

## **RESOLUTION**

WHEREAS, on September 1, 2005 the Board of Education of Jefferson County School District No. R-1 received a charter school application from the Teddy Roosevelt Academy steering committee ("TRA"); and

WHEREAS, the Board considered information and analyses by District Administrators regarding the charter school application, as well as TRA's written response dated October 6, 2005 to District staff comments; and

WHEREAS, the Board held a public meeting with TRA on October 6, 2005 in accordance with the requirements of C.R.S. ' 22-30.5-107(2); and

WHEREAS, on October 20, 2005 the Board adopted a Resolution denying the TRA charter school application because, for reasons specified in the Resolution, the Board believed that such denial was in the best interests of the District, its students and the community; and

WHEREAS, TRA appealed the Board's denial of its charter school application to the State Board of Education by means of a Notice of Appeal dated November 8, 2005; and

WHEREAS, at a hearing on January 11, 2005 the State Board of Education made a determination that denial of the TRA charter school application was contrary to the best interests of the pupils, school district, or community, remanded the matter to the Board for reconsideration with instructions that: (1) the parties negotiate mutually agreeable contract provisions regarding minimum required enrollment by dates certain in order to successfully open for the 2006-2007 school year; (2) the parties negotiate mutually agreeable contract provisions regarding a time frame for locating, securing, and preparing a facility in order to successfully open for the 2006-2007 school year; (3) the parties negotiate a mutually agreeable description of the proposed academic program to be offered by TRA, sufficiently detailed to serve as the basis for measurable achievement goals; (4) the parties ensure the proposed budget has sufficient flexibility to accommodate reasonable differences between the expected student population and the actual students that will be attending when the school opens. Such flexibility should allow for, at a minimum, changes in the numbers of special education staff, technology needs and ELL; and

WHEREAS, representatives of the District met with representatives of TRA on January 26, 2006 to address the matters which the State Board of Education recommended in its remand order, as well as the concerns expressed by the Board in its October 20, 2005 Resolution as reasons for denial of the TRA charter school application; and

WHEREAS, prior to the January 26, 2006 meetings, because of the substantially revised information submitted by TRA on October 6, 2006, the District requested that TRA provide current accurate information concerning students in their new target area who have indicated an interest in attending TRA beginning with the 2006-2007 school year, and each such prospective student's grade as of the 2006-2007 school year, and school attended and home school in 2005-2006. The District also requested copies of the parent interest letter sent to parents in the two weeks before October 6, 2006. TRA produced no such information.

WHEREAS, TRA has failed to adequately address this and other concerns raised in the Board's October 20, 2005 Resolution; and

WHEREAS, C.R.S. ' 22-30.5-108(3)(b) requires the Board to reconsider its October 20, 2005 Resolution and make a final decision regarding the TRA charter school application within 30 days following the State Board of Education's January 11, 2006 remand order; and

WHEREAS, the Board has reconsidered the charter school application; the Charter Schools Act; District policies and regulations; the Comments and Crucial Questions Reports prepared by the Charter School Review Committee and members of the Superintendent's Cabinet; the written information provided by TRA dated October 6, 2005; and the parties' discussion at the Board's October 6, 2006 public meeting with TRA; and

WHEREAS, the Board has considered the State Board of Education's January 11, 2005 remand order; has been fully advised regarding the discussions between representatives of the District and representatives of TRA on January 26, 2006, and has carefully considered the information and proposals generated at those meetings; and

WHEREAS, the Board has reconsidered its October 6, 2005 denial of the TRA charter school application as required under C.R.S. ' 22-30.5-108(3)(b).

NOW, THEREFORE, BE IT RESOLVED by the Board that denial of the TRA charter school application remains in the best interests of the District, its students and the community, and the TRA charter school application is hereby denied, for the following reasons:

1. On October 6, 2005, TRA presented new information substantially revising the characteristics, terms and conditions of its proposed school to the extent that the revisions constitute a new and different charter school application. Inasmuch as this new charter school application was not submitted to the District on or before the August 15, 2005 deadline, it is untimely and will not be considered for the opening of a school in the fall of 2006.

2. TRA has failed to demonstrate that there is adequate interest from its revised target population to justify approval of the application.

- a. The 500 letters of intent purportedly submitted in support of TRA's application were submitted last year (in connection with their 2004 application) in response to an advertised program that emphasized a Core Knowledge, teacher centered approach to education. Since soliciting those original letters of intent, TRA switched its emphasis in this year's (2005) application to a more student-centered, Mosaica approach. Therefore, the original 500 letters can no longer be considered valid indicators of interest in the program that TRA now appears committed to providing.

- b. Despite several requests from the District to do so, TRA has failed to provide any information confirming the alleged interest of the new target of 306/312 students that TRA claimed in their supplemental materials and at the public hearing of October 6, 2005 they now intend to serve. TRA has failed to provide evidence that an adequate number of these parents or pupils support the formation of the charter school as required by C.R.S. ' 22-30.5-

106(1)(c). TRA has also failed to provide, after having been requested by the District to do so, any aggregate information concerning grade levels and schools in which the students are currently enrolled as required by District Regulation LBD-R and C.R.S. ' 22-30.5-106(3).

3. The District currently diverts per-pupil funding from students at some of its non-charter schools to pay for programs and services the Board deems necessary or desirable at other schools. In addition, District analyses and a February 2002 report prepared by Augenblick and Myers, Inc. establish that charter schools have a fiscal impact on the District in excess of the per-pupil funding that follows students to the charter schools. Approving the TRA charter school application would compromise the District's ability to devote the funds and educational resources it deems necessary to improve academic performance ratings at certain schools based on CSAP assessments; to close the achievement gap for at-risk students, students eligible for free and reduced lunch, students with English as a second language, and other under-served student populations at such schools; and to achieve adequate yearly progress on a District-wide basis as required under the No Child Left Behind Act.

4. The cumulative operational and financial impact on the District caused by declining enrollment, reductions in funding, and capital and staffing needs at existing schools requires the Board to be more selective in granting charter applications, and under these circumstances approval of the TRA charter school application would not be fiscally responsible and would compromise the District's ability to allocate necessary funds (and thus educational resources and support) to schools educating at-risk students, students eligible for free and reduced lunch, students with English as a second language, and other under-served student populations.

In accordance with C.R.S. ' 22-30.5-107(4), the District administration is hereby directed to provide a copy of this Resolution to the Colorado Department of Education within fifteen days of its adoption date.

Adopted this 9th day of February, 2006.

JEFFERSON COUNTY SCHOOL DISTRICT

By: \_\_\_\_\_  
Jane Barnes  
President, Board of Education

Attest:

By: \_\_\_\_\_  
Scott D. Benefield  
Secretary, Board of Education