



Colorado State Board of Education

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
COLORADO DEPARTMENT OF EDUCATION COMMISSION  
DENVER, COLORADO

July 7, 2016, Part 1, Exec and HOPE

BE IT REMEMBERED THAT on July 7, 2016, the  
above-entitled meeting was conducted at the Colorado  
Department of Education, before the following Board  
Members:

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



1 CHAIRMAN DURHAM: The meeting of the -- can't  
2 see it, hold on, the meeting of the State Board of  
3 Education will come to order. Ms. Burdsall, if you'd call  
4 the roll please.

5 MS. BURDSALL: Board Member Flores.

6 MS. FLORES: Here.

7 MS. BURDSALL: Board Member Goff.

8 MS. GOFF: Here.

9 MS. BURDSALL: Board Member Mazanec.

10 UNIDENTIFIED VOICE: She is here.

11 CHAIRMAN DURHAM: Where is -- she's here?

12 UNIDENTIFIED VOICE: Yeah.

13 CHAIRMAN DURHAM: Where? She just closed the  
14 door.

15 UNIDENTIFIED VOICE: Magic trick.

16 MS. BURDSALL: Board Member Rankin.

17 MS. RANKIN: Here.

18 MS. BURDSALL: Board Member Scheffel.

19 MS. SCHEFFEL: Here.

20 MS. BURDSALL: Board Member Schroeder.

21 MS. SCHROEDER: Here.

22 MS. BURDSALL: Chairman Durham.

23 CHAIRMAN DURHAM: Here. Quorum is present.

24 She's a yes. You're here.



1 MS. MAZANEC: Sorry the (inaudible) is here.  
2 They need his signature to have him authorized.

3 CHAIRMAN DURHAM: (Inaudible). It's above  
4 our pay grade. Okay. Let's see, the first order of this  
5 mass -- okay. We'll wait for Ms. Burdsall. We are gonna  
6 have an executive session for a few minutes first, so you  
7 might plan on just go ahead and leaving for few minutes  
8 'cause we'll clear the room here in just a second so. All  
9 right. Okay. Ms. Burdsall, would you announce the  
10 executive session please?

11 MS. BURDSALL: Yes. An executive session has  
12 been noticed for today's State Board special meeting in  
13 conformance with 24-6-402(3)(a) CRS to receive legal advice  
14 on specific legal questions pursuant to 24-6-402(3)(a)(II)  
15 CRS in matters required to be kept confidential by Federal  
16 Law or rules or State statutes pursuant to 24-6-  
17 402(3)(a)(III) CRS.

18 CHAIRMAN DURHAM: Okay. Is there a motion  
19 for an executive session?

20 MS. BURDSALL: Yes.

21 CHAIRMAN DURHAM: Been moved and seconded  
22 that we proceed to executive sessions. Objection to  
23 adoption of that motion? Seeing none have motion, is  
24 adopted by vote of seven to zero. We will be in the  
25 executive session. Recess for a little bit.



1 (Pause)

2 CHAIRMAN DURHAM: For the operation of a  
3 learning center. During this hearing, the Board will be  
4 acting in its capacity to hear appeals and will hold a  
5 hearing under the rules -- rules for administration,  
6 certification, and oversight of Colorado's online programs,  
7 1-CCR-301-7. In particular, Rule 10.1 concerning the right  
8 of an appeal for refusal to enter into a standard  
9 memorandum of understanding. I'd like to ask that the  
10 person chosen to represent each party to enter your name on  
11 the record and tell us who you represent.

12 MS. SMILEY: Good afternoon.

13 CHAIRMAN DURHAM: Yes.

14 MS. SMILEY: Can you hear me?

15 CHAIRMAN DURHAM: Yes.

16 MS. SMILEY: Okay. My name is Kimberly  
17 Smiley and I represent HOPE Online Learning Academy. Here  
18 today with me are --

19 CHAIRMAN DURHAM: Lemme get the other parents  
20 in their chair.

21 MS. SMILEY: Okay.

22 MR. EYRE: Good morning. My name is Brandon  
23 Eyre. I'm the legal counsel for Aurora Public Schools.

24 CHAIRMAN DURHAM: Okay. Thank you. For all,  
25 the State Board is considering only those issues raised in



1 the notice of appeal. In relation to those issues  
2 contained in the notice of appeal, the Board will apply the  
3 following standard of review following your oral argument.  
4 The Board will decide whether it is in the best interest of  
5 the pupils, the school district, or the community to  
6 support the local Board's decision to refuse to enter into  
7 an MOU with HOPE Online for the operation of a learning  
8 center. So HOPE Online will begin its presentation first.  
9 The parties have already submitted extensive written  
10 positions. Maximum of 15 minutes will be granted to each  
11 party for oral presentation. During this time, the party  
12 may summarize its written position.

13                   The hearing shall proceed as follows: HOPE  
14 Online shall present its arguments. Aurora Public School  
15 shall present its arguments. The Board shall deliberate  
16 including questions to the parties, and I think we've  
17 already said that we will not do questions to the parties  
18 during deliberation, and I'm going to try hard to minimize  
19 -- to minimize the questions so that you can take advantage  
20 of your 15 minutes. And let's see, we'll adhere to the  
21 maximum time limit, each segment will be timed, you'll be  
22 notified by Ms. Burdsall when you have five minutes  
23 remaining for your allotted time. Any questions from the  
24 Board or the parties about the procedures?

25                   UNIDENTIFIED VOICE: Mr. Chair.



1 CHAIRMAN DURHAM: Yes.

2 UNIDENTIFIED VOICE: I just wanted to clarify  
3 because there may have been a typo in the -- in the  
4 introductory script that the standard is whether or not the  
5 learning centers is contrary to the best interests of the  
6 pupils, parents, school district, and the community.

7 CHAIRMAN DURHAM: Thank you. Okay. We'll  
8 now call on HOPE Online for your allotted 15 minutes. Ms.  
9 Smiley.

10 MS. SMILEY: And we would like to reserve  
11 five minutes for a rebuttal.

12 CHAIRMAN DURHAM: Okay.

13 MS. SMILEY: Thank you. As I said earlier, I  
14 am Kimberly Smiley. Along with me today are Alejandro  
15 Gonzales, 2015 HOPE graduate, Jason Roberts, a parent of  
16 three HOPE students, Dr. Michael Bautista who is president  
17 of HOPE's Governing Board, Heather O'Mara, Founder and CEO  
18 of HOPE, Dr. Janet Philbin, Executive Director of Academic  
19 Achievement, Heidi Shaver, Literacy Coordinator, and Dr.  
20 Susan McAloon, Executive Director of Student Services.

21 Also in attendance are more than 100  
22 parents, pupils, community Members, and HOPE staff here to  
23 support HOPE. And as you know, you're here today to  
24 determine whether APS's decision was contrary to the best  
25 interests of these individuals: the pupils, the parents,



1 the community and the district. And before you make that  
2 decision, we'd request that you listen to some of the  
3 interested parties. And we submit that the decision of APS  
4 was wrong and it should be overturned and HOPE should be  
5 permitted to enter into an MOU. Thank you everybody.

6 MS. O'MARA: Welcome. My name is Heather  
7 O'Mara and I'm the CEO and Founder of Hope and I'd like to  
8 start out by giving you a brief overview of HOPE and the  
9 process that we followed but most importantly, I'd like to  
10 make sure that Dr. Janet Philbin and Heidi Shaver have an  
11 opportunity to talk to you about HOPE's academic  
12 achievement and some of the current data, just to summarize  
13 what's in all the extensive documents you've received.

14 So first, the HOPE model. So HOPE was  
15 founded in 2005 as a Multi District Online Charter School.  
16 With a mission to provide online education to historically  
17 underrepresented students. In 2007, HOPE became a Douglas  
18 County Charter School, and in 2013 we were divided into  
19 three schools: an elementary school, a middle school and  
20 AC designated high school. Our model, is a blended online  
21 model.

22 So we're a public, free, nonprofit, K12  
23 charter school. And I guess at the center HOPE is the  
24 school, our authorizers Douglas County, and what's most  
25 important is our classrooms aren't learning centers, and



1 those are run by community based nonprofits. Students  
2 attend learning centers five days a week and they rotate  
3 between individualized online lessons and classroom  
4 instruction that's led by certified teachers and it's  
5 assisted by community mentors. Our learning centers  
6 provide safe supportive environments that are able to  
7 accommodate the diverse needs of our neighborhood students.

8           We offer resources like a lunch program as  
9 well as school sponsored activities like sports, clubs, and  
10 field trips. And probably it's most important to  
11 understand that approximately a thousand college and career  
12 ready students. Many of whom have reported being on a path  
13 to drop out before enrolling, have graduated from HOPE and  
14 we operate on four pillars: affiliation, attendance,  
15 achievement, and aspiration. And just gonna give you some  
16 of the background of the MOU process.

17           In 2007, Senate Bill 215 was enacted and it  
18 requires online schools with learning centers to have MOUs  
19 with the school district in which learning centers are  
20 located. Since 2008, HOPE has entered into standard MOUs,  
21 amended MOUs or agreements to decline MOUs with 17 school  
22 district. Right now, HOPE serves 2,150 students from  
23 kindergarten through 12th grade. We have 29 learning  
24 centers across 11 Colorado school districts. This year, in  
25 2015-16, we had eight MOU agreements that were slated to



1 expire. We have been able to reach agreement on MOU  
2 renewals with every Colorado District with an expiring  
3 agreement except for -- for one.

4 Note that the final agreement with each  
5 district varies though, and in some cases it was  
6 substantially changed to reflect some of the needs and  
7 questions and frankly concerns of the districts in which we  
8 have MOUs. So HOPE has actually operated learning centers  
9 and APS since the beginning, since 2005. In 2005, we had  
10 two learning centers in Aurora Public Schools and they  
11 served 85 students. In spring 2008, we entered into an  
12 amended MOU and in spring 2011, we entered into an  
13 agreement to decline.

14 From 2011 to 2016, we sent annual updates to  
15 Aurora to let them know about what was happening at the  
16 learning centers and their districts. And those updates  
17 always included an open invitation for questions, comments  
18 and any additional feedback. So this January, we began the  
19 renewal process. We sent our annual update on January 14th  
20 and basically gave the district a heads up that we were  
21 going to be seeking -- that our MOU relationship was  
22 expiring. I'm sorry. Is that better?

23 MS. MAZANEC: Go on.

24 MS. O'MARA: I apologize. Usually I talk too  
25 loud and too fast. So -- so, in January, we submitted our



1 annual update to the Aurora School District Superintendent  
2 and in February 12th, we submitted an agreement that was  
3 identical -- pretty much identical in form to the prior  
4 agreement. On February 25th, we received a memo from the  
5 district stating that the district had some concerns and  
6 they wanted to have some questions answered before the MOU  
7 was renewed and probably some changes in that MOU.

8           In March, we met and the district requested  
9 to select documents that were submitted. And on April 12th  
10 -- despite back and forth emails, on April 12th, we had no  
11 -- we had no additional meetings, no additional discussion  
12 and we received a letter indicating that HOPE's request for  
13 an agreement to decline would be recommended for refusal.  
14 On April 22nd, we withdrew that request and submitted the  
15 standard MOU. On May 17th, we presented at the school  
16 Board and on June 7th, the Aurora Board unanimously passed  
17 a resolution to decline our MOU. But to tell you a little  
18 bit about HOPE and specifically the learning centers in  
19 Aurora and the demographics.

20           Over the past six years, the demographics of  
21 HOPE have drastically changed. Overall, our free and  
22 reduced lunch rate has increased from 47 percent to 79  
23 percent, and our English language learners have increased  
24 from 12 percent to 43 percent, and our homeless students  
25 have increased from 2 percent to 9 percent. Not unlike



1 what's happened in many of the urban districts in Colorado.  
2 The demographics of Aurora Learning Centers aren't much  
3 different with the exception of our second language  
4 learners. 72 percent of the 438 students that attend  
5 Aurora based Learning Centers are second language learners.  
6 These are -- these families represent 14 different language  
7 backgrounds but are primarily Spanish.

8 I would like to commend Aurora Learning  
9 Centers because they have done an amazing job of supporting  
10 families and supporting the mobility, and because of that,  
11 the mobility of those students has significantly decreased.  
12 As you will see, this has impacted their academic  
13 achievement. So you can read our UIP strategies, but I  
14 think what's most important about understanding our UIP, is  
15 that we use our unified improvement plan to guide our  
16 improvement planning and we engage all of our stakeholders  
17 in that process.

18 And in the spring of 2015, HOPE applied to  
19 be a part of the turnaround network to CDE and as part of  
20 that, Mass Insight did an analysis. We used the Mass  
21 Insight analysis and feedback to drive a lot of the  
22 strategies for our UIP. And much of the documentation that  
23 you have received ,documents the specific actions that HOPE  
24 has achieved and implemented over the past year with regard



1 to our UIP. And with that, I'm going to ask Heidi Shaver  
2 and Dr. Philbin to talk about our improvement efforts.

3 UNIDENTIFIED VOICE: (Inaudible).

4 MS. SHAVER: Okay. My name is Heidi Shaver.  
5 I'm the Literacy Coordinator for HOPE Online. And prior to  
6 coming to HOPE, I worked nationally as a Literacy  
7 Consultant and School Improvement Consultant. Before that,  
8 I worked in over a public schools for 15 years as an  
9 elementary teacher and elementary principal as well. As  
10 noted on this timeline, you can see that HOPE has over the  
11 course of the last five years instituted multiple research-  
12 based practices for improvement. Each of these have been  
13 implemented and designed based upon previous efforts to  
14 improve student achievement. We appreciate several of the  
15 grants from CDE that has helped us move forward and  
16 continues to help us.

17 As a result, we've been able to put offline  
18 curriculum in place to work with our online curriculum, and  
19 our professional development has supported staff in  
20 implementing this curriculum with full fidelity. In  
21 response to our changing population that you just heard  
22 about, our Title Three Moneys have been used for staff  
23 development on best practices to instruct English Language  
24 Learners. The Title One Pilot awarded by the State Board  
25 supports literacy including daily interventions at the



1 elementary level and targeted interventions at the middle  
2 school and high school levels.

3 I'd reignite grant funds focused on  
4 developing pedagogical and content knowledge for staff as  
5 well as coaching techniques to help them to continue to  
6 implement the strategies and techniques that they've  
7 learned. Douglas County provided us with additional Title  
8 Two funds to identifying coach mentors and teachers to set  
9 up model classrooms and implement professional learning  
10 communities. These professional learning communities have  
11 -- have focused on developing content knowledge including  
12 Math for our students who are not yet English proficient.

13 This year, HOPE has made significant  
14 systemic changes including restructuring the administration  
15 and a redesign of teacher evaluation, supervision, and  
16 coaching by HOPE licensed principals. For the 2016-2017  
17 school year, we've created a plan for reading and general  
18 education teachers to be assigned to a single center with  
19 content experts providing coaching to both HOPE teachers as  
20 well as to mentors. As a result of our changes and  
21 efforts, we are seeing positive achievement results.

22 (Inaudible) next data shows that HOPE --

23 CHAIRMAN DURHAM: Ms. Shaver your -- your  
24 original 10 minutes is expired.

25 MS. SHAVER: Okay.



1                   CHAIRMAN DURHAM: So we'll proceed to Aurora  
2 this time. Thank you.

3                   MS. SHAVER: Okay.

4                   MR. EYRE: Thank you Mr. Chair, distinguished  
5 Members of the Board. My name is Brandon Eyre. I'm the  
6 legal counsel for Aurora Public Schools. With me today is  
7 Dr. Lisa Esgarsica, who until recently was our Chief  
8 Accountability and Research Officer. I believe starting  
9 this week, she has moved to a new position as Executive --  
10 Executive Director of CASE, but she has graciously agreed  
11 to join me here today to explain more thoroughly the  
12 current UIP and assessment portions of the argument.

13                   I'm gonna defer about five minutes of my  
14 time later in the argument for her to address those. As a  
15 preliminary issue, we were happy in HOPE's reply brief to  
16 see that they had acknowledged that as part of our best  
17 interest analysis, APS does have the right to review all  
18 relevant information, including academic performance.  
19 However, they continue to make an argument that APS has  
20 somehow acted in bad faith because we invited them to agree  
21 to an extended review of their school or other centers.

22                   You have to realize that at the time that  
23 offer was made, we had already received and reviewed all of  
24 the information that this Board currently has as part of  
25 the appeal. That was a substantial amount of information.



1 The exception is, of course, the public comment that was  
2 garnered through the public hearing process. When it was  
3 made clear to us that HOPE did not want to enter into an  
4 extended review to give us a better idea of their current  
5 efforts and position, APS had no choice but to make a  
6 decision based on the record we had before us. That's not  
7 bad faith, that was our statutory obligation.

8                   Now the primary issue in this appeal really  
9 comes down to what role academic achievement will play in a  
10 best interest analysis for a Multi District Online School.  
11 HOPE's primary argument has been all along that APS was  
12 unreasonable because it did not let parent approval trump  
13 all other factors in the analysis. APS does appreciate the  
14 fact that parent involvement is vital to educational  
15 success. Well, that is exactly why we have worked so hard  
16 to incorporate it into our own turn around work.

17                   However, it is not the only factor. We have  
18 to look at the organizational and academic factors as well.  
19 I think our basic concerns can be summed up best in two  
20 quotes that come from the May 2015 Mass Insight report.  
21 The first one is found on page five of our response brief  
22 and states, "The HOPE Centers offer parents a safe  
23 nurturing environment that is comfortable for the largely  
24 Hispanic immigrant student population. While students and  
25 parents are happy to be enrolled in the center and teachers



1 say that they enjoy working in the centers, the centers  
2 provide the students with low levels of instruction,  
3 student engagement and learning."

4                   A second quote comes from the same report,  
5 is found on page 13 of our response brief quote, "While the  
6 parents of HOPE students voluntarily enroll their students  
7 at HOPE Learning Centers, most are unaware of the low  
8 performance and other fiscal and operational implications  
9 of HOPE. HOPE's decision to operate a bricks and mortar  
10 model with virtual school funding has serious consequences  
11 for students." Ultimately, it's this academic piece of the  
12 equation that's really at issue here. This is not APS  
13 thinking that we shouldn't replace parents decisions, or we  
14 are better than parents in making decisions, but it is our  
15 statutory obligation to look at all relevant facts, not  
16 just one of them.

17                   As I said before, this really does come down  
18 to academic performance. If HOPE as it implies that parent  
19 consent or enthusiasm trumps all other factors, there's  
20 absolutely no doubt that they should win this appeal.  
21 However, if academics play a substantial factor in the  
22 determination and we think it does, then those need to be  
23 seriously considered before a decision is made. Now, you  
24 have the record and in our brief, we recite numerous  
25 educational and administrative deficiencies.



1                   These are encapsulated in the multiple  
2 school performance frameworks, the State Review Panel  
3 recommendations, the independent analysis, but probably  
4 most succinctly presented again in the May 2015 Mass  
5 Insight report. Specifically, they point out that HOPE has  
6 deviated from its unique focus of online learning and  
7 operates a traditional classroom-based instructional  
8 program with online supports, which is little different  
9 from a traditional district school. It does so with  
10 unlicensed mentors with little to no educational  
11 background, who deliver nearly all Tier I instruction.  
12 These mentors are not trained to understand what a high  
13 level instruction looks like and therefore cannot provide  
14 it to the students.

15                   Mass Insight points out that the online  
16 focus is minimized to a level where they can retain their  
17 online funding, but the use of technology is -- is not  
18 unique or robust in any way. They note that students are  
19 consistently not engaged. And they also note that there  
20 are not sufficient resources for Special Education students  
21 to the point that Special Education students are encouraged  
22 not to attend HOPE. APS does applaud HOPE's effort and  
23 desire to change the UIP process. However, we have to  
24 assume that HOPE has tried to improve through the UIP



1 process for the past several years and has not seen the  
2 growth that we need to see.

3                   The current UIP as presented and HOPE's  
4 refocuses on generic language of accountability and  
5 improves Tier I instruction which it should be and that  
6 should be the focus of all schools. However, we are  
7 unaware, sorry. What the UIP does not appear to address is  
8 it's deviation from the online and technological focus to  
9 essentially traditional classroom overseen by mentors who  
10 are not properly trained to provide that Tier I  
11 instruction.

12                   Now, HOPE does cite the State Review Panel  
13 recommendations that reference the fact that HOPE does  
14 desire to make changes and alludes that they have taken  
15 first steps to make those changes. However, what HOPE  
16 fails to mention is that that CDE recommendation also  
17 states or also recommends that management be turned over to  
18 a private or public entity due to the numerous concerns  
19 that CDE has. The report recommends that the Charter Board  
20 be replaced because they are unaware of current performance  
21 and have failed to set high or clear expectations for the  
22 centers.

23                   They advise retention of a management entity  
24 to ensure consistent implementation of leadership practices  
25 and evaluations. And probably most tellingly, they



1 actually recognize that closure of some learning centers  
2 should be considered an option of HOPE, even though they do  
3 not take the further step of saying that all centers should  
4 be closed. To our knowledge, none of these recommendations  
5 have been implemented by HOPE. Now, at this point, I wanna  
6 turn the rest of my time over to Doctor Esgarsica, again to  
7 address those UIP and current assessment issues.

8 DR. ESGARSICA: Thank you. Mr. Chair, thank  
9 you. So I was asked to respond to Exhibits 10 and 15.  
10 Exhibit 10 is -- talks about actions taken under the UIP's  
11 major improvement strategies, 15 provides additional data  
12 to consider outside of the school performance framework.  
13 Now, in reviewing these documents, I was taken back to  
14 about 15 years ago. To a time where districts reviewed  
15 select information provided by schools and the districts  
16 provided similar information to the Colorado Department of  
17 Ed.

18 It was a subjective and frustrating process  
19 that entailed making judgments when presented with  
20 information chosen only to show a school or a program in  
21 its best light. It's what we had for accreditation back  
22 then. It was the process that we went through. Now, born  
23 from that frustration was the accountability movement,  
24 where a core of information could be gathered and used for  
25 the purpose of judging a school's performance and



1 improvement. While our state framework may be flawed on  
2 several levels, it does provide an objective process for  
3 decision making particularly if it's paired with a  
4 comprehensive audit, review of the school program.

5           Now, using the SPF and the five years of SPF  
6 in the turnaround network review completed on HOPE Online,  
7 elementary, and middle school, we reviewed Exhibit 10. The  
8 level of performance and the lack of growth over the past  
9 five years should compel the schools to implement  
10 strategies of a magnitude to create significant change.  
11 Like those that were recommended in the -- turnaround  
12 Network report, the ones that Mr. Eyre just listed for you.  
13 What we saw in Exhibit 10 was a list of practices that  
14 typically result in only incremental change. We did not  
15 see actions in the magnitude of change expected and needed  
16 for turnaround.

17           In exhibit 15, it starts with a description  
18 of the intended model of the school and then it moves into  
19 perception data with results similar to many schools data  
20 that we have reviewed. It is the achievement data  
21 presented that I'm going to tie back to my opening comment.  
22 The reason for the school performance frameworks is to  
23 provide a core, although not complete, but a core part and  
24 information that can be used to judge a school's  
25 performance in growth.



1                   There is little evidence from the select --  
2 select grades, subjects, and tests presented in Exhibit 15  
3 that suggest the state assessment results from the spring  
4 of 2016 will be significantly different than the past five  
5 years, or that we'll end up with the school receiving an  
6 improvement rating or better. We also did not assess this  
7 presented data as sufficient for an appeal of the next  
8 accreditation rating. Thus, we predict the elementary and  
9 middle school of HOPE Online will move into year six of  
10 turnaround. We do not see how this can be in the best  
11 interest of students and their parents.

12                   CHAIRMAN DURHAM: Thank you. Doctor,  
13 summarily you have five minutes now for above.

14                   UNIDENTIFIED VOICE: Can you hear me? APS's  
15 response ignores current data and the changes made since  
16 Mass Insight report that is driving the current data. And  
17 because these two pieces of information are so important,  
18 I'm gonna defer the rest of my time to go back to Dr.  
19 Philbin and Ms. Shaver to explain to you why this matters  
20 and why we are seeing changes since the Mass Insight report  
21 on which they rely.

22                   UNIDENTIFIED VOICE: Thank you. I do wanna  
23 make sure that everybody understands that we've done quite  
24 a bit of work this past year and the previous year to  
25 ensure that we were addressing the concerns and we agreed



1 with Mass Insight report. We actually had those strategies  
2 already in our UIP that we were addressing. I think it's  
3 important to note that if you look at the slide up above  
4 here that in looking at the grades K through three reading  
5 assessments that our HOPE centers based on -- these are two  
6 different assessments obviously, but we perform higher than  
7 what you see with the Aurora in terms of the students that  
8 are identified at grade level.

9                   And we have also shown in the last two years  
10 that we are well above average growth on the use of the  
11 DIBELS. And I think that we appreciate the fact that we  
12 got the ELA Tool Project. And that we also got the read  
13 ignite gram. We believe that that's really helped support  
14 this as well. The other thing that I think it's important  
15 to note is that -- can you move that forward? Is that in  
16 the past two in the past five years it's taken us that long  
17 to implement a complete online and offline curriculum.  
18 National research shows it takes at least three years to  
19 develop one that is completely aligned.

20                   Especially since we have new state  
21 standards, we can't keep going back to the old data. We  
22 have to move forward and look at the new one and rely in a  
23 complete and comprehensive formative assessment system to  
24 be able to determine our students making gains. In these  
25 particular sites, what you see is the English Language Arts



1 results that we had from our acuity assessment results and  
2 in the next slide what you see is the math results and they  
3 are all showing gains from the spring in 2015 to the spring  
4 of 2016.

5                   Now whether you take the cut to 40 percent  
6 of points which is approaching or 50 percent of points  
7 which is grade level and proficiency according to Acuity.  
8 We made significant gains that we can show statistically on  
9 those particular areas. And again I would say that it's  
10 important to note that research shows it takes more than  
11 two years typically to see impact when you begin to  
12 implement a new curriculum. We did that in response to our  
13 changing population that we had. So you can please refer  
14 to the rest of your slides for the changes that you see in  
15 the Aurora learning centers. They made significant gains  
16 as well.

17                   MR. BAUTISTA: My name is Michael Bautista  
18 and I'm the Chair of the Board of Directors for HOPE. And  
19 I'd like to read a statement from Douglas County School  
20 District. On behalf of Douglas County School District, we  
21 support HOPE's appeal and respectfully request that HOPE's  
22 request to relief of the MOU be granted. DCSD has long  
23 been a strong proponent of supporting the ability of  
24 parents and students to find the learning environment that  
25 best meets the unique needs of the individual student.



1                   As HOPE's authorizer at the request of the  
2 state review panel, DCSD analyzed the various options  
3 available to the State Board and of the five year  
4 accountability clock. Like the SRP, DCSD concluded that  
5 closure of HOPE is not a reasonable option for HOPE  
6 students and their families. DCSD submits that closure of  
7 HOPE learning centers and APS is not an option either.  
8 HOPE has made and continues to make necessary changes  
9 designed to increase academic performance of the students  
10 it serves including those in APS. DCSD has been an active  
11 partner with HOPE in these changes following the state  
12 review panel's research and recommendations DCSD worked  
13 with HOPE as it developed and implemented changes in its  
14 curriculum, attendance accountability assessments,  
15 professional development and staffing structure.

16                   DCSD, a district that has received CDE's  
17 highest reading of accredited with distinction fully  
18 acknowledges that HOPE has not yet operate at the  
19 performance level and that all Colorado students should  
20 have access to quality educational programs so that each  
21 student demonstrates academic gain and even with DCSD's  
22 high performing schools, DCSD constantly analyzes what  
23 additional changes can be made to further increase student  
24 development. But as HOPE pointed out in its brief, the  
25 data shows that the changes made by HOPE are making a



1 difference. DCSD takes its whole role as HOPE's authorizer  
2 very seriously and is fully committed to supporting HOPE in  
3 its mission to provide a quality, academic alternative to  
4 families in Colorado. While there is more work to be done,  
5 the emerging data shows students are making academic gains.  
6 For these reasons DCSD supports HOPE's appeal and its  
7 request that MOU with APS be granted. Okay.

8 CHAIRMAN DURHAM: You're done. Okay. Yes,  
9 Mr. Eyre, you have five minutes.

10 MR. EYRE: We didn't use any time for  
11 rebuttal, so no.

12 CHAIRMAN DURHAM: We cut you off at 10  
13 minutes, so you have five minutes or you can't utilize  
14 them.

15 MS. RANKIN: Part of the review when we look  
16 at the data and you keep hearing about the data showing  
17 growth. The part that is missing and was missing for us in  
18 that analysis is a comparison to what. I can have students  
19 growing a half of a year every single year and tell you  
20 it's a statistically significant growth for students. But  
21 that is not the growth that we want the year's growth  
22 compared to other students. So you're gonna -- it's  
23 outlined several -- in several areas -- several areas of  
24 the brief where it says students are making gains. The  
25 question is are they making significant enough gains that



1 this school will be able to demonstrate improvement in  
2 their accreditation rating?

3                   The data that they have provided does not  
4 provide that direct evidence that says they expect to  
5 increase to an approaching or to a meets on their growth  
6 based on their assessment results. The assessment  
7 companies that they -- that they note in there either --  
8 whether it be the DIBELS or Acuity those companies do not  
9 claim to be predictors of the state assessment nor do they  
10 have growth models that equate to the state assessment.  
11 Therefore, in part of our summary was the fact that yes,  
12 students can make growth. Are they making adequate enough  
13 growth?

14                   And our determination at this point was know  
15 the evidence was not clear, that they are going to receive  
16 anything but a turnaround six years in and at that point  
17 for the Aurora public schools, that does not make sense for  
18 us to hold onto a center year six of turnaround. Thank  
19 you.

20                   CHAIRMAN DURHAM: Okay. All right. That  
21 concludes the -- the public part of the hearing. We'll  
22 move to Board discussion when we start with a motion. Ms.  
23 Rankin do you have a motion?

24                   MS. RANKIN: I move to reverse the decision  
25 of the local Board of Education, on the ground that it is -



1 - it is in the best interests of the pupils. Parents have  
2 got that in there. School district or community and to  
3 enter into an MOU with HOPE online and direct the local  
4 Board to enter into an MOU with HOPE within 30 days of  
5 today's date.

6 CHAIRMAN DURHAM: You're second to that  
7 motion. There's second, Ms. Mazanec. It's moved and  
8 seconded discussion from the Board. Yeah, maybe that would  
9 be a good way to do it. Yes, Dr. Schroeder -- Ms.  
10 Scheffel? Okay you want to skip. Ms. Mazanec, do you want  
11 to start?

12 MS. MAZANEC: But we're not asking questions,  
13 right?

14 CHAIRMAN DURHAM: If we do we're gonna have  
15 to go back and forth, so keep in mind the time we have.

16 MS. MAZANEC: I can start. Economically and  
17 academically challenged students, have a lot of barriers.  
18 And our schools across the state are trying to meet the  
19 challenges of bringing those children to catching them up  
20 and getting them to grade level. Sorry we have new  
21 microphones and they -- we can hear you -- they don't.  
22 Honestly. Okay. I think schools across the -- the state  
23 are dealing with -- with many students facing these  
24 challenges. I think APS is dealing with a lot of those  
25 challenges and I think their performance ratings reflect



1 the challenges of students who are not able at this point  
2 in time to do well on standardized tests which is a lot of  
3 what our performance ratings are based on.

4 I don't think that those performance ratings  
5 of any school necessarily reflect the hard work and  
6 achievement happening in those schools. APS has a  
7 significant number of these students. HOPE has almost  
8 exclusively these kinds of students and the fact that --  
9 that a school like HOPE might have a poor performance  
10 rating, I think based on comparison when you have a parent  
11 of a child who doesn't wanna go to school because they  
12 don't feel safe or they've been bullied or they feel lost.

13 So we have to give these parents options.  
14 They have to have an option and at this point in time I  
15 cannot in good conscience close the door to this option for  
16 these students. And I hope that HOPE and APS both are able  
17 to move the needle forward in providing academic success  
18 for these kids. But I cannot close the door for options  
19 for these kids right now.

20 CHAIRMAN DURHAM: We just don't -- don't  
21 allow public demonstrations. Dr. Flores.

22 MS. RANKIN: Mr. Chair.

23 CHAIRMAN DURHAM: Yes.

24 MS. RANKIN: May I just read the motion one  
25 more time? There was one other (inaudible).



1 CHAIRMAN DURHAM: Okay.

2 MS. RANKIN: I move to reverse the decision  
3 of the local Board of Education on the ground that it was  
4 not contrary to the best interests of the pupils, parents,  
5 school district or community and to enter into an MOU with  
6 HOPE online and direct the local Board to enter into an MOU  
7 with HOPE within 30 days of today's date.

8 MS. FLORES: Did you second it?

9 MS. MAZANEC: I do.

10 CHAIRMAN DURHAM: Still moved and seconded.  
11 Yes.

12 MS. RANKIN: Is that the right language? Not  
13 contrary (inaudible).

14 CHAIRMAN DURHAM: It didn't sound right to me  
15 either.

16 MS. RANKIN: I think it's the wrong language  
17 myself.

18 MR. EYRE: On further review I think you're  
19 right. I think we're in a double negative situation in  
20 terms of the statutory language.

21 UNIDENTIFIED VOICE: So it should read that  
22 it is contrary. Am I correct?

23 MS. RANKIN: Excuse me. Could I have the  
24 latest version? I now move to reverse the decision of the  
25 local Board of Education on the ground that it was contrary



1 to the best interests of the parents, pupils, parents,  
2 school district, or community and to enter into an MOU with  
3 HOPE online and direct the local Board to enter into an MOU  
4 with HOPE within 30 days of today's date.

5 CHAIRMAN DURHAM: Second still apply in this  
6 Miss Mazanec?

7 MS. MAZANEC: Yes.

8 CHAIRMAN DURHAM: Thank you. All right.  
9 Good. All right Dr. Flores.

10 MS. FLORES: Also, I -- I think that it takes  
11 much longer than the five years to get any results  
12 especially with hard to serve schools. And I think the  
13 research shows that it should be possibly even as long as  
14 10 years and you know I've said that I've said this before  
15 that we just can't uproot students back and forth. And it  
16 seems as if when I visited the center, it seemed that the  
17 families and the people there were -- you know, were  
18 wanting to too and liking the center.

19 I did see a couple of teachers who did say  
20 that they were certified. We did have a discussion you  
21 know over DIBELS and you know even if it's in Spanish I'm  
22 not a great believer in -- in DIBELS. I think the DRA is  
23 probably a better test and I know that the state doesn't go  
24 along with that. But they did use DRA as well. So I -- I  
25 -- I really do think that we need to give HOPE some more



1 time and we should not close HOPE at this point at this  
2 time. Given the number I read, a lot of those letters that  
3 were sent in for HOPE in support of HOPE. And I think we  
4 need to take those into account. So I --

5 CHAIRMAN DURHAM: Thank you Dr. Flores. Ms.  
6 Reagan would you like to be next?

7 MS. REAGAN: Yes. I have a -- a letter from  
8 CDE from April 22nd and it was -- I believe presented at  
9 the June meeting when Dr. (Inaudible) came before us with  
10 the superintendent. Superintendent Munn and we discussed  
11 the future of rural public schools and the advances and  
12 changes that are going to be made there. When I look at  
13 that in the transition, I'm not quite sure students that  
14 are very comfortable where they are would do well in  
15 further transition. So I -- I feel like what is the  
16 alternative for these students? I believe where they are  
17 right now is the best alternative for them and taking all  
18 of that into consideration. Thank you.

19 MS. GOFF: Somewhat of a follow up to what  
20 Joyce just said, I -- I tend to agree. At the same time,  
21 part of the -- part of follow up and avoidance of  
22 unnecessary transitioning involves having the same people  
23 stay in the same place over time. I find it disturbing,  
24 troubling, and maybe certainly for families but also for  
25 the -- the school's planning purposes. If the attendance



1 is not steady, if there is not a group that consistently is  
2 there to learn, I find it would be very difficult to -- to  
3 measure -- to use your measurements to a satisfactory -- to  
4 a way that -- that is satisfactory to those who -- who say  
5 we don't know enough of, how -- how do we base this  
6 learning on? Is it occurring or not?

7                   That is -- that is an offshoot effect often  
8 of -- of families who aren't moving quite a bit, and who  
9 may have other choices to make on a not necessarily long-  
10 term notice. But if -- if there is a way for the MOU to be  
11 worked out that addresses that, and then have good learning  
12 measures available to -- as the -- as the result of  
13 addressing that issue. That's where I am today. I -- I  
14 totally respect, admire her for a long time. What HOPE has  
15 always attempted to do and speak to and address, but we get  
16 down to the facts at -- at this level. And the fact is if  
17 kids aren't there, they can't be taught. I -- I just find  
18 that to be maybe your -- your focus with this. I do agree  
19 that the memo deserves to be extended. I, you know, I  
20 would leave it up to you all to -- to figure out what the  
21 term of that is or whether how many years that involves,  
22 whether it lines up with UIP planning or a -- a standard  
23 three and -- or five year term of -- of contracts, MOU, and  
24 so on. But I do -- I do want success for these kids and  
25 these families, and I do think this is a good chance for



1 them with some, a little bit closer eye to the guidance  
2 about what -- what that -- what leads up to that. And  
3 that's just, it's where I am.

4 CHAIRMAN DURHAM: Thank you, Ms. Goff. No.  
5 Okay. Yes, Dr. Schroeder?

6 MS. SCHROEDER: A couple of things, I'm  
7 pretty concerned about who's responsible for what here. I  
8 am pleased that there is such strong parents engagement. I  
9 think that's an important measure. It's one that I think  
10 all School Boards need to be observing and listening to,  
11 but the fact that parents are comfortable there and kids  
12 are comfortable there, means to me also that there's a high  
13 level of trust that somebody is making sure that this is  
14 also a highly academic program.

15 I'm trying to figure out, is that our job  
16 right here at the table? Are we responsible to ensure that  
17 this is in addition to being a welcoming community that  
18 kids are also learning what they need to learn? Is the  
19 responsibility of the Aurora School Board? Because the  
20 citizens of Aurora, parents and many, many non-parents have  
21 elected those folks to ensure that Aurora children get the  
22 best education possible. Is the responsibility of the  
23 Douglas County School Board? So I'm not really sure. We  
24 probably have some kind of joint responsibility, which is  
25 why you all are here.



1                   But I think it's very, very important, and I  
2 don't think we should ignore it. So just because parents  
3 feel great there, tells me that those parents are trusting  
4 some of us to ensure the academics as well as their comfort  
5 level. So that causes me to want to ensure that there is  
6 some significant improvement for kids. I appreciate the  
7 fact that the HOPE Organization is looking at the  
8 evaluations they're getting and attempting to make some  
9 changes, and they really have not had enough time to  
10 implement those.

11                   So at the same time, I wanna give kudos to  
12 the Aurora Board for saying, "We're just not gonna  
13 automatically renew this because the kids are not  
14 thriving." I think we should recognize that maybe this is  
15 the first school district that's actually said, "Hey, let's  
16 look at what's happening for the kids." I'm a little  
17 worried that that's what's happening, but I think it sets a  
18 very good precedent. But how we move forward with that is  
19 a challenge. There really was not enough time based on the  
20 schedule that's been shared with us for there to be a  
21 thoughtful conversation in this in a really objective  
22 evaluation, so the timing was, I think a little bit weak.

23                   The other thing that I'm seeing here and  
24 I've observed in some of the other -- some of the items  
25 that I've been reading in the briefs is the fact that we're



1 kind of mixing up the turnaround issues with this  
2 particular appeal. It is still gonna be the responsibility  
3 of this Board to look at the turnaround schools. And  
4 that's kind of something that you all got into for this,  
5 but that's not quite the right time. So who knows what's  
6 gonna be the recommendation for HOPE, given that it's got  
7 some turnaround schools. I worry that we're mixing them  
8 up, which is why I will support this motion, because I  
9 don't think we're doing that turnaround work right now.  
10 Who knows how that will come out?

11                   The final thing that I have a concern -- I  
12 have lots of concerns, but the final thing that I have a  
13 concern about is this MOU. Because I just was given a  
14 brief standard MOU, and it doesn't say very much. It  
15 doesn't say how long, and it doesn't talk about some of the  
16 modifications, et cetera. I think Ms. O'Mara, you said  
17 that with your different districts, you've had some  
18 specific provisions. Now, I'm not sure how to send you all  
19 off to work for -- HOPE to work with Aurora without some  
20 direction from us, as to what some of the things ought to  
21 be in that MOU, in particular, the time span.

22                   For charters, Mr. Dill, for charters, when  
23 we've made a decision to remand back to the school  
24 district, we've also had some direction from the Board  
25 Members of some specific items that we wanna see. I don't



1 know if we have that option as a Board, or have you all  
2 duke it out? I mean, this is new to us. We haven't done  
3 this very much. So is this a matter of policy that we  
4 decide to set that in fact, there is some direction from  
5 the Board? Or are we just -- do we just throw it back to  
6 the two groups and have them come to some agreement. And  
7 if nothing is -- something is unsatisfactory, they come  
8 back to us yet again? Tony?

9 MR. DILL: Mr. Chair. The -- the -- the  
10 statute and regulations state that they will enter into a  
11 Memorandum of Understanding using the standard MOU form.

12 MS. FLORES: Is that the minutes?

13 MR. DILL: That's -- that's all they say. So  
14 I think you have to use that form. The statute in addition  
15 says that the term shall be three years. Although I  
16 suspect that the parties could mutually agree on changes to  
17 that form, I don't think based on some of the law that's  
18 been developed under the charter school cases that you  
19 could direct specific provisions into it that go beyond  
20 whatever is in the standard MOU.

21 CHAIRMAN DURHAM: I'm sorry. Would you  
22 repeat that last, Mr. Dill, sir?

23 MR. DILL: I don't believe that the State  
24 Board could direct that there be specific provisions that  
25 be inserted into the standards MOUs. The statute and regs



1 say it will be the standard MOU. I do however believe that  
2 the parties could voluntarily agree to alter those terms.  
3 However, I believe that should you remand it, HOPE online,  
4 you'll be entitled to rely on the provisions of the  
5 standard MOU.

6 MS. FLORES: How come a standard MOU doesn't  
7 even have a timeline in it? Or did I misread that?

8 CHAIRMAN DURHAM: Dr. Anthes?

9 MS. ANTHERS: Yes. Mr. Chair, I was just  
10 reading the standard MOU. And Mr. Dill, number 12 on the  
11 standard MOU does discuss the SB -- the State Board of  
12 Education Action may revise, vacate, enhance or extend the  
13 terms, is that something you could clarify for us?

14 MR. DILL: Let me take a look.

15 MS. ANTHERS: Yeah.

16 MR. DILL: Well, that's interesting. I did  
17 not realize that was in the standard MOU form.

18 CHAIRMAN DURHAM: Okay. All right, this  
19 perhaps give us some flexibility.

20 MR. DILL: Yes, it states educate them --

21 CHAIRMAN DURHAM: Make sure if you are to  
22 propose a three-year term as a modification to that  
23 standard agreement?

24 UNIDENTIFIED VOICE: Yes. No more -- no more  
25 than a three-year term.



1 CHAIRMAN DURHAM: So you would offer that as  
2 an amendment to Ms. Rankin's motion to the -- to term be  
3 for three years?

4 MS. FLORES: I -- I don't like that for --

5 UNIDENTIFIED VOICE: Well actually, that's in  
6 the law.

7 CHAIRMAN DURHAM: Three years?

8 UNIDENTIFIED VOICE: I thought Tony just said  
9 that's part.

10 CHAIRMAN DURHAM: I think that's in the  
11 charter school.

12 MS. FLORES: But I don't like the three-year  
13 limit, is what I'm saying, and --

14 CHAIRMAN DURHAM: Perhaps for the sake of  
15 clarity.

16 MS. FLORES: This is standard three? The  
17 standard is a three-year tops. It -- it's determinant,  
18 right?

19 UNIDENTIFIED VOICE: That's what it says.  
20 Commissioner Anthes, do you have a comment?

21 MS. ANTHERS: I believe Mr. Dill was saying  
22 that in this particular live MOU was for a three-year  
23 review.

24 MS. FLORES: Oh, I didn't catch that. I'm  
25 sorry.



1 CHAIRMAN DURHAM: In this law for three years  
2 or is it in the charter law?

3 UNIDENTIFIED VOICE: No, it's --

4 MS. ANTHES: It's in statute for the -- this  
5 particular law. Yes.

6 MR. DILL: The statute in question is 22-  
7 30.7-111-2, which says, "That the memorandum of  
8 understanding entered into Board of School District to the  
9 Multi-District Online School pursuant to provision of this  
10 section shall be effective for three years."

11 CHAIRMAN DURHAM: Okay then. So -- so it  
12 could be more, but it's certainly couldn't be less. So  
13 alright. So yes.

14 MS. FLORES: I'd like to add something.

15 CHAIRMAN DURHAM: Dr. Flores?

16 MS. FLORES: If it is a blended learning  
17 program and it is six and a half hours, I -- I would like  
18 to suggest that Art and Music and Physical Education, and I  
19 know the center that I -- I went to observe, that was going  
20 on, and I think it's so important for kids that they have,  
21 you know, these classic and performing arts as well as  
22 sports. And I suggest that, you know, this would really  
23 round out a curricula.

24 CHAIRMAN DURHAM: Right. Yes, Dr. Scheffel?



1 MS. SCHEFFEL: I just wanted to say that I  
2 appreciated all the parents and teachers and students that  
3 have come today. Really appreciate the due diligence of  
4 Aurora as well as the responsiveness of HOPE. And I was  
5 looking at the data, I feel like things are moving in a  
6 good direction, particularly early literacy data that show  
7 some very encouraging scores. So I appreciate all the work  
8 that you're doing. I just want to say thank you to  
9 everybody for this great discussion. Thank you.

10 CHAIRMAN DURHAM: Thank you all. I'll --  
11 I'll close (inaudible) in this chair. I spent the first  
12 nine years of my private employment life as a General  
13 Manager of a facility that served about 250,000 people a  
14 year. Not all those customers were happy. I think when  
15 you have 250,000, the odds are against you of keeping them  
16 all happy. I learned early on in that nine years that the  
17 smartest thing I could do when I had a dissatisfied  
18 customer was to refund their money and send them on their  
19 way.

20 There were two reasons for that. One, that  
21 customer's dissatisfaction, I did everything at least I  
22 could to appease it. And at least, perhaps, turn that  
23 customer -- that customer into someone who would not have a  
24 lot of negative things to say about the facility.  
25 Secondly, it allowed me to spend the rest of my try -- time



1 trying to improve the service to those customers that were  
2 happy. And every time I see a school district that has  
3 customers who are obviously unhappy and want to leave, I  
4 think the energy that you spend in trying to make them stay  
5 with you is (inaudible) spent.

6                   And it's not in the best interests of the  
7 people who wanna leave, and it's certainly not in the best  
8 interest of the people who wanna stay who would be better  
9 served by that time, effort, energy, and money being spent  
10 in improving their service. I don't think there's any  
11 significant difference between doing the business of  
12 education or any other private business, and how you deal  
13 with dissatisfied customers. You're -- you're better off  
14 letting them seek satisfaction elsewhere. So I'm going to  
15 vote for the motion. Ms. Burdsall, would you call the  
16 vote?

17                   MS. BURDSALL: Board Member Flores?

18                   MS. FLORES: Aye.

19                   MS. BURDSALL: Board Member Goff?

20                   MS. GOFF: Aye.

21                   MS. BURDSALL: Board Member Mazanec?

22                   MS. MAZANEC: Aye.

23                   MS. BURDSALL: Board Member Rankin?

24                   MS. FLORES: Aye.

25                   MS. BURDSALL: Board Member Scheffel?



---

1 MS. SCHEFFEL: Yes.

2 MS. BURDSALL: Board Member Schroeder?

3 MS. SCHROEDER: Yes.

4 MS. BURDSALL: Chairman Durham?

5 CHAIRMAN DURHAM: Yes. The motions adopted  
6 on a vote of seven to nothing. Thank you very much and  
7 hope that the parties work cooperatively to work out what  
8 remaining differences that you have. Okay. All right.  
9 Okay, when we take about a 10 minute recess and we'll  
10 reconvene. We have a couple of items left on the agenda.

11 UNIDENTIFIED VOICE: Thank you.

12 (Meeting adjourned)



1 C E R T I F I C A T E

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

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

10 IN WITNESS WHEREOF, I have hereunto set my hand  
11 and seal this 25th day of October, 2018.

12

13 /s/ Kimberly C. McCright

14 Kimberly C. McCright

15 Certified Vendor and Notary Public

16

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