

**Denver Public Schools**



**THE DISTRICT SCHOOL IMPROVEMENT AND  
ACCOUNTABILITY COUNCIL (SIAC)  
RECOMMENDATIONS AND COMMENTS  
TO THE BOARD OF EDUCATION  
ON  
CHARTER SCHOOL APPLICATIONS**

**JUNE 2009**

## **Introduction**

The Charter Schools Act requires the District School Improvement and Accountability Council (District SIAC) to review Charter School applications. This responsibility was delegated to a subcommittee. This report is the result of that process for the 2008-2009 school year. The persons who participated in a portion or all of the subcommittee work included the following:

Sherry Eastlund, District SIAC Subcommittee Co-Chairperson  
Paula Ortlieb, DPS Parent, Chair of District SIAC, Subcommittee Co-Chairperson  
Marsha Gonzales, PTSA, Community, District SIAC  
Lisa Hernandez, Charter School Parent, Educator, District SIAC  
Leo Smith, Community, District SIAC  
Dr. Jesse Sutherland, Community, District SIAC

After the subcommittee received the 13 charter school applications on April 14, it engaged in a series of meetings in which it interviewed all the applicants that do not presently operate a school in Denver and discussed the merits of each application. That part of the process extended through most of May, and included the time necessary to review the application and make a recommendation to the Board with regard to the application of Amandla Charter Academy concerning a proposed charter to begin this Fall. Also, in late May, one applicant, Denver Community High School, withdrew its application.

On May 26, the subcommittee presented District SIAC with a progress report including an overview of its recommendations. At that meeting, District SIAC adopted a resolution supporting the work of the subcommittee.

## **Criteria and Analytical Process**

In reviewing charter school applications, District SIAC's principal test has consistently been whether the proposed school is likely to be successful in providing its students with an educational environment that results in high levels of academic achievement. To meet this test, the school must, of course, also be functionally sound, both in terms of its educational program and its financial operation.

This test remains of critical importance and represents an initial condition that must be met before any charter application will be successful in gaining our recommendation. However, the District has embarked on a policy not only of continually adding multiple new schools of widely differing types to coexist with traditional neighborhood schools but of also dictating the location of these new schools. Because of this change of policy, District SIAC has concluded that other factors are also of vital significance to whether a proposed school should be granted a charter.

Among these additional issues are the following:

- The relationship between the proposed charter school and other nearby schools, especially when the proposed school will be co-located with an existing school;
- The relationship between the proposed charter school and any educational management company or similar parent entity that will be involved in the school's operation;
- The relationship of the proposed charter school and other District schools that are designed to serve students of a particular type or demographic character;
- Enrollment policies that may affect the access of neighborhood families to nearby schools;
- The existence of alternative arrangements, such as creating a performance school, a contract school, or redesigning an existing program that would address the circumstances underlying the proposed charter.

## **Recommendations**

### ***West Denver Prep (2 schools)***

#### ***KIPP***

### ***Denver School of Science and Technology (4 schools)***

Each of these applicants presently operates one or more schools in Denver that are proving to be successful in producing high levels of student achievement. Indeed, some of these applicants' schools have outstanding levels of success with all kinds of students. This record of success has led to these applicants having strong parental support and has enhanced the standing of the District throughout Denver and beyond.

In light of this proven and impressive track record in DPS, District SIAC believes that replication of these schools within the District would be of great value to the community. Nevertheless, it is our view that it is inappropriate under the Charter Schools Act to establish multiple schools in sequential years under one application. Also, for the present Board of Education to do so would have the effect of preempting decisions that should be made by future Boards under the circumstances that then exist.

**Accordingly, District SIAC recommends that the charter applications submitted by the above applicants be granted insofar as they are for schools to begin operation in 2010.**

Although conceding the success of these schools, one subcommittee member is concerned that such success is being achieved by "encouraging" low achieving students to leave the schools instead of helping them to improve.

### ***Southwest Neighborhood Academy***

This application is for a K-8 school to be co-located in Kaiser Elementary School. The school would use the Core Knowledge curriculum.

The applicant's stated intention would be to share the Kaiser facility until such time as the proposed school would prove so successful that Kaiser's enrollment would decrease to the point that it would need to be closed and the charter school could then take over the building. The subcommittee finds that plan to be extremely objectionable on a number of levels, including that it would almost certainly prove to be extremely divisive to the neighborhood. Some members of the subcommittee are also concerned with the apparent conflict of interest that exists by virtue of the author of the application receiving a consulting fee from the school.

Although the subcommittee generally viewed the proposed educational program as a positive element of the application, such is far outweighed by the negative implications of the applicant's attitude towards the existing neighborhood school.

**Hence, District SIAC recommends that the charter application of Southwest Neighborhood Academy be denied.**

### ***Trailblazer Charter Academy Cornerstone Charter Academy***

The applicant for these two schools is National Heritage Academies, Inc., (NHA) a for-profit company that operates 57 schools mostly in Michigan. These two proposed K-8 schools would be identical in educational program and in their operation with one being located in Northeast Denver and the other in the Northwest area of the city. NHA would build facilities for the two schools and would make up any operating shortfalls in the initial years with the expectation that when enrollment would reach above about 600 students the school would return a profit to NHA.

The proposed educational program in the schools operated by NHA appears to the subcommittee to be sound and reasonably successful, but not particularly innovative or compelling. However, the subcommittee's principal concern with these applications lies in the financial and operational relationship between the schools and NHA.

Under these applications, *all* revenue received by the schools from whatever source would be transferred to NHA. In return, NHA would operate the schools in their entirety. All school staff, including the principals, would be employees of NHA (meaning, among other things, that they would not be members of PERA). According to the applicant's representatives, the governing board would have the authority to terminate its contract with NHA. However, given that NHA would be the owner of the school buildings and

would have made up any operational deficits sustained by a school, that authority seems more theoretical than real.

The subcommittee finds this arrangement as unacceptable for many reasons. Perhaps most objectionable is that it appears that all operational decisions about these Denver schools, even the most mundane, would, in essence, be made in corporate offices in Michigan. And, the motivation for those decisions could well be to increase the profit of NHA, rather than for the educational benefit of the students.

**In light of this essential facet of these applications, the subcommittee recommends that the charter application of Trailblazer Charter Academy and Cornerstone Charter Academy be denied.**

For the above schools, the subcommittee generally reached a consensus for each of its recommendations, but for the remaining applications that unanimity eluded us.

### ***Girls Athletic Leadership School***

This application is for a 6-12 college preparatory school for girls that uses an experiential learning educational program with elements of wellness or health integrated throughout the curriculum. Although there were some concerns about the legality of the single sex nature of this school, the subcommittee generally found the proposal to be for a truly innovative and well researched program that has strong leadership. It has the potential to provide a desirable choice for some Denver families.

**As a result, with one dissenting vote, it is the recommendation of the subcommittee that the charter application of the Girls Athletic Leadership School be granted.**

The dissenting member of the subcommittee sees one fatal weakness in the proposal, i.e., inadequate teacher salaries. The teaching staff will be at-will employees, will be expected to participate in varied and demanding activities, and must have the skills to provide the experiential instruction called for by the school. The applicant indicated she was confident that an average salary of \$36,000 would be adequate to attract “young, enthusiastic” teachers. That may be so, but even ignoring the age discriminatory nature of this statement, it does not convince the dissenting subcommittee member that such teachers can provide the challenging type of instruction needed to make this school successful. That member is also concerned with the number of administrators to be hired by this school whose enrollment is only expected ultimately to be about 315 students. Accordingly, this member would recommend denial of the charter application.

### ***SOAR Charter School***

The applicant proposes to establish a K-5 school that would be modeled after a school that the applicant and her spouse started and operated for several years in New York City. That school enrolls primarily impoverished African-American students and has had notable success in improving their levels of academic achievement. The proposed school would have a modestly longer school week, would provide students with art or music instruction each day, and would cultivate a school environment focused on academic achievement.

Some members of the subcommittee were concerned that the applicant did not seem attuned to the different cultural and demographic circumstances that would be present in the Denver school. However, most members of the subcommittee believed that the success of the New York School could probably be replicated here.

However, there exist conflict of interest issues with regard to this application that, for most members of the subcommittee, are of overriding importance as to whether this application should be granted. Both the applicant and her spouse are senior administrative employees in the Office of School Reform and Innovation (formerly the New Schools Office). Although the applicant would resign her employment to become the principal at the school, her spouse would be the individual primarily responsible for oversight as to the continued operation of the school and its relations with DPS. Unless that circumstance can be resolved, the subcommittee is strongly of the view that approval of the charter would threaten the integrity and reputation of the District.

To its credit, the District has taken steps to assure that there is no impropriety in regard to the approval of this charter. The application is being reviewed solely by persons outside the District. That, however, does not resolve the continuing conflict of interest issues. The administration has indicated to us that they are attempting to craft a policy regarding the continuing oversight of this charter if approved, but one has not been presented to us at this juncture.

At this juncture, most members of the subcommittee are sufficiently concerned about the conflict of interest issues that would arise regarding the continuing oversight of this charter that they do not believe the charter should proceed until those issues are resolved.

Further, we note that the applicant seeks to have the school located in the new Green Valley Ranch facility that will soon be built. For this or any charter school to be so located would raise concern that, under the usual enrollment policies of charter schools, neighborhood families could be denied access to a school built with their taxes.

**Accordingly, the subcommittee recommends that the charter application of SOAR Charter School be denied or held in abeyance until such time as the District formulates and adopts a policy that eliminates any potential conflict of interest issues concerning its operation.**

One member of the subcommittee views the conflict of interest issues as being resolvable without halting the process and would grant the application on the basis of a commitment by the District to have an appropriate policy in place before entering a final contract with the charter.

***Denver Language School***  
***Global Village Academy***  
***Global Outreach Academy***

For these three applications, despite extended discussion, the subcommittee was unable to achieve a majority of members either in favor or opposed to the applications. **Hence, for these three schools the subcommittee makes no recommendation.**

In regard to **Denver Language School**, some members found it to be truly innovative proposal to establish a school that teaches both Mandarin Chinese and Spanish in a total immersion program. Further, they were impressed with its being developed by Denver parents and with the extensive community support that it already enjoys. To other members, however, the school's plan for total immersion goes too far by not including any English instruction during the regular school day until the student completes kindergarten and grades 1 and 2.

As to **Global Village Academy**, some members believe the school would be a replication of the existing successful school now operating in Aurora. Also, although this school's educational program is also a language immersion model, it does include some English instruction beginning in first grade, thereby alleviating members' concern about students' progress in this all important area. Other members consider it more appropriate for that school to expand at its present location. Also, the inadequacy of budgeted teacher salaries (an average of \$37.5 K in 2010) is to at least one subcommittee member a fatal flaw in the application.

As to **Global Outreach Academy**, some members view the proposed school as providing a valuable educational choice to the Russian/Slavic community in the metropolitan area and believe it would be helpful to the assimilation of that ethnic group into the Denver community. Other members are concerned that most of the community support for the school is from persons that live in the northwest suburbs of Denver while the school would be located in the southeast. Further, those members view Place Bridge Academy as the appropriate DPS school for students from foreign lands to become assimilated in our culture. Also, again, an average teacher salary of only \$35,000 is viewed by one subcommittee person as being a critical defect in the proposal.



## Additional Issues

Beginning in the Spring of 2008, the Board and District embarked on a process of seeking to open new schools through a yearly RFP process that invited persons inside and outside the District to create diverse schools to be placed, at the administration's discretion, in locations throughout Denver. That policy may eventually prove to be successful in enhancing overall student achievement of DPS, but any definitive answer to that question is years away. What does seem totally apparent to the subcommittee, however, is that it would be extraordinarily unwise to continue year after year to add school after school to Denver neighborhoods without full public understanding and support of the ultimate vision that the District seeks to realize. Indeed, the RFP process is already beginning to appear to be some type of sorcerer's apprentice that continues blindly to dump new schools on astonished and recalcitrant neighborhoods.

District SIAC strongly recommends that the RFP process should be suspended until the Board and the District engage in a full, open, and genuine public discussion of the future of DPS. That discussion should address multiple issues, including the following:

- What does the Board foresee as the ultimate goal of this redesign of the District, i.e., in ten years, what percentage of DPS schools will be traditional neighborhood schools, charter schools, performance schools, and innovation schools;
- What specific policies and resources will be provided to support traditional neighborhood schools as they compete with new schools;
- How will the District maintain a consistent curriculum throughout the District so that students are not disadvantaged by moving from one neighborhood to another;
- What changes in transportation policies will be necessary to assure equitable access of all students to schools throughout the District;
- What enrollment policies should be required of new schools so as to assure that families living nearby will be able to enroll in any new schools added to their neighborhood;
- Given the long time line before most of the proposed new secondary schools will actually be enrolling student in upper grades, what assistance will be provided to schools serving the present generation of secondary students;
- What steps should the District take in order to evaluate and/or develop community support for proposed new schools *before* a new school is located in a neighborhood and what role should a lack of community support play in deciding to establish a new school in a given neighborhood.

(Note: Illness prevented Ms. Gonzales from participating and Ms. Hernandez resigned from the committee before the above discussion of Additional Issues was finalized)