

## RESOLUTION

WHEREAS, the Colorado State Board of Education has granted Woodland Park School District Re-2 (“District”) exclusive authority to authorize charter schools within the geographic boundaries of the District; and

WHEREAS, in accordance with the District Policies LBD, LBD-R and LBD-E (“District Policy”) Merit Academy provided the District a Letter of Intent to submit a Charter School Application by the September 1, 2020 deadline; and

WHEREAS, in accordance with the District Policy, on September 30, 2020 Merit Academy submitted to the Administration a charter school application (“Application”) from Merit Academy Charter School (“Merit”); and

WHEREAS, on October 3, 2020, the Board of Education of the District (“Board”) received the Application written pursuant to the District Policy and C.R.S. § 22-30.5-106(1) for the Board to study and to serve as the basis for negotiating a contract between Merit and the District; and

WHEREAS, in accordance with C.R.S. § 22-30.5-107(1) and (1.5) as well as District Policy, the District had an Independent Reviewer, recommended by the Colorado Association of Charter School Authorizers, review the Application and;

WHEREAS; over the course of three meetings held in November and December of 2020, the District Accountability Committee (“DAC”), with executive level administration, reviewed the application and presentations and identified strengths, concerns and areas needing further clarification which was then presented to the Board; and

WHEREAS, Merit applied for the Colorado Charter School Program (“CCSP”) grant through the Colorado Department of Education (“CDE”); and

WHEREAS, CDE denied Merit’s CCSP grant proposal; and,

WHEREAS, as part of its decision, scoring and feedback were provided by CDE; and

WHEREAS, for further and thorough analysis of the Application in accordance with C.R.S. § 22-30.5-107(1) and (1.5) as well as District Policy, the District Administration integrated the information provided by the DAC, the District Reviewer, and the CDE; and presented it to the Board;

WHEREAS, on December 9, 2020, in accordance with the requirements of C.R.S. § 22-30.5-107(2) as well as District Policy, the Board held a virtual public meeting at which representatives of Merit presented information about the Application, the Board asked questions about the information it received and Merit responded to questions from the Board, and the Board read public comments received for the meeting; and

WHEREAS, the Board invited the Community to send comments regarding Merit's Board presentation which brought in 118 letters to the Board from the Community with 52% in favor of Merit and 48% opposed;

WHEREAS, the District and Merit representatives met on December 15, 2020 to further discuss the Application and address questions and matters of concern raised by the Board; and

WHEREAS, based on all of the information provided, the Board has considered the Application and its viability; and

WHEREAS, the Board finds that denial of the Application is in the best interests of the students, the District, and the community.

NOW, THEREFORE, BE IT RESOLVED by the Board that the Application is denied for the following reasons:

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.

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.

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.

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 K-10 and grades 11 and 12 for years two and three respectively.

### 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.

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.

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.

### 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.

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.

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.

Adopted this 28th day of December, 2020

WOODLAND PARK SCHOOL DISTRICT RE-2

By: Beth Huber, President, Board of Education

ATTEST: By: Nancy Lecky

Secretary, Board of Education