process.

School and District Unified Improvement Plans - Item was moved to 12.0 Action Items under 2.0 Corrections and Modifications to the Agenda.

2017-2018 Instructional Calendars

Paula Chostner, Executive Director of Human Resources, presented Draft Instructional Calendars for both the Traditional/Extended and Innovation Schools.

2016-17 Amended Budget Information

The information provided to the Board of Education included revenue adjustments for the 2016-17 Amended Budget. These adjustments reflect actual student count and per pupil revenue versus budgeted. It will also include expenditure changes recommended to the FY 16/17 general fund adopted budget.

11.0 CONSENT AGENDA

1. APPROVAL OF CONSENT AGENDA

The Board of Education was asked to approve the Consent Agenda Items 2-8.

Recommendation: The Board of Education approves the Consent Agenda Items 2-8 as presented in the January 12, Board materials.

2. Personnel Report

The Board was asked to approve the report of personnel activity since December 13, 2016 including recommendations for appointments, transfers of certified and classified employees.

Recommendation: The Board of Education approves or acknowledges receipt of the information as indicated in Item 11.00 in the January 12, 2017 Board materials on pages 1 of 5.

3. Capital Project: Morton Elementary School Heating Coil Replacement

The Board of Education approves an expenditure of \$6,961 from the Capital Projects Fund for the replacement of the heating coil at Morton Elementary School. The amount includes a 10% contingency. Robert Lawson is the administrator in charge.

Recommendation: The Board of Education approves an expenditure of \$6,961 and appropriates the funds from the Capital Projects Fund as presented in the January 12, 2017 Board materials.

4. Contracts and Agreements: Contract Agreement between The Media Center Inc. and Pueblo School District 60

The Board of Education was asked to approve the Contract Agreement between The Media Center Inc. and Pueblo School District 60 to provide all advertisement for the School of Choice and STEM marketing for the 2017-2018 school year.

Recommendation: The Board of Education approves the contract agreement between The Media Center Inc. and Pueblo School District 60 as presented in the January 12, 2017 Board materials.

5. Field Trip/Overnight: Centennial, East, & South Honor Choir Students to Denver, Colorado on February 2-4, 2017

The Board of Education was asked to approve the field trip overnight for Centennial, East, and South Honor Choir students to attend the 2017 Colorado All-State Honors Choirs in Denver, Colorado.

Recommendation: The Board of Education approves the field trip request for Centennial, East & South Honor Choir students as presented in the January 12, 2017 Board Materials.

6. Field Trip/Overnight & Out-Of-State: East High School Girls' Basketball Team to Colby, Kansas on January 19- 21, 2017

The Board of Education was asked to approve the field trip overnight & out-of-state request for East High School Girls' basketball team to attend the 32nd Annual Orange & Black Basketball Classic in Colby, Kansas on January 19, 20, 21, 2017.

Recommendation: The Board of Education approves the field trip request for East High School Girls' Basketball team as presented in the January 12, 2017 Board materials.

7. Field Trip/Overnight: Centennial, Central, East & South High School DECA Teams to Colorado Springs, Colorado on February 26-28, 2017

The Board of Education was asked to approve the overnight field trip request for Centennial, Central, East & South High Schools DECA Teams to attend the 67th Annual Colorado DECA State Leadership Conference at the Broadmoor Hotel in Colorado Springs, Colorado on February 26-29, 2017.

Recommendation: The Board of Education approves the overnight field trip request for Centennial, Central, East & South DECA teams as presented in the January 12, 2017 Board materials.

8. Field Trip/Overnight: Centennial, Central, East, & South Honor Choir students to Alamosa, Colorado on February 16-18, 2017

The Board of Education was asked to approve the field trip overnight request for Centennial, Central, East & South Honors Choir to attend and perform at the Top of the Nation Choir Festival in Alamosa, Colorado on February 16-18, 2017.

Recommendation: The Board of Education approves the overnight field trip request for Centennial, Central, East and South's choir students as presented in the January 12, 2017 Board Materials.

12.0 ACTION ITEMS

School and District Unified Improvement Plans

The Board of Education was asked to approve the submission of School and District Unified Improvement Plans. - The Unified Improvement Plans incorporate state and federal accountability into a single improvement plan. - All Turnaround and Priority Improvement Plans are due to CDE by January 15, 2017 and must be accepted by the Board of Education. - Turnaround and Priority Improvement Plans will be read by CDE and returned for final revisions, due in April.

Recommendation: The Board of Education approves the submission of School and District Unified Improvement Plans as presented in the January 12, 2017 Board materials.

ORIGINAL - Motion

Member **(Barbara Clementi)** Moved, Member **(Frank Latino)** Seconded to approve the **ORIGINAL** motion, 'The Board of Education approves the submission of School and District Unified Improvement Plans'. Upon a roll call vote being taken, the vote was: Aye: **4** Nay: **0**. The motion **Carried. 4 – 0**; Absent: Phyllis Sanchez

Pueblo Expeditionary School Charter Application

The Board of Education was asked to take action on the Pueblo Expeditionary School Charter Application.

Recommendation: The Board of Education will take action on the Pueblo Expeditionary School Charter Application as presented in the January 12, 2017 Board materials.

ORIGINAL - Motion

Member **(Barbara Clementi)** Moved, Member **(Dr. Patricia Milner)** Seconded to approve the **ORIGINAL** motion, 'The Board of Education denies the charter school application of the Pueblo Expeditionary School'. Upon a roll call vote being taken, the vote was: Aye: **4** Nay: **0**. The motion **Carried. 4 – 0**; Absent: Phyllis Sanchez

Ms. Clementi read the Resolution Denying the Charter School Application of Pueblo Expeditionary School into the record.

PUEBLO SCHOOL DISTRICT NO. 60

RESOLUTION

(Denying the Charter School Application of Pueblo Expeditionary School)

WHEREAS, pursuant to the Charter Schools Act, C.R.S. §§ 22-30.5-101-115 (the "Act"), the proposed Pueblo Expeditionary School (the "Charter Applicant") submitted a charter school application to the Board of Education ("Board") of Pueblo School District No. 60 ("District") for approval as a new K-5 charter school in the District to commence in the 2017-2018 school year; and

WHEREAS, the charter school application was reviewed by the District staff and members of the District Accountability Committee ("DAC") on October 19, 2016, and the findings were provided to the Charter Applicant on October 22, 2016; and

WHEREAS, the Board held community meetings on November 3, 2016, November 15, 2016, and December 13, 2016, to obtain information to assist it in its decision concerning the charter school application; and

WHEREAS, prior to and during these meetings, the Charter Applicant responded to questions from the Board regarding the charter school application and submitted responses to the review committee's findings on November 15, 2016; and

WHEREAS, the charter school application has been reviewed by District staff pursuant to the District's Charter School Application Guidelines, LBD-R, and the Colorado Charter School Standard Application Check List and Review Rubric, and recommendations were given to the Board for its consideration; and

WHEREAS, on December 13, 2016, the date scheduled for action by the Board, the Charter Applicant requested and the Board agreed to extend the date for taking action on the application to January 12, 2017; and

WHEREAS, on January 5, 2017, the Charter Applicant submitted a request to amend the application together with revised budget seeking to open the school in the Fall of 2018, contingent on securing a Colorado Department of Education ("CDE") Start-Up Grant and a facility within the boundaries of the District; and

WHEREAS, the Board has considered the charter school application; the requirements of the Act; the information presented by the Charter Applicant, including the January 5, 2017 proposed amendment; the information and recommendations provided by the District staff; the findings of the DAC review; the correspondence from CDE, dated November 16, 2016, together with the Colorado Charter Schools Program Grant 2016-17 Evaluation Rubric Scoresheet; and any testimony and information from the public.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education that the Pueblo Expeditionary School charter application is denied for the following reasons:

1. The Mission Statement in the application includes establishing a "home base on the CSU-Pueblo campus," however, during the review process, it became

apparent that this will not happen and the proposed school will not be on the campus.

2. The application does not include goals related to the Colorado Measures of Academic Success (“CMAS”) nor Partnership for Assessment of Readiness for College and Careers (“PARCC”), leaving those “to be determined.” As concluded by CDE in its grant review process, the Charter Applicant’s goals are insufficient to ensure academic success.
3. The application lacks specificity in linking specific Colorado Academic Standards (“CAS”) to the identified activities, assessments, and expeditions.
4. There is insufficient evidence of support from parents and students in light of the changed circumstances that the location of the proposed school will not be on the CSU-Pueblo campus, no location in the District has been identified, and the planned school is now seeking to open in the Fall of 2018.
5. The Charter Applicant has not presented evidence that its proposed plan for the charter school is economically sound. Among other things, there was no detailed budget narrative that clearly explained assumptions and the budget itself, including cash flows. The budget originally relied upon the receipt of over \$200,000 in CDE Start-Up Grant funding in the first three years and \$325,000 in grant funding from unknown sources in years four and five. The budget provided with the January 5, 2017 amendment for a 2018 opening similarly relies upon the same level of support. On November 16, 2016, the Charter Applicant was informed by CDE that its grant application was not funded, having scored only 51 of 135 points. There is no assurance that this will be approved next year. In addition to grant funding, the Charter Applicant’s original and revised budgets also rely upon the annual receipt of \$100,000 in “private funds.” No evidence was presented confirming the sources and commitments of those funds. Without these contributions, there is insufficient money to carry the school’s operations. The Charter Applicant doubled the first year enrollment from the initial application to the proposed final version. However, there is insufficient evidence that this enrollment can be achieved. The proposed salaries and benefits in the first year exceed reasonable amounts based upon the staff necessary to serve 60 students. The proposed facility costs are questionable because no actual facility has been identified.
6. The Governance Section of the application was incomplete, insufficient, or concerning in at least the following respects: (a) as noted by CDE, the founding team lacked Expeditionary Learning experience; (b) a Conflict of Interest policy was not presented; (c) a Non-discrimination policy was not presented; and (d) no bylaws were presented nor any guidelines concerning the proposed committees or advisory boards, including the School Accountability Committee.
7. The Charter Applicant provided no employment policies including, but not limited to, any formal staff evaluation rubrics, form, or expectations. Significant professional development will be needed to train the school leader and staff in expeditionary learning; however, there is insufficient detail to determine how often that will occur, who will provide the training, and what the cost will be.

8. The application does not adequately address how it will deliver services and meet the needs of students with disabilities nor how it will fund and pay for special education and related services.
9. The Charter Applicant has no identified facility or facilities plan including, but not limited to, details of where the facility will be within the District boundaries, whether the facility will comply with the requirements of C.R.S. § 22-32-124, or what the occupancy costs will be, including utilities and maintenance, so that those expenditures can be included and evaluated as part of the budget.
10. There is nothing in the Board's denial of the application to prevent the Charter Applicant from reapplying prior to October 1, 2017, for a requested opening in the following school year (2018-2019).

Adopted this 12th day of January, 2017.

Pueblo Vocational Academy Charter Application

The Board of Education was asked to take action on the Pueblo Vocational Academy Charter Application.

Recommendation: The Board of Education will take action on the Pueblo Vocational Academy Charter School Application as presented in the January 12, 2017 Board materials.

ORIGINAL - Motion

Member (**Dr. Patricia Milner**) Moved, Member (**Barbara Clementi**) Seconded to approve the **ORIGINAL** motion, 'The Board of Education denies the charter school application of the Pueblo Vocational Academy. Upon a roll call vote being taken, the vote was: Aye: **3** Nay: **0**. The motion **Carried. 3 – 0**; Abstain: Robert Gonzales; Absent: Phyllis Sanchez

Ms. Clementi read the Resolution Denying the Charter School Application of Pueblo Vocational Academy into the record.

PUEBLO SCHOOL DISTRICT NO. 60 RESOLUTION (Denying the Charter School Application of Pueblo Vocational Academy)

WHEREAS, pursuant to the Charter Schools Act, C.R.S. §§ 22-30.5-101-115 (the "Act"), the proposed Pueblo Vocational Academy (the "Charter Applicant" or "PVA") submitted a charter school application to the Board of Education ("Board") of Pueblo School District No. 60 ("District") for approval as an 8-12 grade charter school in the District to commence in the 2017-2018 school year; and

WHEREAS, upon initial review by the District, it was determined that the application was incomplete as it was missing many of the essential elements required by the Act; and

WHEREAS, the Charter Applicant was notified in writing of the deficiencies in the application on October 3, 2016; and

WHEREAS, the Charter Applicant submitted a revised application on October 18, 2016;
And

WHEREAS, even though the revised application was still deficient in many respects, the District determined that it was sufficiently complete to commence the review process; and

WHEREAS, the charter school application was reviewed by members of the District Accountability Committee (“DAC”) on November 15, 2016, and November 21, 2016; the final findings of the DAC were provided to the Charter Applicant on December 9, 2016; and the Charter Applicant sent a response on January 11, 2017; and

WHEREAS, the Board held community meetings on December 13, 2016, and January 12, 2017, to obtain information to assist it in its decision concerning the charter school application; and

WHEREAS, prior to and during these meetings the Charter Applicant responded to questions from the Board regarding the charter school application; and

WHEREAS, the charter school application has been reviewed pursuant to the District’s Charter School Application Guidelines, LBD-R, and the Colorado Charter School Standard Application Check List and Review Rubric, and recommendations were given to the Board for its consideration; and

WHEREAS, the Board has considered the charter school application; the requirements of the Act; the information presented by the Charter Applicant; the information provided by the District staff; the findings of the DAC review; public records received from the Charter School Institute (“CSI”) and the Colorado Commissioner of Education, concerning the Charter Applicant’s operation of the Youth and Family Academy (“YAFA”), the former name of the Charter Applicant’s proposed charter school; and any testimony and information from the public.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education that the Pueblo Vocational Academy charter application is denied for the following reasons:

1. The application is, in all material respects, a proposal to transfer to the District the YAFA program, whose charter was nonrenewed in lieu of being revoked by CSI. As found by the DAC, there is “no distinction throughout the application between the proposed Vocational Academy and the current YAFA.” Among other things, the UIP references YAFA; the composition of the YAFA board and the proposed Charter Applicant’s board are practically identical; the school will be in the same leased space as has been occupied by YAFA; the school contemplates using the same APEX Learning online curriculum as its predecessor; and, for example, the insurance section presents YAFA documents, rather than those for PVA. YAFA was formerly a District charter school that, in lieu of nonrenewal by the District in 2011, transferred to CSI with the District’s consent. In 2013, YAFA was recommended for nonrenewal by CSI’s staff, but was ultimately renewed with conditions. Nevertheless, on February 26, 2016, the Commissioner of Education concurred with CSI that an action to revoke the charter of YAFA should begin at the end of the 2015-2016 school year. The YAFA board approved a name change to Pueblo Vocational Academy on March 4, 2016. On April 12, 2016, the CSI Board agreed to the voluntary nonrenewal of YAFA’s charter

at the end of 2016-2017 in lieu of revocation proceedings based upon YAFA's failure to make adequate academic progress and alleged material violations of the contract with CSI and law. YAFA waived its right to appeal to the State Board of Education. (Resolution 1582 of the CSI Board and Consent Agreement for the Voluntary Non-Renewal – The YAFA-CSI Charter Contract are attached as Exhibit A.) The Board of Education believes that a change in name has not cured the fundamental and persistent problems with YAFA and cannot resuscitate the nonrenewal of its charter.

2. The vision and mission statements are not clear, focused, nor share a compelling, measureable purpose for the proposed school. The vision and mission statements in the application are also completely different from those stated in the Parent Student Handbook.
3. There is no substantial evidence of adequate support from parents and students. There is no "Evidence of Support" section included in the application. While there is some reference to support in the enrollment section, there is only a narrative with respect to targeted population with no substantiation as to projections. The Charter Applicant states that it will be an Alternative Education Campus ("AEC"), like YAFA, however, there is no assurance that this will be approved for 2017-2018. The District contemplates submitting its own application for its Paragon Learning Center to be designated as an AEC, as it currently serves high-risk students.
4. With respect to curriculum, the application plans to use APEX Learning for high school (also in use by YAFA) but does not provide a detailed plan of how it would be implemented. It proposes to use the Lindamood Bell reading comprehension program, but includes no evidence that it has a contract with the company to do so (a necessary prerequisite) nor how it will pay for and train teachers to implement the program. Further, the application proposes to use Alternative Cooperative Education ("AEC") for vocational coursework but does not identify how it will secure certified instructors who are difficult to find, recruit, and hire. As reported by the DAC, there is no clear evidence or discussion of how instruction will be differentiated based on identified student needs, and no examples to support the differentiation.
5. There is no balanced assessment system nor depth in the plan for evaluating and improving pupil performance. There is no evidence that PVA will perform any better than YAFA did which, according to CSI, has consistently failed to meet state standards along nearly every performance measure.
6. The Charter Applicant has not presented evidence that its proposed plan for the charter school is economically sound. Given YAFA's history of financial deficiencies while chartered with CSI, the risk of continued problems can be expected to continue, notwithstanding the Charter Applicant's split from its former operator. The Charter Applicant's governing board is essentially the same as YAFA. Among other concerns, there is no five-year projection for student enrollment that matches budget projections nor a plan for balancing the budget if full enrollment is not met; no viable plan to address truancy which has been a historic problem with YAFA; no evidence substantiating the hoped-for receipt of state and federal start-up grants or other entitlements and no alternate plan if not received; salaries are not broken out and in total seem unrealistic; rental rates are tied to enrollment which precludes accurate budgeting and creates the real potential disincentive to enroll students especially after

the October count day; first year per pupil revenue is optimistically based upon 160 enrolled students but rent is understated using only 139 students; and the application is lacking in a clear understanding of how the financial problems of YAFA will be cured under a new name.

7. The proposed governance of the Charter Applicant includes significant overlap of the same board members involved in YAFA (five of the seven), the same principal who has been in the position for the last three years, and the same consultant. As a result, there is nothing to suggest that the governance or leadership will be any different than YAFA, whose charter the CSI Board agreed would be nonrenewed in lieu of commencing revocation. The governance also reflects the potential for conflicts of interest. One board member is the superintendent of a neighboring district. Another is also a member of the GOAL Academy board. Another key element of effective governance and a requirement of the Act – a dispute resolution process – was carelessly copied and pasted into the application from a different charter school application filed with Academy School District 20 for the proposed “New Summit Charter Academy.”
8. The application does not meet the statutory standards nor rubric related to legal liabilities and applicable insurance coverage. The documents provided do not reflect coverage for the Charter Applicant, but rather for YAFA. The building identified is the former YAFA building which is currently vacant and for sale. There is no reference to coverage for directors and officers.
9. The application speaks to YAFA’s parent and community involvement, but not to the marketing of PVA. There is no mention of volunteer support, the expectations for volunteers or details about recruiting and retaining them. There is no evidence that the Charter Applicant will or has established a strong parent community.
10. There is no comprehensive plan, nor realistic budget, for serving students with special needs, as required by the Act. Rather, the application merely reiterates the requirements of state and federal law concerning students with disabilities.

Adopted this 12th day of January, 2017.

15.0 ADJOURNMENT

There being no further business, the meeting was adjourned at 5:50 p.m.
