

It would go without saying, but the Merit Academy founding committee is disappointed in the Woodland Park School District (WPSD) Board of Educator's (BOE) decision on the matter of Merit Academy's application to form a charter school. The belief is held that the decision to not accept Merit Academy's request to partner to offer an alternate education option to all Teller County families is a loss to this community. Of particular concern is the fact that a careful approach with risk reduction milestones was declined (i.e., "approve with conditions").

It is feared that a lack of innovation and cooperation in a community demonstrating desire for choice will lead to continued decline in current enrollment and a missed opportunity to attract new families to our community. In pursuit of an answer for the community's desire for expanded educational options, we continue to work with our subject matter experts to bring classical education to Teller County.

This desire for choice was demonstrated across 200 petition signatures, 21 letters of support from parents and community members/leaders, all submitted with Merit Academy's application, as well as the 144 students expressing *intent to enroll* at the time that application was submitted on September 30th. In the time since, that number has grown and currently stands at 230 students. This desire for choice was further exhibited in the 61 letters of support that were submitted to the board secretary between December 9th and the December 14th deadline. The appearance given by the board's resolution is that the only showcase of support were these 61 letters that were submitted following Merit Academy's presentation to the board on December 9th. This is, on its face, misleading.

Found herein are our responses to the points outlined in the declination resolution adopted by the WPSD board. Italics are WPSD's reasons for denial, and Merit's response is below each reason in dark blue and in print.

1. Funding

1.1 Merit has not demonstrated that its budgetary plan is economically sound as required by the Act. C.R.S. § 22-30.5-106(1)(g), As of Friday, December 4, 2020 the Merit application for the 2020-21 Colorado Charter School Program (CCSP) grant was denied by the Schools of Choice Unit of the Colorado Department of Education (CDE). The denial impacts Merit's Year Zero budget that was already of concern to the District. Without the CCSP grant funding source Merit indicates it will pursue startup loans and other grants that have not been contracted or awarded at this time. The lack of confirmed start-up funding puts the school at risk of not being able to provide for essential educational demands to accommodate teaching students Grades K-10.

On several occasions, discussion centered around private foundations identified as interested in providing funding, but all required charter approval first. We do have a funding milestone in the timeline for safe launch. The Colorado Charter School Program (CCSP) grant was not part of the application and was not reviewed by the Colorado Department of Education (CDE) board, but by the CDE School of Choice. The application for the CCSP grant is not the same application for a charter school. It was only 26 pages, whereas our full application and appendix is 470 pages in

total. As WPSD well knows, it is common for high dollar competitive grants to be denied on their

first application. The CDE School of Choice assured us that denial is not atypical the first year and encouraged us to reapply for Year 2. Again, the grant application is a completely separate application than the charter application, and the bare bones budget that Merit Academy submitted as required did not rely on it for funding. Denial of a grant like this is not indicative of a school's performance or success rate. Many districts may be denied grants, but they are still adequately funded just as was the case with WPSD when they were denied the BEST grant in 2014/2015. Consideration of grant status is clearly identified as beyond the scope of the charter application review process.

1.2 Merit's budget did not identify secure funding sources for facilities. The budget lacks clarity regarding the expected overlap of facility rental for Year One and construction costs for transitioning from a leased temporary location Year One to a built long-term facility for an increasing student population and grade level add-ons beyond Year One. The District was unable to ensure that the students enrolled in Year One and the students projected to attend the school beyond Year One would have an acceptable, appropriate, safe and effective learning environment.

This is incorrect. Merit Academy had adequate funding for Year One based on conversations with the primary facility option. Details appear on the second page (line 33) of the 5 Year Budget in Appendix G of the Merit Academy application.

2. Facility

2.1 Merit has failed to meet the application requirements for an adequate facility in Year One as is required by C.R.S. § 22-30.5-106(1)(n), Merit does not have a facility for its Year One operations that could be vetted by the District through the application process to ensure that it would meet the enrollment projections and the needs of students Grades K-10. No location was solidified and no lease or letter of intent were provided as part of the Application or were otherwise provided for review.

Merit Academy is currently working with two facility options. It is very typical in the charter world to not have a lease or contract until there is a charter approval in hand. This was explained several times to the school board and the District Accountability Committee (DAC).

2.2 Merit has failed to meet the application requirements for an adequate facility beyond Year One as is required by C.R.S. § 22-30.5-106(1)(n), Merit failed to provide an adequate detailed facility plan beyond Year One, yet enrollment projections suggest they will outgrow their possible Year One facility options after the first year. The District was unable to determine if facilities beyond Year One are viable within the WPSD boundaries to meet the enrollment projections and the needs of students Grades K10 and grades 11 and 12 for years two and three respectively.

Per Line Item 82 in the 5 Year Budget in Appendix G, there is funding set aside for capital construction for a new facility to house students starting Year Two. It was further explained to the board that several discussions with facility and finance experts regarding facilities for Year 2

and beyond had occurred and were on going. The board was provided with contact information for those parties.

3. Leadership/Management

3.1 Merit failed to sufficiently describe the operation of the proposed school C.R.S. § 22- 30.5-106(1)(h). No clear operational plan or description to successfully create, manage and execute a school start-up in order to be fully prepared to appropriately educate students grades K-10 by August 2021.

Merit's application was reviewed by the Colorado League of Charter Schools and found to be complete in scope and detail per section H: Governance, Decision Making, & Operations beginning on Page 67. In discussions with the board, Merit Academy outlined that further elaboration of these areas would occur subsequent to hiring the initial cadre of senior school leadership. Provided to the board were the bios of key charter network experts in the Front Range region who served in advisory roles, and will continue to do so, in the areas of special education, finance, and business and charter school operations.

3.2 No detailed operational plan was provided for the start-up activities necessary to prepare for K-10 student learning including: staff recruitment and selection, staff onboarding and training, curriculum training and planning, procurement of teaching materials (textbooks, computers, furniture) and basic educational facility infrastructure requirements such as restrooms to accommodate for students Grades K-10 by August 2021.

Per discussion with the school board and the DAC, many of these topics were addressed. Specific questions regarding restrooms were discussed at length with the board assuring them that the facilities of choice are ADA compliant and have proper restrooms available. Merit Academy had already completed an onsite survey of their primary facility where these issues had been examined by a facilities expert. Discussion of budget included staff recruitment timeline, curriculum, and professional development. A timeline was provided which outlined procurement of teaching materials.

3.3 Opening a Grade K-10 charter school is of concern due to the broad spectrum of students with varying instructional needs from early literacy up through advanced high school offerings and other rigorous courses that are measured by G.P.A., A.P. scores and preparing students for college. The scope of taking on so many grade levels at one time as a startup presents a significant risk of not meeting the needs of all students.

Citing small class sizes, low student to staff ratios, and a deliberate delay of 11th and 12th grades in Year One, reviewers and Merit Academy team of experts identified the plan as viable and achievable for a Year One open of August 2021. These small class sizes and high number of staff servicing students allows for great opportunity to meet the needs of the students within Merit Academy.

4. Demographics (Access for All)

4.1 The Colorado General Assembly intended charter schools to increase learning opportunities for all students, with special emphasis on expanding learning experiences for students who are identified as academically low achieving. C.R.S. § 22-30.5-102(2)(b). Merit fails to outline a program that will effectively serve academically low achieving students, especially low achieving students from low income and geographically remote locations of the Woodland Park School District.

A more complete list of objectives in CRS 22-30.5-102(2) would include the following items:

- CRS 22-30.5-102(2)(a), improve pupil learning by creating schools with high rigorous standards for pupil performance.
- CRS 22-30.5-102(2)(c), to encourage diverse approaches to learning and education and the use of research based or proven teaching methods.
- CRS 22-30.5-102(2)(f), to provide parents and pupils with expanded choices in the types of education opportunities that are available within the public school system.
- CRS 22-30.5-102(2)(g), to encourage parental and community involvement within public schools.
- CRS 22-30.5-102(2)(g.5), to address the formation of research based charter schools that use programs that are proven to be effective.
- CRS 22-30.5-102(2)(i), to provide an avenue for citizens to participate in the educational process and environment.

In the application in Section F: Plans for Evaluating Pupil Performance and Section C: Goals, Objectives, & Pupil Performance Standards, there was much discussion on resources, curriculum, and staffing to best serve our low achieving students.

4.2 Merit does not propose to provide transportation so it is unrealistic to assume that children from lower income neighborhoods and remote locations will be encouraged or able to attend the proposed school. Such students are more likely to rely on school provided transportation and less likely to have access to other alternative and reliable transportation options.

Though a charter school is not required to provide transportation services, Merit Academy was actively laying plans to provide transportation services to our students per Section M of the application. In discussion with the board, Merit Academy expressed the desire to utilize transportation not only for students with 504s and IEPs, but also for underserved students requiring transportation. These plans were only as detailed as forecasting would allow, and lack of detail should not have been construed with lack of intent or plan. At such a time that Merit Academy was chartered and had an accurate appraisal of need based on enrollment, these plans would have come into clearer focus.

4.3 Additionally, Merit has not met the requirements of C.R.S § 22-30.5-106(1)(m) by failing to describe specifically how they will provide food services, especially to address the needs of low-income students. The food pantry that Merit identified lacked details as to how the nutritional needs of students, including those who qualify for free and reduced benefits through the National School Lunch Program (NSLP), will be met and how overt identification of those students will be avoided. Those students who rely on the

District food service, in particular free and reduced meals, may be discouraged or unable to attend the proposed school.

The resolution identifies requirements of C.R.S § 22-30.5-106(1)(m) which states the proposed charter school may choose not to provide transportation or food services. Through the conversations with the DAC and school board, details were provided regarding the \$28,500 budgeted to provide free and reduced lunch to those who need it. In addition, Merit engaged in consultation with a local food expert in an attempt to avoid the inefficient food service model of WPSD. In our research, we found that WPSD spent \$930,693 on food service in 2019/2020, but only \$264,606 was actually spent on food. This seemed unnecessarily costly to us and our expert, and given that these are taxpayer dollars in question, we sought a more efficient model.