



Colorado State Board of Education

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
COLORADO DEPARTMENT OF EDUCATION COMMISSION
DENVER, COLORADO
March 11, 2015, Part 3

BE IT REMEMBERED THAT on March 11, 2015, the
above-entitled meeting was conducted at the Colorado
Department of Education, before the following Board
Members:

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



1 MADAM CHAIR: The Colorado State Board of
2 Education will now conduct a hearing in Case No. 15-CS-
3 02, the appeal of Mt. Lamborn School of Arts and Science
4 from the decision of the Delta County School District
5 No. 50's Board of Education to deny Mt. Lamborn's
6 charter school application.

7 During this hearing, the Board is acting
8 in this capacity to hear appeals of charter schools and
9 will hold an appellate hearing under the relevant
10 charter school appeal law, 22-30.5-108.

11 I'd like to ask the person chosen to
12 represent each party to enter your name in the record
13 along with the party you represent. Also, please
14 introduce the persons you have designated to answer
15 questions of Board members. Only the individuals
16 identified by the parties have the opportunity to
17 address the Board.

18 Would you introduce yourself, please?

19 MR. HALL: Yes. Good afternoon, Madam
20 Chair and State Board of Education. My name is Eric
21 Hall. I'm the attorney for Mt. Lamborn School of Arts
22 and Science, and with me is Cassandra Shenk. She is
23 the head of the Mt. Lamborn Steering Committee, and
24 then next is Chelsea Bookout. She is the lead
25 coordinator and public relations director for Mt.



1 Lamborn, and then next is Dr. Donna Newberg-Long, who
2 is a Waldorf consultant for the school.

3 MADAM CHAIR: Okay. And how will you
4 divide your 30 minutes, Mr. Hall?

5 MR. HALL: We'll take 20 minutes and then
6 10 minutes for rebuttal.

7 MADAM CHAIR: Okay. You don't have
8 nametags over there.

9 Yes. Go ahead.

10 MR. BUMP: Madam Chair, Members of the
11 Board, Commissioner Hammond, my name is Richard Bump.
12 I am the attorney for the Delta County Joint School
13 District No. 50. Seated next to me is Kurt Clay, who
14 is the assistant superintendent of the school district,
15 and he is prepared to answer questions the State Board
16 may have today. I want the record to reflect also that
17 Tammy Smith, who is seated behind me, a board member,
18 has come over from Delta for this meeting, and also
19 seated next to her is Karin Gibson, the superintendent.

20 MADAM CHAIR: All right. The gentleman
21 sitting on this side of you, is he going to speak?

22 MR. BUMP: No. He's with me and he is not
23 going to speak.

24 MADAM CHAIR: All right. And how will you
25 divide your time up?



1 MR. BUMP: Twenty and 10 also for us.

2 MADAM CHAIR: Okay. Thank you.

3 The role of the State Board is to consider
4 only those issues raised in the Notice of Appeal. The
5 Board has been provided with a record on appeal.
6 References to documents or testimony not present in the
7 record on appeal will not be considered by the Board.
8 In relation to those issues contained in the Notice of
9 Appeal, the Board will apply the following standard of
10 review, following oral argument. The Board will decide
11 whether it is in the best interest of the pupils, the
12 school district, or the community to support the local
13 board's decision to deny Mt. Lamborn's charter school
14 application.

15 The parties have already submitted written
16 arguments and information. A maximum of 30 minutes
17 will be granted for the oral argument and examination
18 of each party's issues. You may reserve a portion of
19 the 30 minutes, which you've already done. During this
20 time, the party may summarize its written arguments and
21 information and Board members may ask questions.

22 The hearing shall proceed as follows: Mt.
23 Lamborn, the Appellant, shall present its arguments,
24 including questions from the State Board. Delta County
25 School District 50, the Appellee, shall presents its



1 arguments, including questions from the State Board.
2 The Appellant, Mt. Lamborn, shall present the rebuttal
3 of the State Board and may ask questions. The
4 Appellee, Delta County School District No. 50, shall
5 present the rebuttal. The State Board may ask
6 questions. Number five, the State Board shall
7 deliberate and render its decisions.

8 We will adhere to the maximum time limit.
9 Each segment will be timed. You will be notified by
10 Ms. Markel, at the end of the table, when you have five
11 minutes remaining of your allotted time.

12 And I already asked that question there.

13 As is customary with any oral argument in
14 an administrative hearing or judicial proceeding, we
15 anticipate that Board members may have questions and
16 they may interrupt counsel with these questions. This
17 is the only time during the hearing when State Board
18 members may question the parties. Board questions and
19 your responses are included within your 30-minute
20 maximum time.

21 Are there any questions from the Board or
22 counsel about the Board's procedure? Angelika?

23 MS. SCHROEDER: So, to our counsel, will
24 discussing these objections use up the time that our
25 appellants have, or could we talk about this -- sorry



1 your mouth is full. I'm sorry.

2 UNIDENTIFIED VOICE: No. That will not
3 interfere with their argument time.

4 MS. SCHROEDER: Okay. So could we address
5 that before they start their discussions?

6 MADAM CHAIR: Address what?

7 MS. SCHROEDER: These two objections that
8 have been presented, one, designation of witnesses by
9 Mt. Lamborn School of Arts and Science and the other
10 objection to the reply brief. Please.

11 UNIDENTIFIED VOICE: Madam Chair, those on
12 the board addressing those particular briefs will not
13 interfere with the argument time, so it is up to State
14 Board whether to address those recent filings.

15 MADAM CHAIR: And I would suggest that we
16 wait and see if we have adequate time, because if you
17 use a whole lot of time --

18 MS. SCHROEDER: That's just it. We're not
19 using up their time right now by saying, yes, we agree
20 with these objections or no, we don't. So, folks?
21 Does anybody have an opinion? Does everyone agree with
22 the objection or not agree with the objection?

23 MS. FLORES: Agree with the objections.

24 UNIDENTIFIED VOICE: I'm sorry. I'm
25 confused.



1 MADAM CHAIR: I am too. Don't feel bad.

2 I am supposed to know but she neglected --

3 MS. SCHROEDER: We just had these handed
4 out to us. We didn't have them previously. And
5 they're objections from Delta. Sally (ph), you'll do a
6 better job of explaining.

7 UNIDENTIFIED VOICE: Are we able to
8 question counsel about their objections?

9 MR. DURHAM: Do you want a motion?

10 UNIDENTIFIED VOICE: Yes, that's
11 permitted, yes.

12 MR. DURHAM: All right. I'll move we deny
13 the objection to the admission of the brief, and the,
14 whatever else it is.

15 MS. SCHROEDER: The two objections.

16 MR. DURHAM: Yeah.

17 UNIDENTIFIED VOICE: Do we have a second?

18 UNIDENTIFIED VOICE: I second.

19 UNIDENTIFIED VOICE: Is that objecting to

20 --

21 MR. DURHAM: It would allow --

22 MS. SCHROEDER: It would allow this
23 information, these items, to be brought into the
24 record.

25 UNIDENTIFIED VOICE: Okay.



1 UNIDENTIFIED VOICE: Madam Chair, should
2 we speak to this briefly, or as the counsel should we
3 not?

4 MS. SCHROEDER: Sally?

5 UNIDENTIFIED VOICE: It is permitted that
6 the State Board, within its discretion, may allow
7 counsel to speak out on behalf of --

8 MADAM CHAIR: I want to be sure that we're
9 not using our time to answer those questions.

10 (Overlapping)

11 UNIDENTIFIED VOICE: No, Madam Chair. No,
12 we're not. We'll permit -- schedule permits.

13 MADAM CHAIR: Fine. Mr. Hall, do you want
14 to speak to this?

15 MR. HALL: Yes, very briefly. Thank you,
16 Madam Chair. So first, the objection to our
17 designation of witnesses. We initially made a
18 designation of witnesses. We omitted their titles and
19 their roles. We then supplemented that. And so we
20 believe that that first objection should be denied
21 because now the district has had proper
22 supplementation, the State Board as well, as to who the
23 witnesses are and the roles that they play at the
24 school. So that's the first objection to the
25 witnesses. We believe that striking the witnesses is



1 not necessary, because we've supplemented
2 appropriately. And we believe that it would also be
3 prejudicial to us if the witnesses that we've brought
4 from Delta County wouldn't be able to speak and answer
5 your questions.

6 Secondly, as to the additions to the reply
7 brief, we added those because we felt they were
8 necessary to respond to the district's points that they
9 were raising in their answer brief, and we thought this
10 was the way to give the State Board the information it
11 needed to make a reasoned decision.

12 UNIDENTIFIED VOICE: Was that the first
13 time they asked for that information?

14 MR. HALL: For some of the information,
15 yes, they were specifically targeted at certain items.
16 For instance, they raised certain objections related to
17 the facility, as to, for instance, who was going to pay
18 for the tenant improvements at the facility, and then
19 we said, well, if you need that information we have it,
20 it's here. We believe it was properly presented below,
21 but the additions to the reply brief just crystallized
22 some of the answers that were already provided. And
23 our witnesses can speak to those documents as well. If
24 there are any concern about the documents or what they
25 say, our witnesses can speak to that.



1 MADAM CHAIR: Mr. Bump, did you have any
2 response?

3 MR. BUMP: Yes, Madam Chair. Thank you
4 very much. We had filed four objections during this
5 appeal because it seems that every time a motion or a
6 filing is made there is an attempt to amend the record.

7 MADAM CHAIR: A little slower.

8 MR. BUMP: The rules are very clear in
9 that they require that the only evidence to be
10 considered by the Board is the evidence that is
11 contained in a record on appeal. We certified that
12 record as the school district is obligated to do, and
13 yet in the opening brief counsel attached two
14 additional exhibits that were not part of the record.
15 I objected to that. And I objected also to the reply
16 brief because it now attaches a number of additional
17 exhibits.

18 Mr. Hall, I think, is mistaken, because
19 they received our answer brief on February 25th. Every
20 document attached to their brief is dated February 2nd.
21 So all of those documents were created before our
22 answer brief was even filed, so it's unfair to say that
23 those documents were prepared in response to arguments
24 that we raised in our answer brief. So for those
25 reasons we would object.



1 I also think that the designation of
2 witnesses, the amendment, was filed late.

3 So for those reasons we believe it's
4 important to honor the rules of the State Board and
5 that's the reason we filed our objections.

6 MADAM CHAIR: Thank you. Is there any
7 more comment on that, or shall we go ahead with the
8 hearing?

9 UNIDENTIFIED VOICE: (Indiscernible).

10 MADAM CHAIR: I have no idea what you're
11 talking about.

12 UNIDENTIFIED VOICE: I know. We have to
13 have a vote because we have a motion on the floor. But
14 I would just comment, having done this for six years,
15 that it's generally been the Board's goal to get as
16 much information about the status of the appellant, and
17 that we, I think, have put that particular goal ahead
18 of -- technicalities is not the right word, but the
19 rules that we've set. And I think we need to decide,
20 as a Board, whether that's the custom that we want to
21 continue. We have to be very careful about that, but
22 that's where we are. We have been -- loosy-goosey is
23 not the right word, but we have been seeking as much
24 information as we can because what we really are here
25 about is whether this is good for kids or not. Thank



1 you.

2 MS. FLORES: So are you saying -- Madam
3 Chair?

4 MADAM CHAIR: Yes, ma'am.

5 MS. FLORES: Are you saying that because
6 people do not follow rules then we don't have to follow
7 rules either? I think there's a rule here that if you
8 have to have all the evidence -- a district and parents
9 in the district, the school improvement and
10 accountability council -- they have to have that
11 information in a timely manner. The state says they
12 have to file on those rules. If those rules are then
13 not followed, then we're just into chaos here. We set
14 the rules, they don't follow the rules, and here we're
15 going to look at a program that has been denied because
16 they didn't follow rules. They didn't place forth all
17 these documents that were needed.

18 So are we just going to allow this to
19 happen?

20 UNIDENTIFIED VOICE: (Indiscernible).

21 MADAM CHAIR: Stop. What's your opinion
22 here?

23 UNIDENTIFIED VOICE: My opinion is that
24 Mr. Durham has made a motion and it has been seconded
25 on, and at this time --



1 MADAM CHAIR: -- we should vote on it.

2 UNIDENTIFIED VOICE: -- we should vote on
3 it.

4 MS. FLORES: And what is that motion
5 again, please?

6 MR. DURHAM: To allow the two documents
7 into consideration.

8 MS. FLORES: But they're late.

9 MADAM CHAIR: Excuse me. There's a motion
10 on the floor. Would you call the roll, please?

11 MS. MARKEL: And Pam Mazanec seconded.

12 MADAM CHAIR: And Pam seconded. Thank
13 you.

14 MS. MARKEL: Steve Durham.

15 MR. DURHAM: Aye.

16 MS. MARKEL: Dr. Flores.

17 MS. FLORES: No.

18 MS. MARKEL: Jane Goff.

19 MS. GOFF: No.

20 MS. MARKEL: Pam Mazanec.

21 MS. MAZANEC: Aye.

22 MS. MARKEL: Marcia Neal.

23 MADAM CHAIR: Aye.

24 MS. MARKEL: Dr. Scheffel.

25 MS. SCHEFFEL: Yes.



1 MS. MARKEL: Dr. Schroeder.

2 MS. SCHROEDER: Yes.

3 MADAM CHAIR: Okay. So we can go ahead.

4 All right. We now call on Mt. Lamborn for
5 the allotted 20 minutes for the initial presentation.

6 MR. HALL: Thank you, Madam Chair, and
7 State Board. Again, my name is Eric Hall. I'm here on
8 behalf of Mt. Lamborn.

9 Mt. Lamborn provided a solid charter
10 school application to the district that should have
11 been approved. Behind this particular initiative is an
12 impressive team with decades of experience in business,
13 community leadership, and leading alternative schools.
14 Three of those folks are here with me and will be able
15 to speak with you this morning.

16 Mt. Lamborn is built around a Waldorf
17 education model, which has been used for over 100 years
18 in this country and around the world. Waldorf schools
19 are widely popular and they attract parents wherever
20 they're located, from all over, and Delta County wants
21 a Waldorf school. It wants this particular Waldorf
22 School.

23 Mt. Lamborn's application shows it has
24 excellent support in the community from students and
25 from teachers. There are 62 students who signed



1 intent-to-enroll forms. Some of the students will
2 transfer from district schools, including a Montessori
3 school and Vision Charter Academy, the only charter
4 school currently in the district. But Mt. Lamborn will
5 also draw many new students from home school
6 situations, from outside the district in other
7 schooling situations to attend this school.

8 MADAM CHAIR: Mr. Hall? Do you have a
9 desired amount, anticipated amount of students? What
10 would you like to see?

11 MR. HALL: Well, we presented various
12 enrollment scenarios, Madam Chair. We presented --
13 again, we believe 62 is the initial number and then we
14 think it will grow slowly. Delta County --

15 MADAM CHAIR: So you could open with 62 --

16 MR. HALL: Yes.

17 MADAM CHAIR: -- if you didn't get any
18 more.

19 MR. HALL: Correct. We certainly could.

20 As far as educators -- that's on the
21 student side. On the teacher side, we've also had a
22 lot of interest in this particular school opening.
23 We've had 13 letters to apply, which are letters by
24 teachers in the area that said they want to teach at
25 this school. They are willing to teach at this school



1 and they are able to teach part-time, to make this
2 school budget work.

3 MS. SCHEFFEL: How many of those come from
4 Blossom, Blossom Valley?

5 MR. HALL: Ms. Shenk, do you know?

6 UNIDENTIFIED VOICE: There is no Blossom
7 Valley.

8 MS. SCHEFFEL: The former Blossom Valley
9 School.

10 UNIDENTIFIED VOICE: One.

11 MS. SCHEFFEL: One?

12 UNIDENTIFIED VOICE: (Indiscernible).

13 MR. HALL: So it sounds like one or two.

14 MS. SCHEFFEL: Okay. And what is the
15 build-out of the faculty?

16 MR. HALL: For Mt. Lamborn?

17 MS. SCHEFFEL: Yes.

18 MR. HALL: Yes. You can speak to that
19 better than I can.

20 UNIDENTIFIED VOICE: Under the enrollment
21 scenario of 62, the build-out of faculty extends to 14
22 staff.

23 MS. SCHEFFEL: Thank you.

24 MR. HALL: Other items that the district
25 raises concerns, one was the facility, but Mt. Lamborn



1 has a facility ready to go. It's got a 5,000-plus
2 square foot building in a rural setting that has been
3 used as a school and the property owner is excited to
4 work with Mt. Lamborn and has agreed to pay for the
5 tenant improvements to bring this particular building
6 into a place where it could be used by Mt. Lamborn.

7 MS. SCHEFFEL: Can you identify that?

8 UNIDENTIFIED VOICE: Excuse me. Did you
9 say --

10 MR. HALL: I'm sorry.

11 UNIDENTIFIED VOICE: Did you say the owner
12 is willing to pay for the --

13 MR. HALL: Correct. The owner is willing
14 to pay the \$75,000 worth of tenant improvements to
15 bring this particular hall -- we call it Lamborn Hall
16 in our papers -- to a place where the school will be
17 able to use it, and in addition to that -- and then
18 that tenant improvement amount would be wrapped into
19 the \$2,500 per month rent, and they have a three-year
20 lease, which the Mt. Lamborn -- pardon me, the Lamborn
21 Foundation would be willing to enter into with the
22 school.

23 In addition to that, there's another
24 property owner, the property right next door to that
25 property, who wants to lease two acres of ground to the



1 school, so that the school has space for its gardens,
2 for its animals, because that's an important part of
3 the Waldorf curriculum, and if we need to expand, for
4 modulars.

5 So those are firm commitments and we
6 believe that the district called them unrealistic. But
7 again, as you read in our briefs, we believe the
8 district sets an unrealistic standard and improper
9 standard for what we, as a charter applicant, need to
10 bring to the table. We think we've brought everything
11 that any district should want and, therefore, our
12 application should not have been denied.

13 MADAM CHAIR: Mr. Hall.

14 MR. HALL: Yes.

15 MADAM CHAIR: Since I'm familiar with the
16 third CD and Delta, what part of Delta is this? What
17 region of the Delta County is this in?

18 MR. HALL: This is in Paonia.

19 MADAM CHAIR: It's in Paonia.

20 MR. HALL: Yeah.

21 MADAM CHAIR: Thank you.

22 MR. HALL: You're welcome.

23 Then, Madam Chair, as I just spoke just a
24 second ago, our enrollment projections show that we've
25 got a proposed budget that works. We understand.



1 We're not a school out in Delta County that's some huge
2 Denver school or Colorado Springs school or public
3 school. We're in Delta County. But our budget works.
4 It's a solid budget. We've demonstrated how it works.
5 We can pay the rent, we can pay our teachers because of
6 the dedication and the passion they have. They are
7 committed to the schedule that we need to make this
8 work for the students and the families.

9 Despite all these strengths, despite all
10 these reasons that we think the charter application
11 should have been approved, the district denied our
12 application. We think their denial is without merit.
13 We believe that from the beginning of this process the
14 district told us they be, quote "happy to go through
15 the process with us." But they were set on denying the
16 charter from the beginning. We believe this is
17 consistent with the district's track record of
18 resisting charter schools in Delta County.

19 The resolution is marked by basic factual
20 errors, and let me just talk about a few of them. We
21 believe, for instance, the district strains at gnats,
22 and let me explain that example. They criticize our
23 budget because they say in Year Two we have a
24 shortfall. That shortfall is a \$457. They ignore the
25 fact that in Year One, under our budget, we show a



1 \$9,000 surplus, and in Year Three of our budget we show
2 a \$10,000 surplus. So we think that is an example of
3 how the district is unfairly criticizing areas where we
4 should not be criticized, and we've shown a good,
5 strong application.

6 MADAM CHAIR: I'm curious. What happens
7 in Year Two that they saw that?

8 MR. HALL: As the schools grows it incurs
9 more cost, and that's why there's the dip, but it comes
10 back.

11 Do you want to address that further?

12 UNIDENTIFIED VOICE: I think that's
13 sufficient. We strategically looked at a five-year
14 budget, and intentionally increased our staff time to
15 accommodate our students in Year Two.

16 MADAM CHAIR: In Year Two. Okay. Thank
17 you.

18 MS. FLORES: So, may I?

19 MADAM CHAIR: You don't have to ask,
20 remember?

21 MS. FLORES: Oh, okay. How many students,
22 minority students are you going to teach? Will you
23 have ESL students, second-language learners? I notice
24 that you, in your proposal, you did have the new --
25 well, actually, you did have some --



1 MADAM CHAIR: Keep it brief.

2 MS. FLORES: -- of the evaluations, but
3 you didn't have most of the evaluations --

4 MADAM CHAIR: Questions. Questions.

5 MS. FLORES: -- that would have it. So
6 how many students are you going to teach? And also,
7 poor students, students of need?

8 UNIDENTIFIED VOICE: I think in our
9 original intent-to-enroll forms I don't believe that we
10 have any Spanish-speaking students in those original
11 numbers. However, we are capable and willing to
12 provide the proper space for any Spanish-speaking
13 student and we do have, in our intent-to-apply, one of
14 our teachers has also been a Spanish teacher and is
15 prepared to offer ESL for our students that would come
16 to our school.

17 And so we would anticipate, yes, in Delta
18 County that we would experience students that would be
19 Speaking-speaking.

20 MS. FLORES: Well, I assumed you were
21 going to teach a second language. You called it a
22 foreign language, and I thought, well, that's
23 interesting because if it's Spanish, which I would
24 assume you would have that population, that that would
25 be a second language, but you called it a foreign



1 language. So it didn't seem to me as if you had the
2 intent of teaching second-language students.

3 MADAM CHAIR: Val, just questions, not
4 discussion.

5 MS. FLORES: Well, I (indiscernible).

6 MS. NEWBERG-LONG: (Indiscernible).

7 MS. FLORES: Yes.

8 MS. NEWBERG-LONG: I'm a consultant for
9 Waldorf schools and I've also worked in DPS with
10 (indiscernible) schools and with students of color and
11 in poverty, and I've studied, throughout my career, ESL
12 and the different requirements for (indiscernible).
13 And we just (indiscernible) that Waldorf education is
14 developing a (indiscernible) for approaching
15 (indiscernible) is exactly the approach. And so it's
16 very visual and very descriptive and experiential. So
17 it is wonderful for those students.

18 MS. FLORES: (Indiscernible) Elliott
19 Eisner.

20 MS. NEWBERG-LONG: So let's hope we get
21 lots of those. That would be wonderful.

22 UNIDENTIFIED VOICE: May I jump in here?

23 MS. FLORES: We don't even know whether
24 you are -- do you have a number of students that will -

25 -



1 UNIDENTIFIED VOICE: Dr. Flores?

2 MS. FLORES: -- or possibility? Have you
3 been trying to reach out to that population? Because
4 my understanding is that we have --

5 MADAM CHAIR: Give him time.

6 UNIDENTIFIED VOICE: Dr. Flores?

7 MS. FLORES: -- that we have this --

8 UNIDENTIFIED VOICE: Maybe I can carry
9 that through.

10 MS. FLORES: Well, please.

11 UNIDENTIFIED VOICE: What would you say
12 has been your most successful outreach, advertising
13 word, getting around, and as far as staff, projected
14 staff, or those who are pretty much in place right now,
15 are we talking Colorado home-grown regional educators,
16 or will there be a combination, mixture of Waldorf-
17 grounded professionals, whether they're in our region
18 or coming from Waldorf?

19 MS. NEWBERG-LONG: Thank you. So our most
20 successful outreach has primarily been to home school
21 populations that are looking for an alternative to
22 primarily home school, that would like a facility for
23 their children to be in. They're no longer being
24 served by strictly homeschooling their children.

25 And to the point of the educators, yes,



1 there will be a mix of educators who are currently
2 involved with the project, highly qualified educators,
3 who meet those standards, who are also interested in
4 following the track of Waldorf education and becoming
5 certified. And we have, outside of our community we
6 have consultants. We also have teachers who have
7 taught in public and private sector Waldorf schools on
8 our team as well. So it's a broad mix of all of those
9 things.

10 UNIDENTIFIED VOICE: I wanted to just say,
11 quickly, to the Spanish-speaking, for five years we
12 have worked with a segment of our community to attempt
13 to educate a portion of the students that we project to
14 come. One of our most exciting outreaches was to a
15 Spanish-speaking teacher whose primary language was
16 Spanish, and he was able to come to our co-op and teach
17 our kids. And he's very entrenched in the Spanish-
18 speaking community, and we loved him. And I believe
19 that, over time, we will draw Spanish-speaking people
20 and children, and we are excited about that.

21 MS. FLORES: But I think the --

22 MADAM CHAIR: Val, I'm sorry. I'm really
23 sorry. You can only ask questions. You can't have a
24 discussion. You can't tell them what you think. You
25 can do that later.



1 MS. FLORES: Okay.

2 MADAM CHAIR: You can ask a question

3 MS. FLORES: I can ask a question.

4 MADAM CHAIR: Yes or no type of question.

5 MS. FLORES: The question I'm asking is,
6 do you really have the intent of the law, that place
7 charters out there, which was to have --

8 MADAM CHAIR: That's enough. They have
9 the intent to follow the law.

10 MS. FLORES: The intent to follow the law,
11 which is to teach kids --

12 MR. HALL: Yes.

13 MS. FLORES: -- that are socioeconomically
14 poor.

15 MR. HALL: Yes, absolutely, because you
16 all know that many Waldorf schools are private, and
17 this school intentionally chose to be a public charter
18 Waldorf school because it knows there is the demand in
19 the lower socioeconomic population in Delta County for
20 a Waldorf school. Had this group wanted to make a
21 private Waldorf school it could have, but it chose not
22 to because it wants to serve those families who
23 otherwise are homeschooling their kids.

24 MS. FLORES: So then my next question is,
25 so what is the percentage of kids that are



1 socioeconomically in the lower rungs --

2 MADAM CHAIR: In the valley or in the
3 school?

4 MS. FLORES: In the school that you have.

5 UNIDENTIFIED VOICE: It's very high. It's
6 very high. It's why we're here today. Our average
7 income in Delta County, household income, is \$32,000 a
8 year. I don't know the year that that number is given
9 out so I won't hang my hat on that number, but it's
10 very low compared to Denver. And we are not able to
11 afford to homeschool our kids. It's an economic
12 hardship for single mothers. That's why we've been
13 cooping, is to support each other and to support
14 families that are having a hard time making a decision
15 on what path to give their children.

16 UNIDENTIFIED VOICE: Thank you. I wonder
17 if I could ask Dr. Long a question. Assure me that the
18 READ Act aligns with the Waldorf curriculum please.

19 MS. NEWBERG-LONG: The READ Act has to do
20 with K through 3 students, and as far as the -- Waldorf
21 schools meet the standards or exceed them, especially,
22 you know, as the children grow. So we always so go
23 fast to -- go slow to go fast. So we approach things
24 very methodically throughout the (indiscernible) and we
25 prepare children for learning. Research supports the



1 approach.

2 UNIDENTIFIED VOICE: But generally --

3 MS. NEWBERG-LONG: That's not quite what
4 you're asking.

5 UNIDENTIFIED VOICE: Right. Really, kids
6 don't read until third grade.

7 MS. NEWBERG-LONG: That's not true. I'm
8 so sorry.

9 UNIDENTIFIED VOICE: Okay. That's what we
10 were --

11 MS. NEWBERG-LONG: That is what we would
12 call one of the Waldorf maps (ph) and it certainly is
13 out there as a map (ph). But what children do is they
14 begin to read, some of them, you know, in kindergarten,
15 but we teach comprehension first and we teach the
16 retelling and doing those basic standards in
17 kindergarten and first grade very strongly. So our
18 children actually comprehend what they're reading once
19 they're reading.

20 And so the approach is really
21 comprehensive.

22 UNIDENTIFIED VOICE: It's kind of
23 backwards from the decoding.

24 MS. NEWBERG-LONG: In a way it is, but,
25 you know, we have many of our children who just pick up



1 reading and will be reading in first grade. We have
2 others who will not, just like in the public schools.

3 But by the spring of third grade, when
4 they are tested, essentially, in the state testing,
5 with the READ Act, they absolutely -- the majority of
6 them, 80 percent or more, would be up to grade level.
7 And then you will see that they slowly gain capacity
8 and exceed state and district standards as they grow
9 older, and that's because they like reading, number
10 one. It's approached a bit differently where we teach
11 reading out of writing, so it's interesting for
12 children who already know how to read by first grade
13 but also those who do not. You know, there's research
14 on that approach as well.

15 UNIDENTIFIED VOICE: With the READ Act
16 assessments.

17 MS. NEWBERG-LONG: READ Act assessments
18 are given by all. I mean, it's required for all
19 charter and public schools. And so, you know, the
20 school, I hear, is very committed to offering and
21 giving those tests to all children in K through 3, as
22 required by law.

23 MR. HALL: And, to me, if I can describe
24 that as a district myth. So the district, in its
25 denial of resolution, accuses us of not going to teach



1 -- what we've said every single time it's been asked of
2 us, "Yes, we are going to follow the law."

3 UNIDENTIFIED VOICE: It's a district myth.
4 It's a pretty universal myth about Waldorf, that it is
5 not aligned.

6 MR. HALL: But we are absolutely going to
7 give the tests that are required. We are going to
8 perform like a public school, because that's what we
9 chose. We want to be a public charter school, Waldorf
10 School, in Delta County. That's what the families want
11 and that's what we're going to be.

12 MS. NEWBERG-LONG: Waldorf and Montessori
13 schools, the curriculum is different from regular
14 public education, but both, you know, Montessori and
15 Waldorf schools who are public schools are committed to
16 doing that. We have to.

17 MR. HALL: And again, from our
18 perspective, that is one of the reasons the Charter
19 Schools Act was enacted in the beginning -- to go back
20 to one thing Dr. Flores was saying, you know, why do we
21 have charter schools? We have charter schools to
22 provide this sort of choice, to provide this sort of
23 innovation in education, and we think we've
24 demonstrated thoroughly that this is a choice that
25 Delta County families want, and we think those families



1 should have that opportunity, and, frankly, the
2 district should have the opportunity to have a public
3 Waldorf school in its district, within its boundaries.

4 MADAM CHAIR: Let's go a little different
5 direction for a while. I know you made references that
6 you anticipated more than the 62, or 5, or whatever.
7 How would you expect to perhaps grow your school?

8 UNIDENTIFIED VOICE: I think an excellent
9 example is the Spanish-speaking population. We have a
10 good segment in the Paonia and Hotchkiss area that is
11 Spanish-speaking, and they're more conservative in some
12 ways, in the fact that they want to see a school be
13 established and run, and then they will send their
14 children there. And so we, gratefully, have secured a
15 startup grant that will provide hundreds of thousands
16 of dollars to our school to mitigate the risks of
17 starting that school and enable us to get a strong
18 start in Year One. And in Year Two, we believe that
19 our reputation will be well known and it will draw from
20 Spanish-speaking populations and from others.

21 And, as well, our projected enrollments
22 are based on the popularity of Waldorf schools in the
23 state of Colorado and other areas. As well, it is
24 based on the fact that our community is rural and
25 small, and the sizes of the other small schools there.



1 So we've taken a number of things into
2 consideration. In case our enrollment projections are
3 optimistic, we ran a budget scenario on 80 percent of
4 them, which is 49 students, and we're very clear that
5 these numbers will work. In fact, one of the exhibits
6 that you have allowed --

7 I just wanted to finish to say this chart shows
8 how, in a low-enrollment scenario, we will cover every
9 hour of every day with quality instruction. So we've
10 really been creative in how we're going to span those
11 grade levels and still meet our budget goals.

12 MADAM CHAIR: All right. Thank you very
13 much.

14 Mr. Bump.

15 MR. BUMP: Madam Chair, do you mind if I
16 use the podium?

17 MADAM CHAIR: Not at all. We would be
18 very happy if you did that.

19 MR. BUMP: Thank you. As the Board has
20 heard, this is a proposal to have a pre-K through 12
21 school, starting out with 41.9 funded students, by
22 their conservative estimate.

23 MADAM CHAIR: Bizy, his mic is a little --
24 there, that's better.

25 MR. BUMP: Is that better? Can you hear



1 me now?

2 MR. DURHAM: Not well.

3 UNIDENTIFIED VOICE: It's a little --

4 MADAM CHAIR: -- weak. Speak up.

5 MR. BUMP: Okay. I'll speak up. Okay. I
6 don't have trouble doing that usually.

7 MR. DURHAM: That's better.

8 MR. BUMP: I think the point is I brought
9 this notebook to show the State Board that we have an
10 application that has continued to be amended throughout
11 the entire process, you know, up through the State
12 Board meeting, which is generally considered to be
13 appeal and not the application process.

14 This notebook is a compilation of
15 documents from all kinds of other schools. However,
16 the key thing is the school is basing its K-12 program,
17 pre-K, on a K-8 Waldorf-inspired charter school model,
18 and has patterned that after three schools in Colorado
19 now, each and every one of which is on turnaround. The
20 reason for that is largely to address the issue, I
21 think, in the READ Act, and let me just go to that.

22 They have given lip service, in our view,
23 to compliance with the Colorado Academic Standards and
24 also the READ Act. The example that is given about
25 alignment is a misnomer. Mt. Lamborn refers to a



1 document that is supposed to be an alignment done by
2 the Alliance for Public Waldorf Education, referred to
3 in their brief. In that, as part two, that is not in
4 their brief but it's referenced in a footnote, called
5 "Common Core Standard Placement Tables."

6 In third grade, those tables show that
7 these third-graders will not achieve, in reading,
8 certain things until fifth grade. Fifth grade, fifth
9 grade -- I'm reading now the list of the Common Core
10 standards that are supposed to be introduced in third
11 grade. Fourth grade, fourth grade -- the same with
12 other kinds of literacy and reading information text.
13 Fourth grade, sixth grade, seventh grade, fourth grade,
14 sixth grade, sixth grade, and fourth grade, throughout
15 the entire thing. It is not until fourth, fifth,
16 sixth, and, in some cases, seventh that these students,
17 who are supposed to be reading at grade level in third
18 grade, are going to even be introduced to these
19 concepts in a Waldorf model because reading, in the
20 early grades, is not emphasized. Let's face it.

21 One of the things that I think you should
22 know is that the Delta board considered this
23 application over a period of about four months. They
24 had six public meetings. We had 1,200 pages of
25 documents submitted. And notwithstanding all of that,



1 there is no cohesive model, there is no sustainable
2 model, which gets to the issue about student enrollment
3 -- it's not just the first year; you've got to sustain
4 it after the first year -- and there is no effective
5 program. And the reason we say that is because the
6 cohesiveness is not present, and they've admitted that
7 in their documents, that we apologize for the fact that
8 we have borrowed a lot of materials from other schools.
9 The point remains, though, that in terms of their K-8
10 model, they are relying on three schools, all of which
11 are in turnaround.

12 The issue about support. Let's talk about
13 that for just a second. We don't believe the school
14 could be sustainable, and here's why. We asked for,
15 but never received, the intent-to-enroll forms. We
16 got, instead, a week before the hearing, a spreadsheet
17 that identified where the students that they thought
18 would come to the school were currently attending.
19 They revised this enrollment plan in their documents
20 several times during the process of the case.

21 Here's the problem. The intent-to-enroll
22 form they gave us, which is Document 1111 in this --
23 almost to the end of this stack of documents -- would
24 show that there would be three kids in ninth grade but
25 they're showing that there will be ten enrolled. It



1 would show that there would be five in tenth grade but
2 only six are shown. There would be no students in
3 fifth grade and no students in eighth grade. This is
4 the beginning year.

5 The staffing associated with that is also
6 complicated. They say they'll be able to staff these
7 students with 4.5 teachers, one of which is committed
8 to the ECE preschool and kindergarten level, but that
9 two teachers would teach combined classes, which would
10 be three different classes -- first and second, third
11 and fourth, and sixth and seventh. In this latest
12 filing, which the State Board has allowed in, and I'm
13 happy that you've done that, because there's a document
14 here that now changes, once again, what the
15 configuration will be to try to address the many levels
16 of grades, the many courses that have to be offered for
17 a high school, and it looks like this document is
18 pretty complicated, and even this one has changed the
19 rules in terms of what's going to be delivered.

20 Here's the other thing about support.
21 Their charter application is dependent upon growing at
22 least 14 percent in the second year, 35 percent -- 36.7
23 actually -- in the third year, and another 15 percent.
24 And the way they think they're going to do that is at
25 the high school level, because the high school kids



1 have to comprise roughly 35 percent of their total
2 program.

3 This school is located in Paonia. If you
4 know Delta County, Paonia is -- and I know the Chair
5 does -- Paonia is at the end of the North Fork Valley,
6 right before McClure Pass, at the very end. That
7 school is -- they say that their students are going to
8 come from other Waldorf schools. That school is 70
9 miles away from Grand Junction, it's 58 miles away from
10 Carbondale, over McClure Pass, to the other current
11 private Waldorf School that's in -- I think the Waldorf
12 School on the Roaring Fork -- and they say they're
13 going to have kids come from Denver to this school.
14 That's got to be supporting the 35 percent of the high
15 school students in order to make this happen. It's
16 just not going to work. The Board of Education,
17 knowing the community, decided that it would not.

18 As far as being economically sound, the
19 big problem there is that usually charter schools
20 should rely upon PPR to make it work. You have a
21 certain number of students. If that's identifiable, we
22 can rely on those students, then great, we're going to
23 take PPR, see if you can make it. Unfortunately, their
24 bulk budget is balanced on soft costs, soft revenues --
25 tuition, contributions --



1 MADAM CHAIR: Mr. Bump. It struck me when
2 you talked about where Paonia was. The 62 students
3 that are identified as attending, are most of them in
4 the Paonia area or are they in all of Delta County?

5 MR. BUMP: We have no idea. I think there
6 were 19 students identified that were out-of-district.

7 MADAM CHAIR: And so what kind of
8 transportation are they going to have?

9 MR. BUMP: Good question. That's our
10 point, I think, is how --

11 MADAM CHAIR: Okay.

12 MR. BUMP: That's exactly the point.
13 They're saying they're going to draw these students --
14 because this is going to be a high school, the first in
15 Colorado, the fourth in the nation or something --
16 they're going to draw these kids from all over, their
17 parents are going to drive their kids 70 miles from
18 Grand Junction, they're going to drive them over
19 McClure Pass, from the Carbondale area to this school.
20 It's just -- we just don't think that's feasible, if
21 you know the local community, and that's why I think
22 these applications are considered generally, by the
23 locally elected board, because they know --

24 MADAM CHAIR: Thank you.

25 MR. BUMP: -- the territory, if you will.



1 So, as I said, again, on the economics, if
2 you look at it they cannot make their budget work
3 because they've relied upon soft costs. If those soft
4 costs don't materialize, things like contributions,
5 fundraising, tuition, they're charging a flat fee for
6 student fees, and that's illegal in Colorado. You
7 cannot charge. It has be a directly related to the
8 cost of materials. That's in there as well. So the
9 point, I think, here is that those soft costs, if any
10 of those don't materialize, it's going to be more than
11 a \$457 deficit in the second year. It's going to be
12 much worse.

13 The costs, on the other side of the coin,
14 are understated as well, and I just give you a few
15 examples on that. Their facility projection was
16 \$22,000. It ranged from 36 to 22. And, in a way, I'm
17 kind of conflicted, and I appreciate the Board
18 accepting these documents today, in a way, because now
19 they're open for discussion. Those documents that were
20 attached to the reply brief show now that the
21 commitment by the landlord of this former produce
22 facility in Paonia is not going to start until 2016-17.
23 This comes as a revelation to us because we've been
24 operating under the fact that were going to start in
25 '15-'16, and that's what the Charter Schools Act



1 contemplates.

2 So I don't know what that's all about but
3 I know this: the rent to be charged for that is \$2,500
4 a month, plus another \$1,800 a month for the site next
5 door. That is almost \$3,200. That exceeds, already,
6 by \$10,000, the amount in their budget that they showed
7 was going to be the facility cost for this Mt. Lamborn
8 Hall.

9 The remodeling costs were stated to be
10 \$75,000. They are \$150,000. There is no question
11 about that. It's documented throughout the record.
12 And if this Mt. Lamborn owner, which is a 501(c)(3)
13 organization, is going to provide that loan, it's going
14 to be \$150,000. I have not seen anything, even in the
15 documents that you accepted today, that there is a loan
16 to be provided by the landlord in that regard.

17 We'd asked just simply for letters of
18 intent, some commitment, so that we know that there is
19 somebody behind all of these promises that are made
20 throughout, and we haven't seen that.

21 Let me talk about the educational program
22 a little bit more. As I said, they are modeled after
23 K-8 schools that are all in turnaround -- Juniper Ridge
24 Community School in Grand Junction, Mountain Sage
25 Community School in Fort Collins, Mountain Cong



1 Community School, CSI School, in Colorado Springs. Now
2 they point to, in their brief, the fact that, well,
3 there is a Waldorf school that's doing really well, and
4 that's the BCSIS School.

5 I'm from Boulder and I know a little bit
6 about that school. In their website they say this:
7 It's not exactly Waldorf. It's modified Waldorf
8 practices. Quote, "We believe our unique arts
9 integration, combined with our consistent
10 implementation of the BVSD" -- which is Boulder Valley
11 School District -- "guaranteed viable curriculum, helps
12 our students achieve the knowledge and skills they need
13 to be successful." That school is rated performance.
14 It's using Boulder Valley School District curriculum.
15 This curriculum here, somewhere embedded in those 1,200
16 pages, more appropriately reviewed by looking at the
17 current K-8 schools they're modeling after, is on
18 turnaround.

19 The other thing, this was a concern to the
20 DAC, the District Accountability Committee. It was, in
21 fact, even a concern to the State Board who reviewed
22 the grant application here. And to your point about, I
23 think, whether or not they're really going to carry
24 through, they have to say they're going to comply with
25 the Colorado Academic Standards. They have to say



1 they'll comply with the requirements of the READ Act.

2 But here's what the application says:

3 "Where developmentally appropriate, in accordance with
4 the school's mission, the faculty will use the new
5 grade-level Colorado P-12 Academic Standards for all
6 subject areas to teach content skills and thinking
7 processes assessed by CMAS and PARCC, and it will use
8 off-the-shelf curriculum at the teacher's discretion."

9 None of that has been identified in the application.

10 And I would submit to you that that is hedgy. That's a
11 little bit like hedging your bets when you say

12 "developmentally appropriate."

13 And I already mentioned to you, from their
14 documents themselves, the so-called alignment that does
15 not occur until eighth grade. They say that they will
16 be sure that by the time students reach 12th grade they
17 will all be able to meet the standards. But parents
18 don't have the opportunity to wait until 12th grade to
19 know whether their kids are going to make it or not,
20 and that's a large part of the problem, the fact that a
21 student wants to get in the system. They have to stay
22 in the system in order to achieve is a problem,
23 frankly.

24 They have referred to a document in their
25 materials called "No Benefit from Learning to Read From



1 the Age of 5." And Mt. Lamborn says that is an
2 extremely relevant document. But that document
3 basically says you can start at age 7, and by age 11
4 you will catch up. That's what also this so-called
5 alignment does with the Core standards. By the time
6 you get to eighth grade, theoretically, you should have
7 caught up to all of the things that you were supposed
8 to do along the way. In the meantime, the parents are
9 trusting that this is going to happen, ultimately. So
10 I think the use of the word "alignment" in this process
11 is a little bit of a misnomer.

12 Let me talk also about the fact that the
13 staffing is a problem. As I already pointed out, this
14 document that was attached to their materials is yet
15 again another change in the staffing structure, to try
16 to make it work with a limited number of teachers, who
17 have to be highly qualified, should be Waldorf-
18 certified or trained, which only two in the entire
19 documentation we received are, and those were in
20 elementary, not secondary. How to make it work with
21 the limited number of teachers teaching all of these
22 courses, at all of these grade levels, it just doesn't
23 work, and it's changing constantly, and it seems to me
24 it changes when a question is raised about that.

25 The commitment of the facility. As I



1 said, the commitment that we saw that's attached to the
2 brief that I objected to says 2016-17. Yet we've been
3 operating under the fact that we're going to open in
4 '15-'16. So, theoretically, I would submit they should
5 withdraw their application, because this is a different
6 situation we're talking about than what was submitted
7 to the Board.

8 That document, as I already said, requires
9 them to pay \$2,500 a month. The facility that they're
10 using is not 5,000 square feet. It has plans that are
11 in the record here, that were done in 2008, that shows
12 one large classroom on the first floor of 2,000 square
13 feet, and five storage rooms in the basement that range
14 from 180 to 350 feet. So again, they do not have an
15 adequate facility. And I understand what the rubrics
16 say about trying to find a facility, but all it would
17 take are signed letters of intent. The one that was
18 finally submitted in their reply brief, that was
19 prepared before we did our brief, I should point out
20 again, says that they are going to make the facility
21 available in 2016-17 for \$2,500.

22 Now let me talk a little bit about, you
23 know, Charter Schools Act has been on the books for
24 over 20 years, and whenever a charter is turned down
25 the first thing that a district gets accused of is not



1 supporting choice. And, you know, in this case it's
2 inappropriate. The Delta School District -- and this
3 Board may remember this -- the Delta School District is
4 the first in the state of Colorado to have approved a
5 rural school of innovation. You did that about a year
6 ago, in Grand Junction, at your meeting there. That
7 school was opened for the first year. It is a
8 Montessori school, to the point about whether or not it
9 can adopt the Core curricula, and it is rated
10 performance in its first year of operation. That's an
11 indication of a school district that has been
12 innovative, has a school, and knows how to get it done,
13 because they insist on the fact that there is an
14 adequate curriculum to which the teachers can relate.

15 The Vision Charter School started out as a
16 district contract school about ten years ago, and that
17 school is operating in the North Fork Valley with 80
18 students. The concern the superintendent expressed
19 when they first told her they were going to apply again
20 because they had been turned down last year, as the
21 Blossom Valley School, was her concern was that she
22 felt that -- the concern was that there may not be
23 enough students because there had been a declining
24 enrollment -- 159 students have left the North Fork
25 Valley because of the coal mine closures. And her



1 concern was the viability of all the charters,
2 including the charter school that's now known as Vision
3 Charter Academy, which the school district, the second
4 time around, after we agreed to convert it from a
5 contract school to a charter school, we did that and
6 there was no appeal of that. That was the Board's
7 initiative. Their in-student --

8 MADAM CHAIR: Mr. Bump.

9 MR. BUMP: -- 25 percent of those students
10 would go to this school.

11 MADAM CHAIR: Since you're talking
12 numbers, I'm just curious. How many students has Delta
13 County lost with the recent demise of the coal mines?

14 MR. BUMP: I think the number was since
15 2009 we've lost 159 in that area, the North Fork school
16 area, 159.

17 MADAM CHAIR: And that's the same general
18 area where the school would be.

19 MR. BUMP: Yeah. Paonia is basically the
20 end of the valley --

21 MADAM CHAIR: All right. Thank you.

22 MR. BUMP: -- where that school would be
23 located, right. So they have lost that.

24 So I think that the fact that the Board of
25 Education was concerned about the viability of all its



1 choice options, including the charter school that's
2 there now, that has 80 students, of which 20 would be
3 pulled out -- that's \$135,000 right off the bat --
4 that's an appropriate consideration for the Board.
5 It's reasonable.

6 We have a new school, an Innovation School
7 that's been in operation one year. That was created,
8 in large measure, because they had two small schools
9 that couldn't make it on their own.

10 So for the Board to be criticized for
11 concerning itself with the fact that it may not be
12 sustainable and it may dilute the population so much
13 that now we don't have choice for parents, it seems to
14 me that it's inappropriate.

15 MADAM CHAIR: And that school, the
16 Innovation, was the one they did at Crawford with the
17 Montessori school?

18 MR. BUMP: Yes. Yes, ma'am. That was
19 done a year ago in Grand Junction, and that school, I'm
20 happy to say today, I didn't have anything to do with
21 that but it is rated performance and it's a good
22 school, and there now are waiting lists to get into
23 that school.

24 So we're not afraid about the competition.
25 Rather, we're fearful that the charter schools that are



1 struggling to make it as well in that area would also
2 be adversely affected by this plan.

3 So let me just say that we believe that
4 there are good and sound reasons for the Board to deny
5 this. The local board did. By the way, as you pointed
6 out at the beginning, the burden of proof is upon Mt.
7 Lamborn to shift the persuasion here and say that the
8 local board was not reasonable in its action.

9 And I think we've demonstrated that there
10 are significant reasons why the board was appropriately
11 concerned about this. No support for students in the
12 future, therefore not sustainable. A budget that's not
13 economically sound, without soft costs. The curriculum
14 we mentioned that does not meet the Common Core
15 requirements and introducing those at grade level. The
16 staffing plan that's difficult to do because of all the
17 grade levels and courses. The survival of other
18 schools of choice in the North Fork area. And all
19 those things, I think, add up to the fact that the
20 local boards, the locally elected board, who are the
21 ones the Supreme Court says are responsible for making
22 this decision in the first instance, made a good
23 decision.

24 I'm going to reserve the rest of my time.
25 Thank you.



1 MADAM CHAIR: Thank you, Mr. Bump.

2 MR. HALL: Yes, Madam Chair, may I start
3 in on rebuttal?

4 MADAM CHAIR: Twenty minute rebuttal?

5 UNIDENTIFIED VOICE: Ten minutes.

6 MADAM CHAIR: Yeah. I'm sorry. I was
7 being overly generous.

8 MR. HALL: No. That's fine. I will take
9 ten minutes.

10 MADAM CHAIR: You'll take ten.

11 UNIDENTIFIED VOICE: So before you get
12 going I really need an answer to the accusation, or to
13 the description of the alignment of the curriculum for
14 the Waldorf program with the Colorado standards.

15 MR. HALL: Yes.

16 UNIDENTIFIED VOICE: Was that correct?

17 MR. HALL: No, that was not correct,
18 because the reason is he was citing to the general
19 document about the Alliance for Public Waldorf
20 Education, generally, and while we draw on that we have
21 our own curriculum that we have put forth in our
22 application that aligns to state standards, to the
23 Colorado Academic Standards --

24 UNIDENTIFIED VOICE: Year by year.

25 MR. HALL: -- year by year.



1 UNIDENTIFIED VOICE: And I would like to
2 just say that it's Appendix H of our charter. It's
3 been totally overlooked. And it's a practice that's
4 used by a model. We actually took our model from the
5 very well-performing Mountain Phoenix School, not from
6 the other three schools, and this is the model they use
7 for instruction in their classroom. In fact, a teacher
8 is here today that helped us describe that model. It
9 uses a Web-based database to track, in real time, the
10 standards that are met with every weekly lesson. And
11 we're really excited about using that model to give our
12 teachers the freedom to be creative in their
13 instruction and yet to track the standards that are
14 met, at any time in the year, for any grade level.

15 MR. HALL: And I'll add that Mountain
16 Phoenix, again, between here and Golden, started -- is
17 a Waldorf school -- started with, I believe, 50-some
18 students and then grew to 300 and then grew to over
19 500, because that's the sort of interest that public
20 Waldorf charter schools have and that's the sort of
21 opportunity we want to put in Delta County.

22 I want to address a couple of the other
23 things that --

24 UNIDENTIFIED VOICE: May I finish, though?

25 MR. HALL: Please.



1 UNIDENTIFIED VOICE: I have a second
2 question. Tell me why a Waldorf program makes sense
3 for high school kids. What is it about Waldorf that is
4 compelling for a high school student?

5 UNIDENTIFIED VOICE: So we're very excited
6 about our high school. I, myself, am a high school
7 chemistry teacher. And the model uses an immersion in,
8 like a project, like a project manager would in a
9 career. And they immerse themselves, for example, in
10 organic chemistry for three weeks. And that's
11 integrated in their artwork, in their music, but also
12 in their hands-on learning. And we have an extended
13 period first thing in the morning, when their brains
14 are fresh, and that immersion allows them to really
15 delve in.

16 Then after -- you all know that high
17 school students have a low attention span, so after
18 three weeks they get to move on to history, or drama,
19 and immerse themselves as well, all the while very key
20 and important academics, like math are taught every
21 day, and there's grammar practice that happens as well,
22 to keep them sharp and keep them writing.

23 But the most important thing is they make
24 their learning meaningful. We move it along in a block
25 fashion, and I'm so excited about what we're doing with



1 craftsmanship and how we're able to bring that also
2 into our schedule, where the students learn to work
3 with wood, to blacksmith, to do things that are
4 meaningful and productive with their hands, when they
5 have all this energy in the afternoons. And tying it
6 all together, integrating it, making it meaningful and
7 rigorous is why we believe that this school will
8 succeed.

9 UNIDENTIFIED VOICE: Thank you.

10 MR. HALL: Go ahead.

11 UNIDENTIFIED VOICE: And I think that part
12 of the reason that we were so excited about offering a
13 publicly funded Waldorf high school program is because
14 there are so many Waldorf schools that only travel
15 through eighth grade, and most families are interested
16 in continuing that type of education. However, there
17 aren't very many options. And so we thought that that
18 would be a good addition to our charter, is to be able
19 to offer that option, and that's why we say that
20 students from Denver would be interested in coming to
21 this school, not that they're going to drive there
22 every day, but we would provide home stay programs that
23 students from Carbondale who have had their children in
24 Waldorf education all this time would be interested in
25 continuing that education, and that is why we feel that



1 the high school program is so important.

2 MR. HALL: To correct a couple of just
3 mistakes that Mr. Bump just made, so one of them is he
4 says that this extra plot of land, the two acres that
5 we're also going to rent, was \$1,800 a month. The
6 document says \$1,800 per year -- per year. It's \$160
7 per month, right, over three years. So it's \$2,500 for
8 the building per month and it's another \$1,800 per
9 year, which is \$160 per month. He's just wrong on his
10 facts there.

11 Also, he accuses us of not providing the
12 intent-to-enroll forms, but he knows, as well as you
13 all do that the Charter Schools Act does not permit a
14 charter applicant, or permits a charter applicant to
15 not -- it doesn't permit a district to force a charter
16 applicant to give over personally identifying
17 information, because we all know what happens when that
18 occurs. Rather -- again, 22-30.5-106(3) says an
19 applicant, like us, can provide aggregate data. That's
20 what we did. We were following the statute when we
21 provided aggregate data as to students and to --

22 UNIDENTIFIED VOICE: And I just wanted to
23 say that this district has been very gracious to us.
24 We have met with them a few times in anticipating
25 submitting this charter. But we did express concern in



1 previous submissions of intent-to-enroll data. The
2 district has phoned those families. We did not want
3 that to happen. The families did not want that to
4 happen.

5 MS. FLORES: Are you going to charge
6 tuition?

7 UNIDENTIFIED VOICE: Absolutely not. We
8 are so excited, but no, absolutely not. In fact, in
9 anticipation of meeting the needs of our families, the
10 material costs that Mr. Bump brought up, we are
11 projecting more than 50 percent of our families will be
12 waived from those.

13 MS. FLORES: Also, what about insurance
14 and such if you're going to have home school? I mean,
15 that's taking a lot of responsibility for families whom
16 you already say are below the --

17 UNIDENTIFIED VOICE: The home stay program
18 that was mentioned as a way to draw high school
19 students is based on a model that's working in Boulder
20 for Tara School of the Performing Arts, and it will be
21 run by a nonprofit separate from the school that will
22 have D&O insurance.

23 MS. FLORES: But Boulder is different,
24 isn't it? It's different than your community.

25 UNIDENTIFIED VOICE: I think our community



1 is safer.

2 MR. HALL: Let me address another item.

3 So Mr. Bump noted that the letter from the Lamborn
4 Foundation talks about the school opening in '16-'17.
5 That's only because we're currently sitting here,
6 right, because we received a charter school startup
7 grant of \$477,000 over three years, right, but to get
8 that grant we have to have a signed charter contract by
9 April 1st of this year. And here we are on appeal, on
10 March 11th. So if we could -- if you all would reverse
11 the district and send us back down, and if we could get
12 a charter contract signed before April 1st, we'd be
13 able to draw on those first-year funds, which would
14 allow us to open this year. The only reason it says
15 '16-'17 in that letter is because we anticipate the
16 process doesn't move that fast and so we're going to
17 have to, again, hopefully be approved, and then open
18 the following year so that we can draw on the startup
19 grants. That's not a criticism, though. That's us
20 being responsible.

21 Now again, if we can move the district
22 more quickly and get a charter contract signed before
23 April 1st, we'll open next year. But we're trying to
24 be responsible with our application and with how we
25 open this school.



1 MS. NEWBERG-LONG: (Indiscernible) has
2 compassion (indiscernible). I am surprised to say that
3 they used the three charter schools that are
4 (indiscernible) that are in their first year of
5 operation. So the scores of those particular schools
6 have (indiscernible) very often attract children whose
7 parents are looking for something different, or those
8 that have (indiscernible) somewhere else.

9 I was principal of (indiscernible) during
10 its extraordinary growth, for four years. Mountain
11 Phoenix started in (indiscernible) County as a school
12 of 24 children. The next year they hired
13 (indiscernible) went from 64 (indiscernible) to 42,
14 because it was just so remote it was difficult to get
15 to. The next year we opened a second campus and went
16 to over 425 children on both campuses. We ended up
17 closing the Mountain campus and the next year the
18 school, Mountain Phoenix, in Wheatridge, had 504
19 students from pre-K to grade 8. It was extraordinarily
20 well received.

21 Demographic studies that we presented for
22 reauthorization said that we drew students from ten
23 counties that first year down in Wheatridge, and after
24 that I know that the school has drawn people from out
25 of the city of Denver, and from faraway places in



1 Colorado, as well as other states, and it is now
2 drawing people even internationally. The city of
3 Wheatridge has contacted me last year and thanked me
4 for doing such an extraordinary thing to help their
5 city.

6 So although Paonia is very small at this
7 point, I think the district is not realizing that this
8 is an opportunity that could indeed enhance enrollment
9 in the district overall and help the entire district,
10 because when people find out there's a Waldorf school
11 there, with all the farming and all of the things that
12 are marvelous --

13 MADAM CHAIR: Ran out of time.

14 MS. NEWBERG-LONG: -- they will come.

15 MADAM CHAIR: Okay.

16 MR. HALL: Thank you.

17 MADAM CHAIR: Mr. Bump?

18 MS. NEWBERG-LONG: Oh, and I just have to
19 say Mountain Phoenix is a performing school.

20 MADAM CHAIR: You're out of time. Sorry.

21 MS. NEWBERG-LONG: Do you have this,
22 though, report?

23 MADAM CHAIR: Okay. Mr. Bump.

24 MR. BUMP: Thank you, Mr. Hall, for
25 correcting my -- I misspoke about the \$1,800 a month.



1 The number I think I got sum correct, though, was
2 \$32,000 a year, which is \$10,000 more than what's in
3 the budget right now.

4 Let's talk about Mountain Phoenix. I
5 respect Ms. Newberg-Long's expertise, but the best
6 expertise is experience, and the experience is that the
7 school that they are asking us to emulate, the K-8s,
8 the three schools are all in turnaround right now.
9 This is the first time I've known that Mountain Phoenix
10 is now the model. It's kind of risen up as the model,
11 so to speak, today. And I understand that school
12 started in 2004. I did a little looking into that.
13 And I learned that their economic achievement was
14 priority improvement until 2010. So I think they are a
15 strong performing school now. I don't know anything
16 more about the curriculum. But Mountain Phoenix is not
17 in this application, and this application is a
18 compilation of a number of things. Mountain Phoenix
19 may be the opportune school, if you will, to check off
20 today for purposes of this discussion.

21 Let's talk a little bit more about the
22 curriculum and alignment, and they say that there are
23 documents in the record showing that the curriculum is
24 aligned. And I am sorry that I haven't -- I don't know
25 where those are. But the DOC and the district had a



1 concern about this, and here's what they said. "There
2 is no clear plan to meet standards at grade level."
3 And I already pointed out to you the document which is
4 now -- not the document, apparently, from the Alliance,
5 that I actually read from, the Core curriculum not
6 being aligned. I'm not understanding that
7 particularly.

8 But this was the same thing that was
9 identified by the CDE review team for the grant, and it
10 says "specific curricular materials are not identified
11 or adequately explained. (Indiscernible) that
12 curriculum choices will meet or exceed meeting or
13 exceeding state standards." And that's in the record
14 at page 1021.

15 The issue about the curriculum in
16 alignment was a concern not only expressed by the board
17 itself but again by CDE.

18 MADAM CHAIR: I'm sorry. Where did that
19 come from?

20 MR. BUMP: The CDE grant review team.

21 MADAM CHAIR: CDE grant review.

22 MR. BUMP: Yes.

23 MADAM CHAIR: Thank you.

24 MR. BUMP: And I have another quote I
25 would like to read to you from them as well, because I



1 think it makes our point also.

2 We were talking about whether or not the
3 curriculum is aligned to the Colorado Academic
4 Standards and CDE said this about weaknesses in the
5 application. "The budget contains some unallowable
6 expenses and lack specificity and detail in parts."
7 We've indicated that as well today. "Specific
8 curricular materials not identified or adequately
9 explained how it is know that curriculum choices will
10 meet or exceed or exceeding state standards again."
11 And this addresses your point here, I think, is about
12 at-risk students or students of color. "Projections of
13 at-risk students based on Colorado-wide Waldorf model,
14 not local community of school, and the appropriateness
15 and reliability, or viability of the facility is
16 unclear."

17 UNIDENTIFIED VOICE: Mr. Bump, was that
18 grant granted?

19 MR. BUMP: The grant was approved but the
20 assumption was -- and we addressed this in our brief --
21 I believe the assumption of the Committee was that the
22 school district had already approved the charter,
23 because there is a quote, for example, from two
24 representatives of CDE that say -- they say, "The CDE
25 is waiting for a signed contract."



1 Now the Board of Education in Delta never
2 approved the grant application for the reason that the
3 grant application was filed on October 15th. The
4 charter application was filed on October 1st. The
5 grant application was approved, conditionally, on
6 November 4th, two weeks after it was filed. The Board
7 of Education and the community meetings had not even
8 begun at that point.

9 So we say that the fact that there may be
10 a grant application should bear no weight, for the
11 reason that the locally elected board is the one that
12 is to decide whether or not to grant a charter or not.
13 The State Board Grant Review Committee cannot usurp
14 that function of the locally elected officials. If
15 their decision seems reasonable, that is the one that
16 seems to carry the weight, and we would suggest that
17 the local board's decision, for all the reasons -- I'll
18 review them with you again.

19 And, by the way, let me just say, before I
20 do that, it comes as a surprise to us that we have
21 documents attached to the record now that say that
22 they're going to have a commitment from a facility, in
23 2016-17. We're here on an application for 2015
24 opening. So I would suggest that rather than us be
25 required to sign a contract in 30 days, they should



1 submit a new application. The point is that it is not
2 sustainable because if 35 percent of the high school --
3 have to be high school students -- to come to this
4 school, a lengthy drive for them to do that, they have
5 to have huge gains in their enrollment, up to 36
6 percent the second year. Not doable.

7 It's not economically sound, as we said,
8 because they are relying on soft, unpredictable
9 revenue. They have understated the costs in the
10 application. We've talked about the curriculum. The
11 staffing plan is changing constantly and is not
12 feasible because we have too few students, too many
13 grade levels, too many courses, and too few highly
14 qualified teachers, especially that are Waldorf
15 trained. So that is a significant problem and it was
16 felt so by the board.

17 And finally, it is totally appropriate for
18 the locally elected officials to consider their
19 community and to decide what's in the best interest of
20 all of the citizens, and whether it's reasonable to
21 conclude that the fact that they had declining
22 enrollment may subject their schools of choice, that
23 other parents (ph) are relying on, to the possibility
24 of failure. And the best example of that is the Vision
25 Charter Academy in the North Fork Valley, 80 students



1 currently, and they show, on their intent to enroll, it
2 will take 20 of those students. That's a 25 percent
3 reduction.

4 So thank you for your time. I think I'm
5 finished at that point, unless you have questions. And
6 we ask that you support the locally elected board's
7 decision.

8 MADAM CHAIR: Any further questions for
9 Mr. Bump?

10 Thank you.

11 That concludes the oral argument in this
12 appeal. The Board will now deliberate and reach a
13 decision. And, Board Members, we are to discuss among
14 ourselves the issues relevant to the case. Questions
15 may not be asked of the parties. Our questions may be
16 asked at any time of our attorney.

17 So I will open the floor for discussion
18 about granting this charter or denying this charter.
19 How are we feeling about it?

20 MS. FLORES: May I speak?

21 MADAM CHAIR: Yes, ma'am.

22 MS. FLORES: I did read your document,
23 that big, fat one, and I --

24 MADAM CHAIR: Your mic is down.

25 MS. FLORES: -- I never really saw



1 anything anywhere that stated that you were going to
2 work with at-risk children. And I spent a considerable
3 amount of time, and, to me, it just seemed that you did
4 have a couple of evaluation instruments in there, not -
5 - you know, you mentioned DIBELS, but did you know that
6 there is another one?

7 MADAM CHAIR: No, you can't ask questions
8 now. We're through with questions.

9 MS. FLORES: Okay. There are other
10 instruments in there. I know you have the WIDA in
11 there. So I looked through that very thoroughly and I
12 didn't see anywhere where you really were going to be
13 asking, or supporting children at risk, or second-
14 language learners. That was quite evident that you
15 didn't have it in your document. So I'm very concerned
16 about that.

17 I didn't see any names. Also, I didn't
18 see any names of kids, a list of parents that would be
19 there.

20 MADAM CHAIR: They don't usually need to -
21 -

22 MS. FLORES: Well, you know, I've read
23 proposals --

24 MADAM CHAIR: No, I'm not arguing with
25 you. I'm just saying they don't usually do that.



1 MS. FLORES: -- where they do, families
2 that are going to be there.

3 MADAM CHAIR: Okay.

4 MS. FLORES: So I thought it was very
5 skimpy on that.

6 I like the idea of a Dewey-esque
7 curricula. I believe in it. I think it's one of the
8 best curricula. But I just don't think that at this
9 moment, you know, given everything, I will be able to
10 vote for it

11 MADAM CHAIR: Thank you. Deb.

12 MS. FLORES: Thank you.

13 MS. SCHEFFEL: Thank you for the
14 presentations, and I think the State Board has to vote
15 on whether or not the district's denial of this
16 application is in the best interest of the pupils, the
17 school districts, or the community, and I don't think
18 the denial is in the best interest of the pupils, the
19 school districts, or the community. I think the school
20 needs to go forward. There is a huge demand for
21 charters. We have thousands of students on a waiting
22 list for charters across the state. And if you look at
23 the history of the Waldorf curriculum it's very well-
24 suited to students of high need, free and reduced lunch
25 -- well, they didn't call it that when the curriculum



1 was initiated -- but the history of it is very much
2 geared towards students with high needs.

3 And so I would like to see this school go
4 forward and be able to serve students and parents with
5 an option in Delta.

6 MS. FLORES: What about if --

7 MADAM CHAIR: Uh -- uh -- uh --

8 MS. FLORES: Sorry.

9 MADAM CHAIR: Pam.

10 MS. MAZANEC: Yes, thanks to all of you
11 for your presentation. I agree with Dr. Scheffel. I
12 think that parents across Colorado are hungry for
13 choice and I really want to encourage the district to
14 do all it can to work with the school, and make this
15 choice available to students in Delta. Thank you.

16 MADAM CHAIR: Anybody else? Angelika?

17 MS. SCHROEDER: Somehow these things are
18 never particularly easy. I would have to say, to the
19 school district, that I would not be comfortable saying
20 that this school shouldn't be opened because there is
21 already choice and the competition is going to get
22 tighter. That's just from, at least, me personally,
23 but I think from the Board perspective we've not
24 considered that to be a reason to deny.

25 I am much more worried -- I am much more



1 concerned about the curriculum. I am not real
2 comfortable that this has been teased out enough. I
3 would much prefer -- this is really something that you
4 believe you've got the families that you start K-8, and
5 that you wait another year, and that you clarify, and
6 that you assure folks -- you assure us -- that this is
7 a curriculum that truly aligns with the Colorado
8 standards, in all ten standard areas. I'm very
9 concerned about that.

10 I actually know some kids who are in the
11 Waldorf programs, who really are not up to grade level.
12 And so I see that there is just sort of a, well,
13 they'll get there, they'll get there, and I don't know
14 whether it's that school or whether that's really the
15 mindset, but it worries me a lot.

16 And I can say that going to school in
17 Germany actually was under Waldorf, so I don't have a
18 personal objection to it, but I think it's got to be
19 really rigid.

20 So for that reason, at this point, I'm not
21 ready to support it. I would encourage you, though, if
22 you really believe that there is a desire for this in
23 your community, that you just tighten this up a whole
24 lot and assure me that your curriculum is truly
25 aligned, year by year, not eighth grade or tenth grade.



1 Kids come in, kids leave. In such a small school
2 you're going to have a real challenge just with the
3 diversity of what your kids know.

4 MADAM CHAIR: Jane or Steve? Any
5 comments? Jane?

6 MS. GOFF: Yes. I will not be redundant.
7 I consider myself, for the most part, completely in
8 line with Dr. Schroeder just said. I have a concern
9 about the high school picture.

10 I would also urge you to consider -- you
11 know, you spoke about the possibility -- it was under
12 another context but it was waiting a year, that you
13 would be -- that you have that in your heads. I would
14 say that would open the door for a real firm start, to
15 have a little bit more time to consider this.

16 We all are concerned about the readiness
17 of kids, whatever their choice will be. You know,
18 getting through high school is that part. It's a
19 given. Kids need to do that. But how prepared they
20 are to make the next choices, based on an incredibly
21 rich background of education, whatever that may be.
22 It's a concern, and our standards are -- they're there.
23 They're clear. We all have different opinions about
24 our standards, but having a real clear picture of how
25 it's laid out and intent to meet them.



1 I have a little bit of familiarity with
2 the history, the story of Mountain Phoenix in Golden,
3 and it's another issue of, you know, sometime I
4 wouldn't mind chatting about that and how that ties in.
5 But if you're using it as a current-day model and an
6 example, as that is in the district that I represent
7 and where I worked for a long time, I am sensitive to
8 that school.

9 So thank you very much, all of you. I
10 appreciate it and wish you well. I'm concerned about
11 the timing, the urgency, and want for success. I just
12 think maybe waiting a while would be good.

13 MADAM CHAIR: Steve?

14 MR. DURHAM: I'll pass. Thank you.

15 MADAM CHAIR: All right. I find myself
16 really torn by this. I am, generally speaking, very
17 supportive of charter schools and generally have voted
18 in favor of them, and find, you know, real difficulty
19 here.

20 I think, probably in my case, because it's
21 my area, I find my concerns, what is the best interest
22 of the community? And while I admire Waldorf schools
23 and I admire the work you've done, you know, I happen
24 to know that Delta has a real problem of using
25 students, and that losing another 67 students could be



1 very damaging to them. There's concern about a lot of
2 the schools and are they going to be able to keep them
3 all open.

4 And so when I balance the two, I would
5 have to come down on the side of the community. I
6 think that in this particular instance the best
7 interest of the community are really met by not
8 granting a charter school, which, again, Waldorf -- but
9 it's sort of iffy, with 67 students, and will they all
10 really come to Paonia, and how will they get there?
11 All of those things kind of concern me.

12 So, in general, I find that the best
13 interest of the community probably would be served by
14 denying the charter. And I haven't done that very
15 often. I think back to the various discussions we've
16 had, and I can remember that the first charter school
17 vote we ever had, Paul Lundeen voted no, and I bet you
18 never thought --

19 So it's not just always a political thing.
20 You know, you really do have to think about the
21 community and that sort of thing. And I'm all for
22 choice and charter schools, but in this case I would
23 find a different conclusion.

24 So, yes.

25 UNIDENTIFIED VOICE: So may I ask a



1 question of the chair?

2 MADAM CHAIR: Of the Chair?

3 UNIDENTIFIED VOICE: Yes.

4 MADAM CHAIR: Sure.

5 UNIDENTIFIED VOICE: So my question is,
6 have we reviewed the data in Delta?

7 MADAM CHAIR: Have we reviewed the data
8 what?

9 UNIDENTIFIED VOICE: Have we reviewed
10 recently the achievement data in Delta? And I have.
11 And when you look at the need for options for parents,
12 based on the data, I respect your opinion but I'm very
13 concerned that when you look at the data, the student
14 achievement data in Delta school district, we're trying
15 to serve the community, and what are kind of options
16 parents have.

17 MADAM CHAIR: And I see -- you know, it's
18 kind of balancing with all that.

19 UNIDENTIFIED VOICE: I'm not sure I see a
20 balance when you look at the data.

21 MADAM CHAIR: And, you know, we might end
22 up on a different area.

23 Yes, Pam.

24 MS. MAZANEC: Thanks. My comment would be
25 that charter schools are still public schools.



1 MADAM CHAIR: Charter schools are what?

2 MS. MAZANEC: Charter schools are still
3 public schools. You won't be taking anything away from
4 the district. This would be enhancing the district.

5 MADAM CHAIR: It should be, and I
6 understand that. I totally agree with that. In this
7 case I have doubts about their abilities. You know,
8 they're not big doubts and I admire the work they've
9 done and everything, but I have doubts about their
10 ability to pull it off, with 67 students.

11 MS. MAZANEC: I'd like to see them try.

12 MADAM CHAIR: So that's just, you know,
13 that's where I am.

14 UNIDENTIFIED VOICE: Do we have a motion?

15 MADAM CHAIR: Jane, real quickly?

16 MS. GOFF: A technical for the attorneys.
17 Let's say we were to -- because Deb's question raised a
18 good question. The notion of looking at the data that
19 was not part of the record, we have to get really -- we
20 have to keep very narrow here about what is permissible
21 under our structure.

22 UNIDENTIFIED VOICE: Right. I would
23 encourage the Board to consider the evidence on the
24 record. That is what is presented in front of us
25 today, and obviously through the oral arguments as



1 well.

2 MADAM CHAIR: All right. Are we ready for
3 a motion?

4 MS. SCHROEDER: I move to affirm the
5 decision of the local board of education on the grounds
6 that it was not contrary to the best interest of the
7 pupils, school district, or community, and thereby
8 uphold the decision of the Delta County School District
9 50.

10 MADAM CHAIR: Carrie, in the event this
11 motion -- is this one of these where if the motion
12 doesn't succeed we have to make an alternative motion?

13 MS. MARKEL: Yes.

14 MADAM CHAIR: Okay. All right. Is there
15 a second to Angelika's motion? Jane?

16 MS. FLORES: I second.

17 MADAM CHAIR: Or, yeah, Val.

18 Carrie, will you call the roll?

19 MS. MARKEL: Steve Durham?

20 MR. DURHAM: No.

21 MS. MARKEL: Dr. Flores?

22 MS. FLORES: No.

23 UNIDENTIFIED VOICE: What?

24 MADAM CHAIR: What?

25 MS. FLORES: Oh, it's the affirmative.



1 MADAM CHAIR: Steve answered but you --

2 MS. FLORES: Yes.

3 MADAM CHAIR: -- you just voted no.

4 MS. FLORES: Oh. I am with the district
5 on this.

6 MADAM CHAIR: How did you record that?

7 MS. MARKEL: Dr. Flores.

8 MS. FLORES: Yes.

9 MS. MARKEL: Jane Goff.

10 MS. GOFF: Aye.

11 MS. MARKEL: Pam Mazanec.

12 MS. MAZANEC: No.

13 MS. MARKEL: Marcia Neal.

14 MADAM CHAIR: Yes.

15 MS. MARKEL: Dr. Scheffel.

16 MS. SCHEFFEL: No.

17 MS. MARKEL: Dr. Schroeder.

18 MS. SCHROEDER: Yes.

19 MADAM CHAIR: The vote is 4-3 and the
20 motion carries. Thank you very much.

21 The Board wants to take another five
22 minutes.

23 (Meeting adjourned)

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C E R T I F I C A T E

I, Kimberly C. McCright, Certified Vendor and Notary, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

I FURTHER CERTIFY THAT the proceedings of such were reported by me or under my supervision, later reduced to typewritten form under my supervision and control and that the foregoing pages are a full, true and correct transcription of the original notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 25th day of January, 2019.

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

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