

## Attachment B

### House Education

05/13/2021 01:30 PM

### HB21-1295 Rebuttable Presumption In Charter School Appeals

### Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Frances Gallardo  Against  Self	<p>Thank you, Madam Chair and members of the committee, for allowing community input in this process. My name is Frances Gallardo and I am a parent of a student at a charter school in Denver Public Schools.</p> <p>We need you to vote no on HB-1295 because it will limit students like my son to get the wonderful experience and education received in charter schools. The future of all our children attending the schools in Denver, charter and non-charter should all be equally important and there should not be added barriers for them to keep improving and existing.</p> <p>This is the first year my son has attended a charter school and he has felt welcomed and safe the entire time. Whenever there is an issue, teachers and staff are ready to resolve and offer support. On the first day of school my son had an issue with another student, so I brought this to the attention of one of his teachers who immediately resolved it and made sure for it not to happen again. Since that moment, my son felt valued and heard by the school and so did I. Academically, he has been thriving and learning with the help and support of his teachers. Therefore, I would like for my son to keep attending this school where he can be heard and respected.</p> <p>Again, I ask you to vote no on HB-1295. My charter school and many other charters are serving many students like my son in wonderful and efficient way and this bill would only jeopardize the possibility of charter schools to continue doing this work.</p>
David Graham  Against  Self	<p>Please accept my testimony against HB21-1295. I oppose the enforcement of legislation that limits the freedom of action and decision by Charter schools. A core premise of the Charter school system is to allow the people of a community access to schooling options outside of their local public school district and boards. To place Charter schools under the regulatory thumb of their local school board would undermine this freedom of choice. Charter schools must be able to continue to be allowed to act independently and offer educational options that operate differently than the local public school districts. Please do not pass this bill.</p>
Kelly Pointer	Representatives,

My name is Elaine Gantz Berman. I served for 8 years on the DPS Board of Education and was elected to serve another 8 years on the State Board of Education.

I am puzzled by House Bill 21-1295, and deeply concerned that it will have unintended consequences that will harm students throughout the state.

I don't understand the problem we are trying to solve?

The current charter school law requires authorizing districts to make decisions based on students and families educational needs and interests. The law has worked well for the past 20 years.

When I was on the DPS Board, we collaborated closely with charter schools during their application process and once authorized. We worked through issues like ensuring that their locations would serve low income students and agreeing on specific outcomes that would be required for renewals. District-charter collaboration continued to thrive after I departed the DPS Board, although it appears that recently the collaborative process has suffered break-downs.

In my time on the State Board, we heard quite a few charter appeals. The State Board's record on charter appeals does not demonstrate pro-charter or pro-district bias. Between 2000 and 2020 and under both Democratic and Republican leadership, the State Board upheld 64 local board decisions and remanded 62 back for reconsideration. To me, this indicates the State Board acted appropriately and with balance under the existing charter school law.

Clearly, I am puzzled why this bill is even before you. It's a statewide bill that seems to stem from some sort of breakdown in district-charter relations in Denver. The DPS Board of Education needs to take the lead on fixing the issues locally, and not look to the legislature for a solution. This does not appear to be a statewide problem and this legislation risks unintended consequences that will limit charter school options and potentially harm students in districts where collaborations between districts and charters have worked well.

Denver is not reflective of the whole State of Colorado.

Stripping charter students statewide of their protections under the law serves no one, except perhaps the interests of some adults who may have a political agenda.

Good afternoon Madam Chair & committee members. My name is Garritte Hitchens a parent and staff member of Academy 360.

I am here today to testify in opposition to HB21-1295.

The Hitchens family is born and raised charter. We joined the charter community in 2014 and plan to be here for many years to come! I have one 6th grader and 3 lower elementary students in the charter community. While our house is full, this community is also our family. This community knows Deondre is a natural leader with a strong sense to protect, Zo'Ryan is super smart and needs a warm demander to be pushed, Annika is a joyful child and needs comfort in ways the others don't, and Amayah has been a charter "student" since in the womb. She'll be a 2029 charter grad!

As a mother of four, I need stability and some flexibility for my children, my charter community has been able to do just that. Over the years I've appreciated the amount of flexibility that has been provided to my charter family to best provide

Respectfully To Members of the House Education Committee

My name is Kathy Plomer, I am chair of the Colorado Association of School Boards Legislative Resolutions Committee, a member of the CASB Board of Directors and President of the Adams 12 Five Star Schools Board of Education. Thank you for the chance to submit written testimony in favor of HB 21-1295.

I have served on my local board of education for the last 8 years and had the opportunity to review many charter applications. Adams 12 approved New America School as its last charter school. We granted its charter because we recognized the need to offer another option to serve our English language learners who needed more chances to finish high school. New America joined our family of schools as a partner and we are working hard with them to serve students in the best way possible. The prevailing narrative of those in opposition to this bill is the incorrect belief that no new charters will be approved by school districts if the standard of review is changed. I believe this to be false and that locally elected school boards reflect the values of their communities, have the most information about the needs of the district and its students, and are accountable to the students, parents and community for the decisions they make. This includes decisions about approving new charter schools.

As it currently stands, the standard of review in a dispute between a school district and a charter school is a very subjective standard of the “best interest of students, district and community” as gauged by the State Board of Education. In many cases, the philosophical belief that choice is the over-riding best interest wins the day for many board members. Choice is also a value for district boards, we have magnet, innovation, neighborhood and charter schools. We think strategically about the choices we offer because each reflects our values and can come at a cost as scarce resources are subdivided.

The current standard of review does not allow for a district to use financial or strategic impacts of a new charter school in its decision making. In the State of Colorado, when even improving the school funding situation leaves us with a \$572 million budget stabilization factor, we cannot pretend that finances don't matter. We cannot realistically say that approving new schools while existing schools are suffering does not have the potential to harm students both in neighborhood and existing charter schools. The analysis of cost and impact to existing students should be respected in a dispute before the State Board of Education. The proposed rebuttable presumption and the considerations outlined in HB-1295 provide a reasonable and concrete standard of review for disputes surrounding new charter school appeals. We need something to replace the current subjective standard.

School districts have a responsibility to educate all students. As boards of education, we must pay special attention to serving students who may require different approaches to learning particularly our special education students, English language learners and at-risk students. If a charter school offers a compelling way to serve students, it will have every chance of being approved with the new standard. On behalf of the Colorado Association of School Boards and Adams 12 Five Star Schools I request that you vote yes on HB 21-1295. Thank you.





RE: House Education on Thursday, May 27  
Kelly Pointer to: LCS Committees 05/26/2021 11:32 AM  
History:  
This message has been replied to.

Good morning,

I am unable to submit written testimony on the website (this bill does not appear on the drop down list box), **so I am submitting below**. This is for tomorrow's, 5/27, 1:30pm meeting.

Should I also email the committee directly?

Thank you,  
Kelly Pointer

---

Representatives,

The past year has brought forward many challenges for Colorado's students, teachers, school administrators, and parents.

I fully support HB21-1295, Rebuttable Presumption In Charter School Appeals.

I am a parent of two high school children. I am not against school choice or charter schools; charters are an integral part of our school districts.

It is my understanding that this bill would reinforce the local control authority of local school boards by asking the 7 elected officials on the State Board of Education for a higher level of scrutiny during the charter appeal process. I believe that our locally elected school boards act in the best interest of students, and that this proposed bill would bring the decision making power closer to each community's level. This is important for our local control state.

Please consider supporting HB21-1295. Thank you for your time and consideration.

Respectfully,  
Kelly Pointer

---

**From:** Katie Ruedebusch <katie.ruedebusch@state.co.us> **On Behalf Of** LCS Committees  
**Sent:** Friday, May 21, 2021 2:40 PM  
**Subject:** House Education on Thursday, May 27

Good Afternoon:

You are receiving this email because you previously signed up to testify on House Bill 21-1295. If you would like to testify in House Education on Thursday, May 27 at 1:30 p.m., use the link below to join the meeting:

<https://coleg.webex.com/coleg/onstage/g.php?MTID=ebaa29fc7d8422c57d4b6bbbee64793fe1>

If you have difficulty connecting to the meeting, please call 303-866-5849.

May 12, 2021  
University of Colorado Law School  
Wolf Law Building  
401 UCB  
2450 Kittredge Loop Road  
Boulder CO 80309  
Email: [Kenneth.katkin@colorado.edu](mailto:Kenneth.katkin@colorado.edu)

Colorado House of Representatives  
Education Committee  
c/o Chair Barbara McLachlan  
200 E Colfax Ave, Suite 307  
Denver, CO 80203

***Re: Analysis of Effect of HB21-1295 on Charter Schools Act***

Dear Chair McLachlan and Education Committee Members:

I currently serve as Visiting Professor of Law at the University Of Colorado Law School at Boulder, where I taught Administrative Law in Spring 2021. I have been a full-time law professor since 2000. I began my legal career in Denver, as a law clerk to Hon. David M. Ebel of the U.S. Court of Appeals for the Tenth Circuit.

Recently, I was apprised of HB21-1295, a bill that would change the standard of review applied by the State Board of Education when charter schools ask it to reverse decisions made by local school boards. Under current Colorado law, the State Board now must overturn a local school board's decision if the State Board believes that doing so would serve "the best interests of the pupils, school district, or community." Under proposed HB21-1295, in contrast, a local school board's decision would be presumed to serve those "best interests." Accordingly, the State Board would be authorized to overturn a local school board's decision only when a preponderance of the evidence demonstrates that the local board's decision was not based on at least one of three particular considerations that are specified in the bill.

As explained herein, the proposed change in terminology is intended to bolster local school board control over decisions concerning charter schools. To do so, HB21-1295 seeks to reign in the State Board's power to reverse a local board's decision based on the State Board's substantive disagreement with value judgments reached by the local board. At the same time, HB21-1295 would preserve the State Board's existing authority to reverse a local decision if the local board fails to examine certain relevant data and to articulate a satisfactory explanation for its actions.

### **The "Best Interests" Standard**

Under current Colorado law, the State Board must overturn the decision of a local board if it concludes that "the final decision of the local board of education was contrary to the best interests of the pupils, school district, or community." Colo. Rev. Stat. § 22-30.5-108(3) (d). If the State Board disagrees with the local board about whether a particular decision serves the requisite "best interests," the Colorado Supreme Court has held that this statute "plainly requires the State Board to substitute its judgment for that of the local board." Board of Educ. of School Dist. No. 1 in City and County of Denver v. Booth, 984 P.2d 639, 651 (Colo. 1999). The Booth Court explained the basis of this holding as follows:

Decisions regarding the best interests of children . . . are substantive, and require no deference to a prior decision maker. In addition, when the General Assembly has sought to constrain discretion, it has done so by providing specific criteria that must guide a particular decision. The General Assembly has required no such adherence to statutory criteria for the State Board's review of a local board's charter application decisions. . . . Therefore, . . . we hold that the State Board is authorized to substitute its judgment for that of a local board.

Id. at 651 (citations omitted and emphasis added).

In short, the current statutory "best interests" standard requires the State Board to substitute its own substantive value judgments for those made by local school boards. In so doing, the State Board also may reweigh evidence, and may consider

facts and evidence that were never considered by the local boards. See also In re R.M.S., 128 P.3d 783, 788 (Colo. 2006) (decisionmaker "may consider *all* relevant facts and circumstances to determine the best interest of the child.") (emphasis in original) (citing Booth, 984 P.2d at 651). In all respects, the State Board's decision currently is de novo. Under current law, the State Board owes no deference to value judgments or findings of fact made by local school boards.

### **The "Preponderance of the Evidence" Standard**

The "preponderance of the evidence" standard of review is a familiar standard of proof in civil litigation. In Colorado:

proof of a circumstance or occurrence 'by a preponderance of the evidence' demands that in order for this circumstance or occurrence to be considered established, evidence of it must preponderate over, or outweigh, the evidence to the contrary. Without imputing any technical meaning to the term 'probable' or implying any manner of mathematical calculation, the widely accepted formula for expressing this burden of proof, or persuasion, is that the matter to be proved must be found to be more probable than not.

Mile High Cab, Inc. v. Colorado Pub. Utils. Comm'n, 302 P.3d 241, 246 (Colo. 2013).

Notably, however, the "preponderance of the evidence" standard is not commonly used as a standard of review in administrative law, as it would be used in HB21-1295. There are two reasons for its general disuse.

First, in administrative law, an agency's action ordinarily may be challenged on any of three possible grounds: (1) that the action was contrary to law; (2) that the agency's reasoning was arbitrary and capricious; or (3) that the agency made (and relied upon) findings of fact that were contrary to the evidence before it. With its emphasis on "evidence" and "proof," the "preponderance of the evidence" standard formally is relevant only to the third of these three grounds. The "preponderance of the evidence" standard does not expressly authorize the reviewing body to overrule an agency decision on the ground that the decision was contrary to law, or that the agency's reasoning

was arbitrary and capricious. However, HB21-1295 might be interpreted to authorize such review implicitly.

The second reason the "preponderance of the evidence" standard is not commonly used as a standard of review in administrative law is that ordinarily the same standard governs fact-finding by the agency under review. See, e.g. Colo. Rev. Stat. § 13-25-127(1) ("the burden of proof in any civil action shall be by a preponderance of the evidence"). When a reviewing body applies the same standard that was applied by the agency under review, normally the reviewing body's review is considered "de novo" and is conducted without deference to the findings of the agency under review. When deference to agency factfinding is intended, statutes more commonly specify the standard of review as "substantial evidence"<sup>1</sup> or "clear and convincing evidence."<sup>2</sup> However, HB21-1295 does seem to propose a standard of review that would be more deferential to local boards than the present *status quo*, in that the State Board would no longer be required to substitute its own value judgments for those of local boards.

## **Conclusion**

At present, Colo. Rev. Stat. § 22-30.5-108(3)(d) allows the State Board to substitute its own value judgments and factual findings for those of the local boards, with no deference to the local board's determinations. The proposal to replace the current "best interests" standard with a new "preponderance of the evidence" standard is intended to achieve the following results:

---

<sup>1</sup> See, e.g., McPeck v. Colorado Dept. of Social Services, 919 P.2d 942, 947 (Colo. Ct. App. 1996) ("The decision of an administrative agency must be upheld on review if consideration of the record as a whole reveals that the decision is supported by substantial evidence in the record. 'Substantial evidence' is that which is probative, credible, and competent. It is evidence that would warrant a reasonable belief in the existence of facts supporting a particular finding, without regard to the existence of contradicting testimony or contradictory influences.") (citing Allen Co. v. Indus. Comm'n, 762 P.2d 677 (Colo.1988)).

<sup>2</sup> See, e.g., People ex rel. A.J.L., 243 P.3d 244, 251 (Colo. 2010) ("Clear and convincing evidence is evidence persuading the fact finder that the contention is highly probable. The clear and convincing evidence standard requires proof by more than a 'preponderance of the evidence,' but it is more easily met than the 'beyond a reasonable doubt' standard used in criminal proceedings.").

- Local school boards would become the primary decision makers for the charter school applications at issue;
- The State Board would be stripped of its present authority to substitute its own value judgments and factual findings for those of the local boards.
- The State Board would retain its present authority to ensure that local boards examine relevant data, consider relevant issues, and articulate satisfactory explanations for their decisions.

Each of these objectives might be achieved more securely (and more conventionally) if the standard of review of local school board factfinding were established as "substantial evidence" or "clear and convincing evidence," rather than as "preponderance of the evidence." But the impact of these differences in statutory terminology may be minor. This is because HB21-1295 does not propose to amend current law which provides that "[t]he decision of the state board shall be final and not subject to appeal." Colo. Rev. Stat. § 22-30.5-108(3)(d). Accordingly, the State Board of Education—rather than any court—will remain the primary interpreter of the statutory standard of review. If HB21-1295 is enacted, the State Board might be expected to "get the message" that it should no longer substitute its own value judgments for those of local boards.

Sincerely,

Your signature  


Kenneth Katkin  
Visiting Professor of Law  
University of Colorado Law School

Thank you for providing this opportunity for me to provide written testimony regarding HB21-1295, Rebuttable Presumption in Charter School Appeals. I have the distinct honor of serving as Vice President of the Adams 14 School District's Board of Education. I'm writing to you today as an individual, as an elected official, and as a proud parent.

As a parent I chose to send my son to a charter school kindergarten through 5<sup>th</sup> grade. I understand and support the idea of public school choice options; however, I'll admit that I was not fully informed about the impacts of charter school authorization within a school district until my son starting pushing to attend our local school district in 6<sup>th</sup> grade. I didn't understand the financial or enrollment impacts charter schools had on the districts in which they are authorized; and I certainly didn't understand the impact they had on a district's strategic planning, until I started digging into the research and becoming an involved parent in our local school district.

As a school board member, I've had many opportunities to learn about the complexity of a charter school application review, approval/non-approval, and appeal process. The impacts of considering charter school authorization on our long-term plans for the district, student enrollment, and financial needs are evident within our district and I hope you approve HB21-1295.

We currently have two CSI authorized charter schools within our district boundaries and we continue to receive applications for additional charter schools. The resources we've dedicated to address application review and appeals alone has been astounding. These are resources that we could've used to further develop and produce the things we have outlined in our strategic plan such as dual language program development and schools of choice of our own. A recent charter school application the district received not only took time and resources; the entire review process exacerbated a divide within our community and we've yet to overcome that divide. HB21-1295 would allow us to focus on the most impactful considerations a district SHOULD have when considering authorizing a charter school.

Our district buildings are very old and in dire need of repair. Furthermore, our resources to ensure the safety of our students and staff, already stretched thin, were directly impacted by COVID as our community had one of the highest incident rates in Colorado. Our enrollment numbers have continued to decline and we're paying millions to an external management organization in order to keep our

district from being taken away from us. We NEED to focus our resources on our long-term strategic plans, financial stability, and most importantly, OUR STUDENTS. HB21-1295 would allow us time to focus internally during a time that we need it most.

HB21-1295 equips us with the EXACT things we need to make decisions about charter school authorization. The impacts on our long-term plans for the district, student enrollment, and financial needs are what I consider every single day and I believe they should absolutely be part of a local school district's board decisions around charter school authorization.

Thank you for your time and consideration.

Reneé Lovato

Adams 14 School District and Third Generation Colorado Native/Lifelong Resident

HB21-1295

My name is Rhonda Solis and I am currently serving my 8<sup>th</sup> year as a school board member in Greeley/Evans School District 6. I am in support of HB21-1295 and public education. I am a product of public education (I graduated from District 6) and both my children also went to District 6 schools and graduated from Northridge high school in Greeley. Historically in my community, we have seen charters start up in a “white flight” response to our diversity. We are a large agriculture community with a meat packing plant which adds to our diversity. We have over 100 languages in our district due to a large refugee influx after the 2006 raid that happened at the Swift meatpacking plant. We have a high poverty rate in our community which brings additional challenges.

Education has gone through many challenges, especially during the pandemic and I recognize that parents and community want the best for their children and we must also be cautious of the unintended or maybe intended consequences as new charter schools come into communities. We recently had some educators and community members approach us with the idea of a new charter school called the Fred Tjardes school of Innovation and we worked as a community, school board and district to work to add this as a public school option/choice instead of it being a charter school. I look forward to seeing us benefit from the Fred Tjardes model and implementing some of what they do throughout the district. We have also had outside interests come into our community looking to open a new charter school and they don’t know my community. I recognize that we have work to do as public education around diversity, cultural awareness and making sure we are doing everything we can for every child that enters our doors and we continue to improve.

I truly believe that education and our right to vote are the true equalizers in this country and public education plays a big role in that and ALL should mean ALL. I appreciate that there are those who continue to be innovative when it comes to educational options for children and parents and yet we continue to see many children left behind as big money comes into communities. We see public education held to a certain standard and charters able to get waivers which puts us at an unequal playing field.

We, as a district, have a much better relationship with our Charter community then we did in the past and yet we still see many children in poverty unable to attend charters due to transportation issues, fees charged and language barriers. We, as public education, educate ALL children and ALL means ALL. The impact of new charters in a district and community can have big ramifications. I realize not all districts are like mine and not all charters are the same or develop out of the same ideas. Communities, school boards and public education need to be working together to provide ALL children with a good quality education. As a former student, parent, community member and current school board member, I support local control and I support HB21-1295.



**HB21-1295**  
**STEVE ALLISON** to: committees.lcs.ga

05/26/2021 10:45 AM

Written testimony against HB21-1295

Steve Allison  
33991 Wolf Creek Trail  
Kiowa, CO 80117

Bill sponsors Jennifer Bacon and Senator Tammy Story make the case in support of this bill that existence of school choice in general makes it more difficult for public schools to compete and that school boards "territory" must be protected. I believe the opposite to be true and necessary. School choice for parents and students creates options and healthy competition for all. This bills intent of making appeal to the state board of education more difficult, is a blatant attempt to disadvantage the competition. One need look no further than the Vega academy example. If you cannot block them one way just change the rules to your advantage. Your voters overwhelmingly support school choice for their parents/students. Stop trying so hard to create road blocks and start supporting parents right to select the best educational opportunity for their children. If the fear is that students will leave the larger school system, work to improve that system and not just take down the competition. If you create a quality outcome for your students, parents will choose your school charter or public. Note NO on HB21-1295.

**Yaeel Duarte**

Good afternoon, Madam Chair and members of the committee. Thank you for allowing me and many others from the community to speak to you about HP21-1295. My name is Yaeel Duarte and I am a mother of two teenagers at a charter school located in the Santa Fe Art District.

I want to thank you for your time reading this testimony and how it could impact HB21-1295 and the education of my daughters.

They have been attending there from the sixth grade to the eighth grade because they felt connected with the staff and the system that they implement. It was a priority for me that at this age of adolescence, they can grow not only academically but also that they feel confident about themselves and this school specifically has managed to give them that security, good self-esteem and the confidence of being who they are.

As a mother a priority for me since the time they started school was for them to be helped with their social-emotional development apart from having a good academic education. This school really makes a difference in the lives of these girls. The staff are quite nice, and they make you feel like a welcomed parent. They do their best to maintain excellent communication with us.

In short, I can speak only the great things since we have been there for three years. The community where it is located literally needs it, and as a member of this community I am interested that we can maintain the excellent education from this school.

To those who will make decisions regarding this bill, I invite you to inquire into these testimonies in these schools. I hope that you really take the time to know the stories to make the decision according to the needs of these families and vote no to HB21-1295.

Thank you in advance for reading my testimony.

Thank you, Madame Chair and vice-chair, for allowing the opportunity for testimony on this important issue. I'd also like to thank Representative Bacon and Senator Story for sponsoring House bill -1295.

My name is Michael Reed and I currently serve as the Vice President of the Denver NAACP. I'm here in support of house bill 1295. As an organization, the NAACP believes that local school boards should decide whether approving a new charter school is in the best interests of the students, school district, and the community as a whole.

I know we all want to get it right for our children and educators, and that may require a combination of traditional, charter and even other education models. The data suggests that some charter schools are doing a great job, but some are not. My good friend Tony Rosendo runs a charter school in Colorado Springs that started with 85 kids and now serves over 1,300.... they're graduating kids who are now attending some of the top schools in the nation and no doubt that is a great success story... However, Metro Denver has witnessed an erosion in the quality of public education due to economics around school choice. One of the main challenges that has faced DPS families is the placement of charter schools in low enrollment areas. As a result, both the charter and the traditional schools either face closure or have already closed. The local board understands these issues and how they impact its budget. I trust that local boards have the ability to access the potential opportunities and risks far better than the state board of education.

Especially, when it comes to highly nuanced decisions that can have irreparable long-term effects on a community, its best to leave the final decision to the local boards in that community. That is why the Denver NAACP is in support of HB21-1295. Thank you kindly for your time today. I yield back.

## HB21-1295

Good afternoon Madam Chair & committee members. My name is Yuzo Nieto, alum of EHS'01 and executive director of Radical Arts Academy of Denver (RAAD): a prospective k-8 charter school with an arts based learning model rooted in critical consciousness and C/CRP applying next year with the intention to open in FNE Denver in fall '23 and current doctoral student of music ed and elps at UNCO (defending my dissertation in Nov'21 on how implementation of CR approaches to arts education and ABL function to increase enrollment/ retention/graduation rates of historically excluded populations of students in K-12 and college). I am here today to testify in opposition to HB21-1295.

Although I tend to agree with the rationale provided by Rep. Bacon and the larger narrative that the vast majority of Charter Schools in the current ecosystem, esp in FNE area of DPS, have not served students/ families/communities bc many of them, primarily the more conglomerate, national charter networks who are in my opinion the antithesis of the goals of charter schools, because they inherently replicate a model that might have worked for one community with the presumption that it will work elsewhere and subsequently neglect the intrinsic community responsive design necessary for charter schools to be successful in meeting the needs/strengths of the individual community/ies they intend to serve.

**However**, if passed, this damaging bill will significantly hurt prospective public charter schools because it will make the already difficult process nearly impossible, esp for prospective single site charter schools like RAAD, who's inherent design is to build with/for community to undo the negative impacts of the current charter/educational ecosystem as experienced by us and communicated by the communities we intend to serve. When charter schools like RAAD are successful (eg Highline Academy, SOAR, Compass Academy), dont those schools strengthen and function as assets to the district to supplement our shared vision that "every child succeeds," when there are obvious gaps with traditional models. For instance, if this bill is passed, how would we negotiate district standards for enrollment when we know a lower student/teacher ratio facilitates deeper, more individualized learning esp to accommodate a larger SPED/MTSS population? My argument is not that new charters serve students better, but that they are provided more autonomy to be more responsive to community design.

What about the talk amongst the DPS board about offering more CR arts-based learning especially for our populations who have been historically excluded from the arts despite the wealth of talent, motivation and engagement towards the arts? How could we expect to successfully open and operate new schools with such transformative, inherently culturally/community responsive models when we are adding more difficulty to an already extremely difficult process? Especially when we consider the autonomy only afforded through the charter model vs district level budgetary restrictions on investing in schools whose models fall way outside the mold of normative school finance models -- like an arts based learning model? If anything, we should be offering bills to make this process easier, not more difficult.

In my opinion, legislation like this would have impacted my experience as both a student/educator/leader in many ways... i have Worked at both traditional DPS schools and

charter schools, and not so much at the district schools i worked for (Barney Ford, Brown, Eagleton) but at the charter schools (SOAR, HANE) -- because of the autonomy in the charter budget -- I was awarded opportunities to attend truly meaningful/responsive PDs that i had never before been offered (e.g. Free Minds Free People in OAK, studying drum/dance with master educators in Guinea, W. Africa) which became the critical component for me to really cut my teeth and an educator and fully unleash me as an ed leader of color.

In conclusion, my question to you is: How can we design new schools alongside/for/with community if the option to lead/launch new charters becomes even less viable than it already is? I believe this bill would widen the already gaping opportunity gap for the new, transformative, community designed charter schools that our students need/deserve.

If you're saying the rationale is that current charters and district schools do education to students rather than for them and haven't built with community, then why make it more difficult to address this concern with NEW charter schools? And if the argument is that charters take away resources from existing district schools, it begs the question "why the need remains for new, innovative schools with community at the center of their design (which can only be created by new charters in the current ecosystem)?" Currently, as echoed by Rep Bacon, too many district schools do not currently address the specific needs of our most excluded populations of students. To quote Audre Lorde famous statement, "The master's tools will never dismantle the master's house," so why further impede the only real opportunity we have in education, the charter authorization process is already limiting enough, to provide anything even remotely representing the autonomy to design our own tools and build our own houses of education with them?

Thank you

<p>For Self</p>	<p>The past year has brought forward many challenges for Colorado's students, teachers, school administrators, and parents.</p> <p>I fully support HB21-1295, Rebuttable Presumption In Charter School Appeals.</p> <p>I am a parent of two high school children. I am not against school choice or charter schools. Charters are an integral part of our school districts.</p> <p>However, I am a business minded, fiscal conservative. Many districts are seeing and have been forecasting for declining enrollment for years (for several different reasons). We already have existing buildings and schools that are under capacity. Like businesses, school districts must be able to take supply and demand into account in its long range plans when making decisions about new schools (whether charter or neighborhood).</p> <p>This bill allows for our locally elected school boards to decide what is best for its school district. I appreciate this bill being brought forward.</p> <p>Please consider supporting HB21-1295. Thank you for your time and consideration.</p> <p>Respectfully, Kelly Pointer</p>
---------------------	--