

## Local school boards to Colorado board of ed: Butt out on charter schools

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For those who believe strongly in the premise of local control of school districts by the people elected to run them, the idea that the Colorado State Board of Education can overrule local decisions on charter schools rankles.

Case in point: Jefferson County. Last year, the local school board gave grudging approval to a charter school backed by the Walton Family Foundation as well as a Walton family member. The school – known as Great Work Montessori – promised it would serve a population that didn't have access to Montessori education. That's not entirely accurate: there are two other Montessori schools that accept Jefferson County students within a mile of the Great Work site, including a pre-K school just three blocks away.

That wasn't the only problem with the charter's application. According to the Jeffco District Accountability Committee, the application was rife with spelling and grammatical errors – a bad sign for a school, the DAC said – and its financial projections were unrealistic, given that it intended to rely on grant funding from the Foundation.

Those concerns, and the lack of transparency by the charter board in its dealings with the Foundation, led the Jeffco school board to reject the charter application on its first go-round. The charter's board appealed to the State Board of Education, which ordered the Jeffco board to reconsider.

That's when everything changed. The Jeffco board knew that if they rejected the application a second time, the charter would appeal to the state board, which would then order Jeffco to accept the charter. The Jeffco board made the best deal they could, including setting an enrollment target of 137, which they hoped would be big enough to meet the charter's financial projections.

Great Work Montessori didn't make that enrollment promise. The Colorado Department of Education reported that the school enrolled 125 in its annual counting day last October, with 83 students in the Pre-K and full-day kindergarten portion of the school. The charter, which is supposed to serve low-income families, charges parents between \$50 and \$1,500 per month for those students. For grades one through three, the school enrolled 42 students; half in grade one, another dozen in grade two and nine in grade three. The school plans to add grades every year until it reaches sixth grade.

The Great Work story has been repeated at least a half-dozen times in Colorado in the past several years. According to Westword, between January 2015 and August 2016, the state board of education forced local school districts six times to accept charter schools whose applications were rejected by the local boards.

That included the Hope Online Learning Academy in Aurora, the lowest-rated school in the district. The Aurora School Board voted unanimously not to renew its charter. The state board of education voted unanimously to force the district to renew it. That state board vote took place after several board members toured the academy's facilities at the charter's request, a contact that the Attorney General's office said was "in error" but didn't rise to the level of an ethics violation.

That the state board of education has final say over charter schools, including those that fail to meet enrollment targets or don't meet academic requirements, is troubling to local school districts as well as the Colorado Association of School Boards, which is backing a bill that will be heard Thursday in the Senate Education Committee.

Senate Bill 118 would put local school boards back in control on charter school applications. The bill would still allow a charter board to appeal a denial to the state board of education, but they would only get one bite of the apple. A second appeal, which was what Jeffco was trying to avoid, would go away and the decision of the local school board on the second request would be final.

Jeffco school board President Ron Mitchell told Colorado Politics that the Great Work Montessori school is in financial stress because of its failure to attract enough students to meet its budget projections. However, Mitchell said he expects the Walton Family Foundation will continue to prop up the school financially, at least for now. Great Work Montessori's head of school, Amy Malick, did not respond to a request for comment.

It's not like Jeffco, or any district, can afford a charter school that can't meet its enrollment or financial targets. The district closed one elementary school last year in a low-income neighborhood and is moving sixth graders into middle schools, both for budgetary reasons.

Jeffco charters have a habit of running into early financial trouble. In a series of stories this reporter wrote for the Colorado Independent in 2016, the district revealed that nine of the 16 charter approved in the past decade opened with fewer students than projected, and the district has had to extend lines of credit in the hundreds of thousands of dollars to keep them afloat. Those that took advantage of those lines of credit have since repaid them.

Given that Great Work Montessori didn't hit their enrollment targets, Mitchell said he questioned where the board is making budget cuts and how that impacts the school and its students. The DAC report indicated that budget cuts would jeopardize the school's accreditation with the international Montessori association.

There's another question that Mitchell has, and that's on accountability. "I wish some of our legislators would carry accountability legislation that would provide someone with the legal authority for oversight of taxpayer dollars when it comes to charter schools. There's a great case to be made for increased oversight," he said.

Mitchell added that once a charter school has been approved, oversight responsibilities are essentially turned over to a local, unelected charter board that is not responsible to the taxpayers.

Mitchell said his board has not yet taken a position on SB 158 although he supports it, as do other members of the school board. "This goes back to our local control issue," Mitchell said. "I believe that at the local level, we have a better handle on the needs of our districts and what would be good to add to our portfolio."

The state board cannot have that kind of knowledge or insight, Mitchell said. "And based on their track record of sending any charter school rejection right back to us, and forcing us to approve it, is weak public policy."

Jeffco board member Amanda Stevens said that Great Work Montessori is now a Jeffco public school and the board wants it to succeed. But it's best when decisions are made at the local level, she said.

They're not alone in that view.

The Cherry Creek School District has also been forced to accept charter schools its board rejected. In a statement to Colorado Politics, the board said that "too often, the wishes, concerns and suggestions of parents and local taxpayers in the creation of a new charter school are discounted by the State Board of Education."

That leads to a situation where "there is little incentive for new charter applicants to engage and negotiate with local communities and school boards because they know the State Board of Education will likely give them whatever they want. Our good relationships with our charter schools are based on a culture of working together collaboratively from the beginning. This bill restores a balance in the process and encourages a two-way conversation in the chartering process."

Americans for Prosperity-Colorado has already weighed in on the bill and found it lacking. "The bill would severely restrict charter schools' due process if their initial request to certify or renew their charter is denied," said Jesse Mallory, AFP Colorado state director. "If this proposal becomes law, district school boards could abuse their power to restrict charter school growth or even force charter schools to close."

Dan Schaller, director of government affairs for the Colorado League of Charter Schools, says his group is opposed, too, mainly because the system has been working very well for the state. "If it ain't broke, don't fix it," he said.

Schaller also pointed out that those who question the state board's authority should remember that the state board is responsible for general supervision of public schools. "They're the critical arbiter in cases of disputes and disagreements," he said.

The bill's biggest problem is likely to be who's carrying it: Democratic Sen. Michael Merrifield of Colorado Springs, whose bills are not particularly well-regarded by Senate Republicans.

Merrifield and CASB acknowledge that the bill likely won't make it out of Senate Education, but they're willing to give it a go just to get the conversation started.

"Colorado believes passionately in local control," Merrifield told Colorado Politics recently. "If you believe in local control, and school boards are locally elected, you should believe that the decisions about school districts and schools should be left to the school board."

Currently, he said, if a charter proponent comes to the local school board and wants a new charter school, and the school board has a valid reason to say no, the charter can go to the state board.

The state board then says "sorry, local district, we want you to have this charter school, whether you need it, whether there's any reason for it, you're going to have it," Merrifield explained.

Merrifield said he just wants to go back to the concept that has guided schools for 100 years. "Local school boards make the local choice.