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BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF ARIZONA

In the Matter of: **ALLSPORT ACADEMY**, a nonprofit corporation, operating **ALLSPORT ACADEMY,** a charter school.	No. 13F-FSRV-001-BCS **NOTICE OF FILING OF TRANSCRIPT OF HEARING OF SEPTEMBER 3, 2013** (Honorable Thomas Shedden)

NOTICE is hereby given of the filing of the transcript of the testimony of the hearing held in this matter on September 3, 2013. *See* attached transcript.

DATED this 12th day of September, 2013.

THOMAS C. HORNE
Attorney General

/s/ Kim S. Anderson
Kim S. Anderson
Assistant Attorney General

COPY of the foregoing Notice and transcript filed electronically this 12th day of September, 2013 with:

Office of Administrative Hearings
http:www.azoah.com

COPY of the foregoing Notice and transcript mailed electronically this 12th day of September, 2013 to:

Allsport Academy charter school
Attention: Charter Representative Moses Montoya
moses5555@aol.com

Allsport Academy
Attention: Statutory Agent Raquel Montoya
rmontoya@allsportacademy.org

DeAnna Rowe
Executive Director
Arizona State Board for Charter Schools
Deanna.Rowe@asbcs.az.gov

By kim anderson_____
P0012013001456/3540363

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF ARIZONA

In the matter of:	) No. 13F-FSRV-001-BCS
	)
	)
ALLSPORT ACADEMY, a nonprofit	)
corporation, operating	)
ALLSPORT ACADEMY, a charter school.	)
	)
_____	)

HEARING

Phoenix, Arizona
September 3, 2013
8:00 o'clock a.m.

Prepared by:
DEBORAH J. BOYETTE, RPR
Certified Reporter
No. 50507

Dropkin and Associates
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Phoenix, Arizona 85020
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ORIGINAL

1 I N D E X

2 FOR THE CHARTER BOARD:

3

4 WITNESS: Martha Morgan

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11 Ms. Anderson 77

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13 WITNESS: Andrea Leder

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17 FOR ALLSPORT ACADEMY:

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19 WITNESS: Raquel Montoya

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23 WITNESS: Joanne Vigilant

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3 FOR THE BOARD:

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1 A HEARING was taken upon oral examination by the
2 parties through their respective attorneys before DEBORAH J.
3 BOYETTE, RPR, a Certified Reporter in the State of Arizona,
4 at the OFFICE OF ADMINISTRATIVE HEARINGS, 1400 West
5 Washington Street, Suite 101, Phoenix, Arizona, on the 3rd
6 day of September, 2013, commencing at 8:00 a.m. of said day.
7 Further, this deposition was taken pursuant to the Arizona
8 Rules of Civil Procedure.
9
10 COUNSEL APPEARING:
11
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Charter Schools
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16 Raquel Montoya
Joanne Vigilant
17 Allsport Academy
Tucson, Arizona
18 Representing the Charter School
19
Thomas Shedden
20 OFFICE OF ADMINISTRATIVE HEARINGS
1400 West Washington Street
21 Suite 101
Phoenix, Arizona 85007
22 Administrative Law Judge
23
24
25

1 P R O C E E D I N G S

2 September 3, 2013 8:03 a.m.

3 - - -

4 ADMINISTRATIVE LAW JUDGE: Good morning.

5 We're on the record in the matter of Allsport

6 Academy, a nonprofit corporation, operating Allsport

7 Academy, a charter school.

8 This is Docket No. 13F-FSRV-001-BCS.

9 Today is September 3rd, 2013. It's just a few

10 minutes after 8:00 a.m.

11 My name is Administrative Law Judge Thomas

12 Shedden. I've been assigned by the Office of

13 Administrative Hearings to preside over this matter.

14 There was an Arizona State Board for Charter

15 Schools' Notice of Intent to Revoke Charter and Notice

16 of Hearing issued on June 18th.

17 That set a hearing in this matter for this morning,

18 beginning at 8:00 a.m.; and then, once again, tomorrow

19 morning, at 8:00 a.m., picking up our hearing.

20 That's what we're here for today.

21 Let me just give a couple of quick introductory

22 points, if you will. Then I'm going to have folks

23 introduce themselves.

24 And then I'll give some more thorough direction on

25 how we're going to go forward this morning.

1 One, I've turned down the little recording device
2 under our table here. That's what these microphones are
3 for.
4 They don't provide any amplification of our
5 voices. They simply feed into the recording device, and
6 we create our recording that way.
7 So a couple of things with regard to that. One,
8 you have got to avoid interrupting each other or talking
9 over one another to make sure we get a clear recording.
10 Similarly, we have a court reporter, Ms. Boyette,
11 present this morning. She is taking down what we say as
12 we speak.
13 So we've got to observe the same concerns with
14 regard to making sure that she can create a clear
15 transcript; not interrupting one another, not speaking
16 over each other, these kinds of things.
17 And we've also got to speak loudly enough that she
18 can hear us.
19 And I'll instruct her at this point to let us know,
20 if we don't live up to that, to have us either repeat
21 something if need be; or, if we're not being clear, to
22 let us know as we go forward.
23 Let me start on my left and get folks to introduce
24 themselves.
25 It looks like we ran out of room on our sign-in

1 sheet, s it's possible everyone might not have signed
2 in.
3 I'll just ask for the appearances of the parties,
4 and then you can introduce others who are present with
5 you today if you care to do so.
6 Go ahead.
7 MS. ANDERSON: Kim Anderson, Assistant Attorney
8 General.
9 With me, to my right, is DeAnna Rowe, the Executive
10 Director of the Arizona State Board for Charter Schools.
11 ADMINISTRATIVE LAW JUDGE: All right.
12 Go ahead.
13 MS. MONTOYA: Raquel Montoya. I'm the charter
14 holder statutory agent for Allsport Academy.
15 And to my right is Joanne Vigilant, the principal
16 at Allsport.
17 ADMINISTRATIVE LAW JUDGE: All right. Let me tell
18 you how we're going to go forward this morning.
19 I did receive from each of you a list of witnesses
20 and exhibits, so I have that information and we don't
21 need to go through that in any great detail.
22 What I'm going to do is turn to the Board first and
23 allow the Board to make an opening statement if they
24 care to do so.
25 And then I'll turn to you, Ms. Montoya, for an

1 opening statement if you care to make one.
2 The opening statements are not considered evidence
3 in the matter but, for lack of a better way to put it, a
4 preview or road map, if you will, of what you think the
5 evidence will show and what relief either or both of you
6 will be requesting at the end of our proceedings.
7 Once we have all the opening statements out of the
8 way, if you will, then I'm going to turn back to the
9 Board and allow it to present its evidence.
10 We are going to do that one witness at a time.
11 Ms. Anderson will call the witnesses in the order she
12 feels appropriate.
13 For those of you who may be witnesses, you may want
14 to listen in on this part as well.
15 So Ms. Anderson will call the witnesses up, one
16 witness at a time. She will go ahead and ask whatever
17 questions she may have of each witness.
18 Then I'll turn it over to you, Ms. Montoya, for
19 your opportunity to question those witnesses as well,
20 and back to Ms. Anderson.
21 And indeed, I'll give each party several
22 opportunities to question each witness, assuming that
23 we're getting new information on the record that's
24 relevant to the matter before us.
25 And I'll let everybody know, witnesses included,

1 that periodically I may jump in with some questions of
2 my own. So don't be surprised if that happens as we go
3 forward.
4 Once the Board has gone through all of its
5 witnesses in that fashion, then I'll turn to you,
6 Ms. Montoya, and we'll go ahead and get your evidence,
7 and we'll follow the same basic procedure.
8 You call a witness and ask whatever questions you
9 may have. I'll give Ms. Anderson the opportunity to
10 question those witnesses as well. And again, I may jump
11 in with some questions of my own.
12 Once each of you have presented what I'll call your
13 initial evidence, or the first go round in that fashion,
14 if you will, I'll ask each of you: Is there any other
15 evidence you would like to present?
16 If need be, we'll go through that same process once
17 again until each party is satisfied that they've
18 presented all the evidence they have; or, again, until
19 we run into a situation where we're not actually taking
20 new information or new evidence onto our record.
21 The one thing I should caution folks about is,
22 we've got to follow a one thing at a time approach
23 during our hearings.
24 So, kind of, the procedure I laid out, where we
25 often run into problems, if you will, or issues, will

1 be -- and because Ms. Anderson is presenting her
2 evidence first on behalf of the Board, I'll use her as
3 an example.
4 She'll call a witness up and ask whatever questions
5 she may have of that witness.
6 Then I turn to you, Ms. Montoya, and often folks
7 want to give their side of the story, if you will,
8 rather than questioning that witness.
9 Again, we have to do it one at a time, witness by
10 witness.
11 After the Board has presented its evidence, then
12 we'll get the evidence from the school, Allsport
13 Academy.
14 I'm going to refer to them as "the school,"
15 typically, through our proceedings.
16 So just kind of summarizing, again, our basic
17 procedure we're going to follow.
18 An opening statement from the Board; an opening
19 statement from the school, if you care to make one; back
20 to the Board for evidence, witness by witness, with a
21 chance for cross-examination; and then to the school for
22 its evidence, following the same basic procedure.
23 Let me ask you, Ms. Montoya, do you have any
24 questions about our procedure this morning?
25 MS. MONTOYA: No, sir.

1 ADMINISTRATIVE LAW JUDGE: Ms. Anderson, any
2 questions about our procedure?
3 MS. ANDERSON: No, Your Honor.
4 ADMINISTRATIVE LAW JUDGE: All right.
5 Then a couple of other things just quickly, and
6 then I'm going to see if you folks have any issues that
7 you feel we should address.
8 One, we need to try and make full use of our time
9 throughout the hearing today. So that means moving from
10 witness to witness with a minimum of delay.
11 What we'll do is we'll take a break this morning
12 sometime about midmorning, make sure folks -- it's not
13 an endurance contest, put it that way. So we'll do
14 that.
15 We'll take a break right around noon as well for
16 lunch for about an hour and 15 minutes.
17 And then when we reconvene this afternoon, follow
18 the same procedure, try and make full use of time, with
19 a break in the afternoon.
20 And somewhere around quarter to 5:00, usually,
21 start to see if we can wrap it up for the day, depending
22 on where we are with questioning of a witness.
23 Either push on to finish up an area that may be
24 under investigation or under questioning, or kind of
25 wrap it up so folks can get out of here at the end of

1 the day.
2 So that will be our basic procedure.
3 I'll let the folks who are not actively
4 participating, who are either witnesses or observers
5 today, from my perspective, you can get up and leave any
6 time you want.
7 I know a lot of you are here at the request of
8 either the Board or, perhaps, the school. And they may
9 have instructed you to pay attention the whole time
10 through, whatever the case may be.
11 From my perspective, if you need a break, you're
12 free to get up and go. I'll just caution you or ask you
13 to try and minimize the disruption.
14 I know you're kind of packed in. There's not a lot
15 of room in those chairs back there.
16 And also to understand that right across the
17 hallway, there's bound to be another hearing going on
18 this morning. So just be aware of that when you're out
19 in the hallway there.
20 All right. One other thing that I'm going to
21 address before I see if there are issues that either of
22 you would like to raise before we get started, and
23 that's to let you know that our office, the Office of
24 Administrative Hearings, is an independent State
25 agency.

1 And we invite everybody who comes to our hearings
2 the opportunity to give our director feedback on how
3 we're doing.
4 On the desk where you're all sitting, there should
5 be some forms for that purpose. I know there are some
6 on one of the vacant desks here, if there's not on
7 yours.
8 That applies, of course, to people who are
9 observing, or witnesses as well.
10 It's strictly a voluntary process. It's anonymous
11 in that our director will share the feedback with us
12 only very generally throughout the course of the month.
13 But he does greatly appreciate it if any or all of
14 you want to let him know how we're doing.
15 Right across the little hallway out there from this
16 room, there is a little black box you can put those in,
17 or you can turn them in at the front of the desk where
18 you came in and signed in this morning.
19 Again, it's voluntary, but our director appreciates
20 it if any or all of you would like to give him that
21 feedback.
22 With that, let me first turn to you, Ms. Anderson,
23 and see if there are any preliminary issues you would
24 like to address.
25 MS. ANDERSON: Yes, Your Honor, there are a few

1 issues I wanted to address with regard to the Board's
2 exhibits.
3 ADMINISTRATIVE LAW JUDGE: Okay.
4 MS. ANDERSON: The first issue is that one of the
5 Board's exhibits, Page BCS-318.
6 I saw, when reviewing the exhibits, that that copy
7 was a little bit difficult to read, so I did make a new
8 copy of that page.
9 I did provide a copy to Allsport, and I do have
10 that for you, Your Honor.
11 ADMINISTRATIVE LAW JUDGE: Okay.
12 MS. ANDERSON: Also with regard to the Board's
13 Exhibit 11, that exhibit has been redacted, and I've
14 provided a copy of the redacted exhibit to the school,
15 and I also have a copy of that for you as well, Your
16 Honor.
17 ADMINISTRATIVE LAW JUDGE: All right.
18 MS. ANDERSON: And also, there is an Exhibit 22
19 that the Board has added.
20 And I did provide a copy of that last week to the
21 school, and I have a copy of that for you as well this
22 morning.
23 And the only other matter is that Page BCS-387 of
24 the Board's exhibits was inadvertently placed as the
25 last page of 16-H, and it should be the first page of

1 16-I.
2 ADMINISTRATIVE LAW JUDGE: Okay. Let me get that
3 squared away right now.
4 While I'm doing that, I'll just note for our
5 record, for those who are not familiar, there is little
6 numbers that the Board has affixed it the bottom of all
7 its exhibits, commonly referred to as Bates numbers or
8 Bates labels.
9 Although, the exhibits themselves have numbers as
10 far as Ms. Anderson's been referencing to them, it looks
11 as though every page also has a separate Bates label or
12 Bates number going sequentially.
13 So I've, in the binder you provided, moved 387 to
14 be the first page of 16-I.
15 And I'll leave it to you, Ms. Anderson, if you want
16 to give those copies to me now. I can come and get them.
17 MS. ANDERSON: Yes.
18 ADMINISTRATIVE LAW JUDGE: All right. Thank you.
19 Let me just -- I'm going to quickly go through to
20 make sure I got it all right in terms of what -- I noted
21 four separate concerns.
22 One, Page 318 was just a copy that you're unhappy
23 with or hard to read. So we've got a replacement for
24 that, and that appears in Exhibit 15.
25 Second, there was some personal identifying

1 information in Exhibit 11, and that has been now
2 redacted and a replacement provided.
3 Just for our records, the copy that had been in the
4 binder that the Board had originally provided me,
5 representatives from the Board or the Attorney General's
6 Office had taken that one so it could be redacted and
7 then would not be in our records until the redacted copy
8 was provided.
9 And then, finally, we have now the supplemental
10 Exhibit No. 22.
11 So let me just verify, Ms. Anderson, those were the
12 four issues you raised, correct?
13 MS. ANDERSON: Yes, Your Honor.
14 ADMINISTRATIVE LAW JUDGE: With that, let me just
15 see, Ms. Anderson, are there any other issues that you
16 wish to address?
17 MS. ANDERSON: Yes, Your Honor.
18 The Board had filed a motion with respect to
19 Supreme Court Rule 31.
20 It's my understanding from Ms. Montoya that she did
21 file a pleading with regard to that, setting forth
22 the -- a copy of the governing body minutes appointing
23 her to represent the corporation, Allsport, in this
24 matter.
25 ADMINISTRATIVE LAW JUDGE: All right. And I did

1 see that.
2 Let me just verify, Ms. Montoya, you have been
3 authorized to represent the school during this
4 proceeding, correct?
5 MS. MONTOYA: Yes, I have.
6 ADMINISTRATIVE LAW JUDGE: Okay.
7 Is there anything else, Ms. Anderson?
8 MS. ANDERSON: No, Your Honor.
9 ADMINISTRATIVE LAW JUDGE: Let me just ask you then
10 a question before I see if Ms. Montoya has any
11 preliminary issues that she would like to raise.
12 We, of course, do have a court reporter present and
13 transcribing things today.
14 Is it the Board's intention to designate that
15 transcript as our official record?
16 MS. ANDERSON: Yes, Your Honor.
17 ADMINISTRATIVE LAW JUDGE: All right.
18 Let me just verify with Ms. Montoya, do you have
19 any objection to that?
20 MS. MONTOYA: No, sir.
21 ADMINISTRATIVE LAW JUDGE: Okay. So the transcript
22 will be our official record.
23 And the one thing that I'll need to just address
24 with the parties, and it may make sense to do it now
25 rather than waiting, is I'll want to hold our record

1 open.
2 I assume we'll finish in two days with our
3 evidence. It's not beyond the realm of possibility that
4 we won't, and we'll have to get scheduled up for further
5 hearing. We'll deal with that as necessary.
6 What I'll want to do is hold our record open for
7 about two weeks, typically, after the close of evidence
8 to give time for the transcript to be prepared and
9 submitted so that we've got a complete record when the
10 record closes.
11 That will be my intention. We can again deal with
12 that at the close of business, or the close of
13 presentation of evidence, if you will.
14 So let me just then having asked you a question,
15 Ms. Anderson, just verify, is there anything else, or
16 are you ready to see if Ms. Montoya has any issues to
17 address?
18 MS. ANDERSON: No, Your Honor, I have no further
19 issues at this time.
20 ADMINISTRATIVE LAW JUDGE: All right. Ms. Montoya,
21 are there any preliminary issues?
22 If not, that's fine.
23 MS. MONTOYA: No, Your Honor.
24 ADMINISTRATIVE LAW JUDGE: Okay.
25 With that, then, what I'm going to do is turn

1 to you first, Ms. Anderson, for an opening
2 statement.
3 MS. ANDERSON: Thank you, Your Honor.
4 Charter schools are public schools that are
5 established by a contract, also known as a charter,
6 between a sponsor and a public body, or a private
7 organization, or a private person.
8 The charter at issue today was that that was
9 entered into between the Arizona State Board for Charter
10 Schools and nonprofit corporation, Allsport Academy, to
11 operate a charter school also by the name of Allsport
12 Academy, serving grades 5 through 9, in Tucson.
13 The Arizona Department of Education compiles a
14 yearly achievement profile for every charter school and
15 school district in the State.
16 The achievement profiles that determine a school's
17 classification uses a letter grade system.
18 A for schools that demonstrate an excellent level
19 of performance, B for schools that demonstrate an
20 above-average level of performance, C for schools that
21 demonstrate an average level of performance, D for
22 schools that demonstrate a below level of performance,
23 and F for schools that demonstrate a failing level of
24 performance.
25 Prior to its implementation of the letter grade

1 system, the Department used achievement profiles of
2 excelling, highly performing, performing plus,
3 performing, underperforming, and failing to meet
4 academic standards.
5 There was also a year of transition in which
6 schools received both a letter grade and a descriptor,
7 also called a Legacy label.
8 If a school is assigned a letter grade of
9 underperforming, or D, or a combination of the two, for
10 three consecutive years, the Arizona Department of
11 Education reviews the school's data, and assigns the
12 school a letter grade of F unless, after appeal, the
13 school is assigned a different letter grade.
14 If a charter school is assigned a letter grade of
15 F, by statute, the Arizona Department of Education
16 notifies and charter school's sponsor, and that sponsor
17 must take action to either restore the charter school to
18 acceptable performance or to revoke the charter school's
19 charter.
20 Allsport is a charter school that has been assigned
21 a letter grade of F.
22 It was assigned the letter grade of F because for
23 school year 2009-2010, it's achievement profile was
24 underperforming.
25 For school year 2010-2011, its achievement profile

1 was again underperforming, also with a letter grade of
2 D.
3 For school year 2011-12, it was a third year D
4 underperforming combination that was then assigned a
5 letter grade of F.
6 Parallel to the Arizona Department of Education's
7 yearly achievement profiling of Arizona public schools,
8 the State Board for Charter Schools too had adopted a
9 framework for the charter schools that it sponsors
10 setting forth its academic performance expectations for
11 its schools.
12 Allsport Academy's performance under the Charter
13 Board's academic performance framework is that it's a
14 school whose academic performance falls far below the
15 Board's standard.
16 And based on Allsport Academy's F, its performance
17 under the Charter Board's academic performance
18 framework, and it's failure to demonstrate, in any
19 capacity, progress toward meeting the Charter Board's
20 academic performance expectations for its charter
21 schools, the Charter Board elected to revoke the
22 charter of Allsport Academy to operate a charter
23 school.
24 In this hearing, you'll hear from Martha Morgan.
25 She is the Charter Board's director of charter

1 accountability.
2 She'll take you through the Charter Board's
3 academic performance framework, the mechanisms that are
4 used by the Charter Board to identify its academic
5 performance expectations.
6 And for schools not meeting those expectations, to
7 identify and evaluate whether schools are making
8 sufficient progress towards the Board's academic
9 performance expectations.
10 You'll hear testimony that Allsport Academy grossly
11 failed to meet the Board's academic performance
12 expectations.
13 You'll also hear from Lisa Weisberg. She is
14 an education program specialist with the Charter Board.
15 She'll take you through her evaluation of
16 Allsport's curriculum, instruction and student
17 assessment tools, and professional development.
18 She'll take you through Allsport's abysmal and
19 historic failure to progress the academic performance of
20 its students.
21 Her evaluation that Allsport failed to
22 demonstrate sufficient progress towards the
23 Board's academic performance expectations is
24 supported by Allsport's academic performance in the
25 2012-2013 school year and Allsport's most recent

1 achievement profile for the 2012-2013 school year, which
2 is again an F.
3 You'll hear of the hollow promises and the plans
4 that were made by Allsport over the past several years
5 to address its abysmal academic performance.
6 You'll hear of the Arizona Department of
7 Education's solutions teams visits to Allsport over the
8 years, and their continuing and repeated observations
9 throughout 2012 of the factors contributing to
10 Allsport's academic failures, factors that continued
11 into 2013.
12 At the conclusion of the hearing, the Arizona State
13 Board for Charter Schools is confident that you will
14 agree with its decision and recommend revocation of the
15 charter of Allsport Academy.
16 Thank you, Your Honor.
17 ADMINISTRATIVE LAW JUDGE: All right.
18 Ms. Montoya, what I'm going to do is get you sworn
19 in.
20 Again, the opening statements are not evidence, but
21 just a good policy to get folks sworn in who are not
22 attorneys.
23 And if you don't want to make an opening statement,
24 that's fine.
25 But let me swear you in.

RAQUEL MONTOYA,

Having been first duly sworn upon her oath by the Notary Public to speak the truth and nothing but the truth, was examined and testified as follows:

ADMINISTRATIVE LAW JUDGE: If you would like to make an opening statement, now is your opportunity to do so.

MS. MONTOYA: Yes, Your Honor, I would.

Allsport Academy has made some mistakes and missteps in the past.

And I think the gravest of them is that we did not change our status to an alternative school.

I believe that over the years that the visitors have come in from the Arizona Department of Education, we had believed in a form of partnership between these agencies, and felt that their guidance would help us make some clear determinations of the direction that we wanted to go into.

Unfortunately, the guidance we have received, none of them have ever described to us, for instance, the fact that the grading system within our school would be so detrimental to our school based on the students not making progress according to the, quote, district

1 standards.
2 Our students have shown progress, but we have a
3 very unique student population. They are a middle
4 school.
5 We have found that throughout the nation, students
6 at this age level are going through a very, very hard
7 emotional process.
8 Our students, in particular, come from broken
9 homes, with a lot of baggage.
10 Before we can actually start working with them in
11 the academics, we first have to handle a lot of their
12 emotional problems that they have.
13 So in some sense, we have dedicated more time for
14 the -- this type of behavior correction.
15 But in no case have we ever ignored any of the
16 suggestions, as you will see by the evidence that has
17 been given to you by the Charter Board.
18 The first visit to our school was made and
19 suggestions were made regarding intervention programs,
20 which we immediately adopted.
21 The following year, we also began making some other
22 changes.
23 The solutions team has literally come to us for the
24 first year, last year, 2012-2013.
25 And as they came in and gave us some better

1 framework of leadership structure, and also we were
2 under the cycle four of ADE's Title I monitoring
3 system.
4 They came in and reviewed, physically, our data,
5 student data, our programs, and they agreed that we were
6 doing what we needed to do.
7 Unfortunately, as I have seen, the data that you
8 have before you will show that we are not -- our
9 students are not measuring up to everything that is
10 considered pertinent in the State and national
11 standards.
12 We don't understand the process.
13 However, we have partnered this year with the
14 University of Arizona, a professor doing a study on
15 behaviors.
16 And they're trying to also figure out how activity
17 really affects a student.
18 If you don't mind, I'd like to read the
19 syllabus.
20 ADMINISTRATIVE LAW JUDGE: Well, I'm going to stop
21 you because that sounds more like it would be in the
22 nature of evidence, perhaps, than a preview.
23 Again, after we hear from the Board, you'll
24 have the opportunity to go ahead and present your
25 evidence.

1 MS. MONTOYA: Okay.
2 In any case, I think that we have made all of the
3 intervention programs, we have put together the
4 structures, the monitoring system that needs to be
5 provided to our students.
6 The fact that they are not passing is still a --
7 not a quandary, it baffles us because it's something
8 that we continue to address.
9 And we've added even more structure to the
10 intervention programs, adding another curriculum to our
11 school, and changed our schedule to a block schedule for
12 more teaching time.
13 So we have done everything, I believe, that we have
14 been asked to do.
15 The fact that our students are still not showing or
16 have not shown up to 2013 AIMS testing, we're baffled by
17 it, Your Honor.
18 ADMINISTRATIVE LAW JUDGE: All right.
19 With that, then, let me turn back to the Board and
20 have Ms. Anderson go ahead.
21 And who will be your first witness?
22 MS. ANDERSON: Your Honor, the Board calls Martha
23 Morgan.
24 ADMINISTRATIVE LAW JUDGE: Okay.
25 Come on up.

1 Go ahead and have a seat, and I'll get you sworn
2 in.
3
4 MARTHA MORGAN,
5 Having been first duly sworn upon her oath by the Notary
6 Public to speak the truth and nothing but the truth, was
7 examined and testified as follows:
8 ADMINISTRATIVE LAW JUDGE: Just as a formality, go
9 ahead and say and spell your name for our record.
10 And then I'll turn it over to Ms. Anderson for her
11 questions.
12 THE WITNESS: My name is Martha Morgan,
13 M-a-r-t-h-a- M-o-r-g-a-n.
14 ADMINISTRATIVE LAW JUDGE: Okay.
15 Go ahead.
16 MS. ANDERSON: Thank you, Your Honor.
17
18 EXAMINATION
19 BY MS. ANDERSON:
20 Q. Ms. Morgan, where are you currently employed?
21 A. I'm employed at the Arizona State Board for Charter
22 Schools.
23 Q. What is your position with the Charter Board?
24 A. I'm Director of Charter Accountability.
25 Q. How long have you been employed at the Charter

1 Board?
2 A. I started at the Charter Board in May of 2007 as
3 deputy director, and was there until January of 2011.
4 I left to go to the Arizona Department of
5 Education, from January until November of 2011, to work on
6 the Charter School Program Grant.
7 And then returned to the Board as Director of
8 Charter Accountability and have been ever since;
9 approximately, six years.
10 Q. What is your educational and professional
11 background and experience?
12 A. I have an undergraduate degree in English
13 education.
14 I have a master's degree in educational
15 administration, and an educational specialist degree in
16 educational administration.
17 I've worked in education all my life.
18 Prior to coming to Arizona, I was director of the
19 Center for Educational Improvement, which focused on school
20 improvement.
21 And so that's been a primary focus of mine.
22 Q. What are your duties with the Charter Board?
23 A. The oversight and monitoring of charter holders
24 with schools and charters that are, typically, from year 5
25 and beyond.

1 Handle renewals, reviews, and annual reporting
2 requirements.
3 Q. As part of your duties, are you charged with
4 monitoring the academic performance of the charter schools
5 sponsored by the Charter Board?
6 A. Yes.
7 Q. Are you familiar with the charter school Allsport
8 Academy?
9 A. Yes.
10 Q. Does Allsport operate a charter school pursuant to
11 a charter contract between it and the Charter Board?
12 A. Yes, it does.
13 Q. Because Allsport Academy, the corporation, has the
14 same name as Allsport Academy, the charter school, I will try
15 to refer to Allsport Academy, the charter school, as "the
16 school," and Allsport Academy to refer to "the corporation."
17 Is that clear?
18 A. Yes.
19 Q. Was the school originally one of two charter sites
20 previously operated by Eastpoint High School, Incorporated,
21 under a single charter contract?
22 A. Yes.
23 Q. In 2003, did Eastpoint High School, Incorporated,
24 transfer its operation of its school to a separate charter
25 contract?

1 A. Yes.
2 Q. Is that charter contract what's contained in
3 Exhibit 1?
4 A. Yes, it is.
5 Q. In 2004, was the charter contract amended to
6 transfer the operation of the school from Eastpoint High
7 School, Incorporated, to the corporation Allsport
8 Enterprises, Incorporated?
9 A. Yes.
10 Q. Is that amendment what's contained in Exhibit 2?
11 A. Yes.
12 Q. In 2009, was the charter contract amended again to
13 transfer the operation of the school to the nonprofit
14 corporation of the same name, Allsport Academy?
15 A. Yes.
16 Q. Is that amendment what's contained in Exhibit 21?
17 A. Yes.
18 MS. ANDERSON: Your Honor, at this time, I would
19 move for the admission of Exhibits 1, 2, and 21.
20 ADMINISTRATIVE LAW JUDGE: All right.
21 Ms. Montoya, do you have any objection to Exhibits
22 1, 2, or 21 being admitted?
23 MS. MONTOYA: No, I do not, Your Honor.
24 ADMINISTRATIVE LAW JUDGE: All right.
25 1, 2, and 21 are all admitted then.

(Exhibits 1, 2, and 21 were admitted.)

BY MS. ANDERSON:

Q. Who is the charter representative for the corporation, Allsport Academy?

A. The charter representative is Moses Montoya.

Q. What are the duties of the charter representative?

A. The charter representative can act on behalf of the charter holder.

They serve as the contact person for communications, and also ensure that the charter holder is in compliance with their contract.

Q. When you say "charter holder," are you referring to the entity with whom the Board contracted to operate a charter school?

A. Yes, I am.

Q. In this case, the charter holder is Allsport Academy, the corporation?

A. Yes.

Q. What grades does the school serve?

A. It serves grades 5 through 9.

Q. In what city?

A. Tucson.

Q. How many students were enrolled in the school in the 2012-2013 school year?

A. Right at 100 students.

1 Q. How many students has the school reported as
2 enrolled this school year?
3 A. As of August, 52 students.
4 Q. Does the Arizona Department of Education compile
5 achievement profiles for district and charter schools in
6 Arizona?
7 A. Yes.
8 Q. Is this done on a yearly basis?
9 A. Yes.
10 Q. Is the Arizona Department of Education's assignment
11 of an achievement profile based in part on the extent of the
12 academic progress made by pupils at the school during the
13 course of each school year?
14 A. Yes.
15 Q. Is the Department Of Education's assignment of an
16 achievement profile also based in part on the school's
17 student performance on statewide standardized testing?
18 A. Yes.
19 Q. In the assignment of an achievement profile, are
20 schools currently assigned a letter grade?
21 A. Yes.
22 Q. What grade can be assigned?
23 A. An A, a B, C, or a D.
24 Q. If a school is assigned a letter grade of D, does
25 it mean that the school is demonstrating a below-average

1 level of performance?
2 A. Yes.
3 Q. Prior to the assignment of letter grades, did the
4 Arizona Department of Education use a different
5 classification?
6 A. Yes.
7 Q. What classification was that?
8 A. Achievement profiles. And the levels were
9 excelling, highly performing, performing-plus, performing,
10 underperforming, or failing to meet standards.
11 Q. Are the letter grades published by the Arizona
12 Department of Education in the fall of each year?
13 A. Yes.
14 Q. Are those letter grades to cover the previous
15 school year?
16 A. Yes.
17 Q. What achievement profile was assigned to Allsport
18 Academy in the fall of 2011?
19 A. It was the year they received an underperforming.
20 They also received a letter grade of D.
21 Q. And that achievement profile is attached to the
22 school; is that correct?
23 A. Yes.
24 Q. What achievement profile was assigned to the school
25 in the fall of 2010?

A. The school received an underperforming profile.

Q. And the underperforming profile it received in the fall of 2010, was that for the 2009-2010 school year?

A. Yes, it was.

Q. Is it possible for a school to be assigned a letter grade of F?

A. Yes.

Q. How does that occur?

A. Three consecutive years of D or, in the prior model, underperforming, in the third year, the D is an F.

Q. Is there some kind of a review process that is done by the Arizona Department of Education prior to the assignment of the F letter grade?

A. Yes.

The school can appeal the assignment of the letter grade, and the Department has a hearing.

Q. Does an F designate that the school demonstrates a failing level of performance?

A. Yes.

Q. If a charter school is assigned a letter grade of F, what happens?

A. The Arizona Department of Education notifies the Board, and the Board must determine whether to restore or revoke the charter.

Q. When you say "the Department notifies the Board,"

1 it notifies the Board for those charter schools that the
2 Charter Board sponsors; is that correct?
3 A. That's correct.
4 Q. In the fall of 2012, was the Charter Board notified
5 that the school was assigned a letter grade of F?
6 A. Yes, it was.
7 Q. Was that letter grade for the 2011-2012 school
8 year?
9 A. Yes.
10 Q. Would you please refer to Exhibit 3.
11 Can you identify this exhibit?
12 A. This is the letter that was sent by the Department
13 of Education that identified Allsport as a priority school,
14 and also as the only charter school that earned an F this
15 year.
16 Q. Was does a "priority school" mean?
17 A. Means it's among the lowest performing Title I
18 schools in this State.
19 Q. What qualifies a school as Title I?
20 A. Title I, it's Federal funding.
21 The school receives that Federal funding that
22 targets economically disadvantaged students.
23 Q. Is that Federal funding that schools apply for?
24 A. Yes.
25 Q. Would you please refer to Page BCS-142.

1 When I refer to page numbers in the future, I'm
2 going to leave off the "BCS," but I'm referring to page
3 number located in the bottom right-hand corner of the exhibit
4 that's preceded by the letters BCS.
5 If you would, turn to Page 142.
6 At the top, it indicates that Moses Montoya was
7 officially notified on August 10, 2012, of their letter grade
8 status; is that correct?
9 A. Correct.
10 Q. How does the Charter Board determine what action it
11 will take when the Department of Education advises it that a
12 charter school has received an F?
13 A. The Board looks at the school's academic
14 performance in accordance with its academic performance
15 framework -- in accordance with the Board's academic
16 performance framework to make that determination.
17 Q. With regard to the Charter Board's academic
18 performance expectations of the charter schools that it
19 sponsors, has the Charter Board developed an academic
20 performance framework?
21 A. Yes, it has.
22 Q. And why?
23 A. Because it's required in the statute.
24 Q. What is the purpose of the academic performance
25 framework?

1 A. The framework communicates its academic
2 expectations to ensure that charter holders that operate
3 schools in its portfolio are providing a learning environment
4 where measurable improvement in student achievement can be
5 demonstrated.
6 MS. ANDERSON: Your Honor, I would move for the
7 admission of Exhibit 3 into evidence.
8 ADMINISTRATIVE LAW JUDGE: All right.
9 Ms. Montoya, is this any objection to Exhibit 3?
10 MS. MONTOYA: No, Your Honor.
11 ADMINISTRATIVE LAW JUDGE: All right.
12 Exhibit 3 is admitted.
13 (Exhibit No. 3 was admitted.)
14 BY MS. ANDERSON:
15 Q. Ms. Morgan, would please refer to the Board's
16 Exhibit 4.
17 Can you identify that exhibit?
18 A. Yes.
19 This is the Charter Board's academic performance
20 framework and guidance document.
21 Q. What are the Charter Board's academic performance
22 expectations that are communicated through the academic
23 performance framework and guidance document?
24 A. The Board identifies the -- its expectations for
25 academic performance, and provides a basis for determining if

1 the school meets those expectations or not.
2 And if the school does not meet the expectations,
3 it provides a basis for the Board to determine if the school
4 is making sufficient progress toward those expectations.
5 Q. How was the Board's academic performance framework
6 and guidance document developed?
7 A. The Board considered national best practice for
8 authorizers, looked at several models.
9 The Board subcommittee met, received input from
10 State holder groups, such as, traditional schools, small
11 schools, and alternative schools, and identified its
12 indicators, measures, metrics, and targets.
13 And then the Board developed a methodology for
14 conducting the calculations for those measures, and
15 contracted with the Arizona Department of Education's
16 research and evaluation to conduct those calculations in
17 accordance with the methodology.
18 Q. When you say that the Board looked at national best
19 practice among authorizers, what do you mean by the word
20 "authorizers"?
21 A. Authorizers are those who sponsor charter contracts
22 for charter schools.
23 Q. It would be among charter school sponsors, and
24 would that be across the country?
25 A. Yes.

1 Q. How is the academic performance framework and
2 guidance document used by the Charter Board?
3 A. The Charter Board measures the performance of the
4 school in accordance with the framework.
5 So it considers whether or not a school is meeting
6 its academic performance expectations.
7 MS. ANDERSON: Your Honor, I move for the admission
8 of Exhibit 4.
9 ADMINISTRATIVE LAW JUDGE: All right.
10 Is there any objection to Exhibit 4?
11 MS. MONTOYA: No, Your Honor.
12 ADMINISTRATIVE LAW JUDGE: All right.
13 Exhibit 4 is admitted.
14 (Exhibit No. 4 was admitted.)
15 BY MS. ANDERSON:
16 Q. How is the academic performance framework and
17 guidance document organized?
18 A. The document identifies -- the framework is
19 organized around indicators and metrics and targets.
20 The indicators are the general categories for
21 student performance. There are four indicators in the
22 framework.
23 The first one is student progress over time or
24 growth. It measures how well students at the school are
25 progressing or learning over the course of a year.

1 Another indicator is student achievement or
2 proficiency. What percentage of the students at the school
3 are passing the State assessment.
4 The third measure is a State letter grade
5 accountability, and it's the actual letter grade that the
6 school receives.
7 The fourth measure is secondary grade. That
8 applies to high schools, and it measures career college
9 readiness.
10 Q. The four indicators that you just described, are
11 those the four indicators that are numbered on Page 146 and
12 147?
13 A. Yes, they are.
14 Q. Are there also measures within each of those
15 indicators?
16 A. Yes.
17 Q. What are those?
18 A. Under student progress over time or growth, there
19 is a student growth percentile measure, and its the aggregate
20 growth of students at the school.
21 There's also student growth percentile for the
22 bottom 25 percent. It's the aggregate growth for the lowest
23 performing students at the school.
24 For the proficiency measure of student achievement,
25 it looks at the proficiency or percent of students at the

1 school that are passing the AIMS test, meeting or exceeding
2 the standards on AIMS.
3 It also hooks at a composite school comparison.
4 How does a school compare to a school that looks like it, a
5 composite school that's been created to look like it.
6 And then it looks at subgroup proficiency. So it
7 focuses on subgroups for English Language Learners, or ELL;
8 the subgroup students that are eligible for free and reduced
9 lunch, that's subgroup FRL.
10 Subgroup of students with disabilities or SPED.
11 Q. When you say "AIMS," is that the Arizona Instrument
12 to Measure Standards?
13 A. Yes.
14 Q. Is that the Statewide testing that is used in
15 Arizona?
16 A. Yes.
17 Q. As a result -- are the results of these measures
18 incorporated into a graphic?
19 A. Yes.
20 Q. Is that graphic referred to as the school's
21 dashboard, or its academic performance rating?
22 A. Yes, it is.
23 Q. Would you please refer to Page 165 of this
24 exhibit.
25 Is a sample dashboard what is located on Page 165

of Exhibit 4?

A. Yes.

Q. What is the source of the data contained in the dashboard's indicators and measures?

A. As I stated previously, ADE calculates it based on statewide student level data for in-state testing, or AIMS.

Q. How do charter schools access their academic performance rating, also known as the school's dashboard?

A. On-line.

Q. Can the public access charter school's dashboards on-line as well?

A. Yes.

Q. Why does the Board's framework consider only the subjects of math and reading in these measures?

A. Because those are the subjects that are tested at each grade level where the State assessment is administered, for every grade level where the testing occurs, math and reading are tested.

Q. Does the academic framework rate the school's performance within each measure?

A. Yes.

Q. Does the academic framework then also provide an overall rating of the school's academic performance?

A. Yes, it does.

Q. For both the ratings of the individual measures and

1 the overall rating, does the Board use rating categories?
2 A. Yes.
3 Q. What are those?
4 A. Exceeds standard, meets standard, does not meet
5 standard, and falls far below standard.
6 Q. Are those ratings color coded on the dashboard?
7 A. Yes, they are.
8 Q. As reflected in this sample dashboard on Page 165,
9 for schools that exceed the standard, it's color coded a dark
10 green?
11 A. Yes.
12 Q. For schools that meet the standard, it's color
13 coded a light green?
14 A. Yes.
15 Q. And for schools that do not -- for measures, I
16 should say, that do not meet the standard or overall rating
17 that do not meet the standard, it's color coded pink?
18 A. Yes.
19 Q. A for a standard that falls far below that rating,
20 it's color coded bright red; is that correct?
21 A. That's correct.
22 Q. If you would refer to the sample dashboard on Page
23 165, what is being measured in the indicator No. 1 at the top
24 of the sample dashboard called: Growth?
25 A. For the SGP.

1 Q. What is SGP?
2 A. Student growth percentile.
3 Q. What is being measured in that measure SGP?
4 A. It compares the progress of students at the school
5 in comparison to their academic peers.
6 Academic peers would be students who scored just
7 like them on the previous State assessment.
8 An individual student's growth in assessment
9 results is ranked against the growth of all students that had
10 that same academic performance on the State assessment.
11 Q. Does the Board's framework use a median SGP?
12 A. Yes.
13 Q. What does that mean?
14 A. The median SGP summarizes the growth for the
15 school.
16 And each student receives an individual student
17 growth percentile.
18 But because you can't average the percentiles, it
19 uses the median as the aggregate summary of the school's
20 performance in terms of growth.
21 Q. As reflected in the sample dashboard in the table
22 that's titled "Growth," does the Board's framework measure
23 the student's median growth percentile overall?
24 Is that what is reflected in the information
25 contained in the 1-A SPG box?

1 A. Yes.
2 Q. As well as the charter school's median student
3 growth of its lowest performing, which would be reflected in
4 the data contained in the 1-B SGP bottom 25 percent box?
5 A. Yes.
6 ADMINISTRATIVE LAW JUDGE: Let me just make sure I
7 got that.
8 So in the 1-A box, that would be all the students
9 at the school, correct?
10 THE WITNESS: Correct.
11 ADMINISTRATIVE LAW JUDGE: And then the 1-B, just
12 the lowest 25 percentile of students?
13 THE WITNESS: Yes.
14 ADMINISTRATIVE LAW JUDGE: Okay. Got it.
15 Thank you.
16 BY MS. ANDERSON:
17 Q. Is the Board's academic performance framework
18 inclusion and use of student growth percentile in determining
19 a school's academic performance unique to the Charter Board?
20 A. No.
21 There are a lot of States that use student growth
22 percentile as a part of their State assessment -- State
23 performance determinations.
24 As a matter of fact, the Arizona Department of
25 Education incorporates student growth percentile as part of

1 their State accountability system.
2 Q. As part of the A through F letter grades?
3 A. Yes.
4 Q. What is the range of scores that are possible in
5 the median SGP boxes?
6 A. It can range of 1 to 99, with the higher numbers
7 indicating higher growth and the lower numbers indicating
8 lower growth.
9 Q. What would a student growth percentile for a
10 particular subject -- if it was 50, what would that mean?
11 A. It would mean that 50 percent of those students --
12 are you talking about the schoolwide?
13 Q. Yes.
14 If a school received -- let's look at an example on
15 Page 165.
16 For SGP in math, the school received a 53?
17 A. Yes.
18 Q. What does that mean?
19 A. That means that 53 percent of the students at the
20 school scored better on their academic peers on the State
21 assessment.
22 That also means that 47 percent of the students at
23 the school did not score as well as their academic peers on
24 the State assessment.
25 ADMINISTRATIVE LAW JUDGE: Just so, again, I'm

1 clear, the "State assessment" being the AIMS?
2 THE WITNESS: AIMS, yes.
3 Thank you.
4 BY MS. ANDERSON:
5 Q. Does the Board's academic performance framework
6 identify the median student growth percentile, or SGP's, that
7 a charter school must receive in order to fall within one of
8 the four ratings?
9 A. Yes.
10 Q. Would you please turn to Page 150 of this exhibit.
11 The table at the top the page, titled "Overall
12 Growth, Student Median Growth Percentile, SGP," is this where
13 the Board's framework identifies the overall school median
14 SGP range for reading and math that a charter school must
15 serve in order to the Board's standard in that area?
16 A. Yes.
17 Q. Again, that's the information that in the sample
18 dashboard was reflected in the boxes marked 1-A; is that
19 correct?
20 A. For 1-A, SGP.
21 Q. We then look at the sample dashboard, again, on
22 Page 165, it reflects that the sample charter school for SGP,
23 in Box 1-A, for math, scored a 53; and for reading, scored a
24 59.
25 If we then insert those scores into the table that

1 we were just looking at on Page 150, the math score of 53
2 would fall within the meets category; is that correct?
3 A. Yes, that's correct.
4 Q. While the reading school of 49 would fall within
5 the does not meet standard category, correct?
6 A. Correct.
7 Q. The sample dashboard on Page 165, the box
8 containing for math, under the 1-A SGP, is colored light
9 green, reflecting that it meets the standard; is that
10 correct?
11 A. That's correct.
12 Q. On Page 150, at the box at the top of the page,
13 there is a note that states: Note, pooled three-year median
14 used for small schools.
15 What does that mean?
16 A. For schools that serve fewer than 100 students,
17 that would aggregate three years' of work of growth data to
18 minimize the variability for those very small number of
19 students.
20 Q. Was Allsport designated as a small school?
21 A. Yes.
22 Q. Why is that?
23 A. They served fewer than 100 students on the day of
24 State testing, AIMS.
25 Q. Let's talk a little bit about the bottom 25

1 percent.
2 If you would refer back again to Page 150, the
3 table at the bottom of the page, is this where the Board's
4 framework identifies the school median SPG range for reading
5 and math for the lowest performing, or the bottom 25 percent
6 of students?
7 A. Yes.
8 Q. And what the school must score in order to meet the
9 Board's standard in this area?
10 A. Yes.
11 Q. If we look at the sample dashboard on Page 165, it
12 reflects that the sample charter school for SGP bottom 25
13 percent, which is the data contained in the box marked 1-B,
14 in math, scored -- it's difficult to read, but it scored a
15 70; while in reading, it scored a 49.5.
16 So then we would take those scores and insert that
17 information in the table that we were just looking at at the
18 bottom of Page 150?
19 A. Yes.
20 Q. And we would see that the math score of 70 falls
21 within the exceeds category; is that correct?
22 A. Correct.
23 Q. While the reading score of 49.5 falls within the
24 does not meet standard category; is that correct?
25 A. That's correct.

1 Q. Would you please refer to Exhibit 5.
2 Would you identify this exhibit?
3 A. Yes.
4 This is Allsport Academy's dashboard for fiscal
5 year 2012.
6 Q. That would be its performance for the 2011-2012
7 school year?
8 A. Yes.
9 Q. In looking at the growth scores, both the school's
10 overall SGP and the bottom 25 SGP, where do Allsport's scores
11 fall within those measures and the Board's academic
12 performance framework?
13 A. Three of the four fall far below the standard.
14 Q. The fourth measure for SGP bottom 25 percent in
15 reading contains the letters NR.
16 What does that mean?
17 A. It means: Not rated.
18 Q. Why would a particular measure not be rated?
19 A. Too few students to report.
20 Q. If you would, refer back again to Page 154 of
21 Exhibit 4, our sample dashboard.
22 In the dashboard, there is a table. The table in
23 the middle of the dashboard that's titled: Two proficiency.
24 Are there five measures of proficiency within this
25 indicator?

A. Yes.

Q. What are those?

A. There is 2-A, percent passing.

2-B, composite school comparison.

2-C, subgroup, ELL, English Language Learners.

2-C, subgroup, FRL, free and reduced lunch.

And 2-C, subgroup, SPED, students with disabilities.

Q. As we did with the indicator of growth, does the Board's framework also identify the proficiency rates that a charter school must receive in each of these measures in order to fall within one of the four ratings?

A. Yes.

Q. For percent passing, what is being measured in the percent passing measure of the proficiency indicator?

A. It's the percent of the students at the school who met the standard on the State AIMS test.

So the students scored in the meets or exceeds categories.

Q. In this case, the school serves grades 5 through 9.

So what in the percent passing schools is it being compared to?

A. Other schools that serve grades 5 through 9.

Q. In looking at Allsport's dashboard in Exhibit 5,

1 where the proficiency indicator for the measure 2-A percent
2 passing, reflects that the school, Allsport, received an 8/42
3 in math, and a 35/68 in reading.
4 What do those numbers mean?
5 A. In both math and reading, the first number
6 indicates the percent that met the standard on AIMS for
7 Allsport.
8 The second number represents the percentage of
9 students statewide that met the standard on AIMS, or were
10 proficient.
11 Q. As a result of Allsport's proficiency performance
12 on the percent -- 2-A percent passing measure, does
13 Allsport's rate does not meet standard in both of those
14 measures under the Board's academic performance framework?
15 A. Yes.
16 Q. Turning back to our sample dashboard on Page 165,
17 what is being measured in the box for 2-B, composite school
18 comparison in the proficiency indicator?
19 A. Composite score, or virtual score, is created using
20 the same school characteristics as Allsport's.
21 So students in the same grade levels and the same
22 percentage of students in the subgroups, the ELL, FRL, and
23 special ed.
24 And it looks at the statewide proficiency rate for
25 those students, constitutes the composite school.

1 And then it compares if Allsport's performance was
2 as well as expected in comparison to the composite school.
3 Q. Can a school receive a positive or a negative
4 number in the composite school comparison indicator?
5 A. Yes.
6 Q. What does it mean for a school to receive a
7 positive versus a negative number?
8 A. A zero would mean a school is performing just as
9 expected.
10 A positive number would mean that the school is
11 performing better than expected.
12 And a negative number would mean that the school
13 was not performing as well as expected.
14 Q. When you say "as expected," are you talking about
15 in comparison to the composite school?
16 A. Yes, in comparison to the composite school.
17 Q. If we look at Allsport's dashboard in Exhibit 5,
18 the composite school comparison, Allsport scored a negative
19 30.4 in math; is that correct?
20 A. Correct.
21 Q. And a negative 29.4 in reading, correct?
22 A. Correct.
23 Q. As a result of the school's proficiency performance
24 on the composite school comparison measure, did Allsport rate
25 as falls far below in both of those measures?

A. Yes.

Q. In addition to evaluating schoolwide proficiency, does the Board's framework also look to the performance of the various subgroups within the school?

A. Yes.

Q. What are those subgroups?

A. Subgroups, as I said before, are the ELL, English Language Learners; FRL, students eligible for free and reduced lunch; and SPED, students with disabilities.

Q. And why does the Board's framework include these subgroups.

A. Because, historically, these subgroups are typically low performing, and a high performing majority group could mask the actual performance of these subgroups.

So this provides the Board with a more clear picture of how the school is educating all students at the school.

Q. In Exhibit 5, which is the school's dashboard, for the subgroups, the numbers are represented again by numbers separated by a slash.

What does that mean?

A. Similar to 2-A, percent passing, only it's focused on the subgroup.

The first number is the percent that met the standard at Allsport, and the second number is the percent of

1 students statewide that met the standards.
2 So the average percent proficient.
3 Q. When you say "met the standard," are you referring
4 to students that passed or did not pass the AIMS testing?
5 A. Yes, students that passed AIMS.
6 Q. In looking at Allsport's dashboard in Exhibit 5, in
7 the subgroups, the school's performance among all of its
8 subgroups for both math and reading puts Allsport within the
9 dose not meet standard in all of these measures; is that
10 correct?
11 A. Correct.
12 Q. Does the Charter Board's academic performance
13 framework also take into consideration the achievement
14 profile, the State accountability, the letter grade assigned
15 to the schools by the Department of Education?
16 A. Yes, it does.
17 Q. If you would, please refer to Page 155 of
18 Exhibit 4, in the box at the top of the page.
19 Does the Board's framework identify the letter
20 grades or the letter ratings that a charter school must
21 receive in order to fall within one of the four ratings
22 identified by the Charter Board?
23 A. Yes.
24 Q. Are there points assigned to each letter grade?
25 A. Yes, there are.

1 Q. If a school receives a letter grade of D or F, how
2 many points would it receive in the State accountability
3 measure?
4 A. It would receive 25 points.
5 Q. If we refer to Exhibit 4, Page 191, which is
6 Allsport's dashboard, in the table at the bottom marked 3,
7 State accountability and overall rating, in the Box 3-A,
8 State accountability, does that reflect the numerical rating
9 assigned to Allsport's letter grade?
10 A. Yes.
11 Q. Allsport's letter grade for the 2011-2012 school
12 year was a D; is that correct -- excuse me. It was an F,
13 correct?
14 A. Correct, it was an F.
15 Q. Did Allsport's letter grade of F put it in the
16 falls far below standard in this indicator?
17 A. Yes, it did.
18 Q. In addition to identifying how various measures
19 within indicators of growth proficiency and State
20 accountability rating, exceed, or do not meet, or falls far
21 below the Board's standards for those measures, the does
22 Board academic framework also assign overall rating for level
23 of performance to each school?
24 A. Yes.
25 Q. How does the overall rating fit in with the ratings

1 the school receives under the framework in terms of -- how
2 does the overall rating fit in with how a Charter School,
3 under the Board's academic framework, meets the Board's
4 academic performance expectations?
5 A. Well, if a school meets the standard on the overall
6 rating or exceeds the standard on the overall rating, then it
7 meets the Board's expectations.
8 Q. And for Allsport Charter School's dashboard that's
9 contained in Exhibit 5, its overall rating put it within the
10 falls far below standard for the Board; is that correct?
11 A. That's correct.
12 Q. How is the overall rating derived?
13 A. Each one of the measures is assigned points.
14 And the framework and guidance document also
15 identifies the weight for each one of those -- the weight of
16 each one of those measures.
17 The points assigned are multiplied times the weight
18 per the measure.
19 And then all of that is totaled to equal an overall
20 rating for the school.
21 Q. For Allsport's overall rating points of 32.5,
22 which, as you testified, puts it into the falls far below
23 standard category, what does that mean under the Board's
24 academic performance framework?
25 A. Means that the school falls far below the Board's

1 expectations, and puts it on par with the lowest performing
2 students in public schools in the State.
3 Q. With an overall rating of falls far below standard
4 for the 2011-2012 school year, did the school fail to meet
5 the Board's academic performance expectations?
6 A. Yes.
7 MS. ANDERSON: I would move for the admission of
8 Exhibit 5 into evidence.
9 ADMINISTRATIVE LAW JUDGE: Is there any objection
10 to Exhibit 5?
11 MS. MONTOYA: No, Your Honor.
12 ADMINISTRATIVE LAW JUDGE: All right.
13 No. 5 is admitted.
14 (Exhibit No. 5 was admitted.)
15 BY MS. ANDERSON:
16 Q. If a charter school does not meet the Board's
17 academic performance expectations; meaning, its overall
18 rating does not meet standard or falls far below standard in
19 the dashboard, what happens next?
20 A. Well, the Board makes a determination of whether to
21 restore or revoke the charter.
22 Q. Under the Board's academic performance framework,
23 is there a mechanism by which a charter school that does not
24 meet the Board's academic performance expectations can -- I
25 guess, isn't dead in the water, so to speak?

1 A. Yes.
2 The charter school can submit a Demonstration of
3 Sufficient Progress.
4 They can submit a document that details their
5 improvement efforts, and can demonstrate through internal
6 measures that they are making sufficient progress towards the
7 Board's expectations.
8 Q. Does the Board's academic performance framework
9 that's Exhibit 4 detail the process for the Demonstration of
10 Sufficient Progress Document, and what must be contained in
11 the Demonstration of Sufficient Progress Document?
12 A. Yes, it does.
13 Q. Where is that?
14 A. I have to find the page.
15 That is Appendix D, as part of a framework and
16 guidance document, and it begins on 180.
17 Q. And the Demonstration of Sufficient Progress
18 Document, is that also called the DSP?
19 A. Yes, it is referred to as the DSP.
20 Q. If you would, please refer to Exhibit 4, Page 181,
21 the top of the page.
22 The second sentence, it states: Evidence of
23 success may be derived from any implemented improvement plan
24 and must be presented using graphs, tables, or data charts
25 that demonstrate with specificity improved academic

1 performance based on data generated from valid and reliable
2 assessment sources.
3 What is meant by: Any implemented improvement
4 plan?
5 A. The school could have implemented a Performance
6 Management Plan, which is the school improvement plan.
7 It may have had a school initiated improvement
8 plan.
9 It may have an improvement plan that's part of a
10 State or Federal requirement for funding; such as, a
11 Title I Continuous Improvement Plan.
12 Q. Had Allsport previously been required to provide a
13 performance improvement plan?
14 A. Yes.
15 They were required to submit a Performance
16 Management Plan, referred to it as a PMP.
17 Q. Is that something the Charter Board required them
18 to submit?
19 A. Yes.
20 At the time of their 10-year review, the school was
21 not meeting the Board's expectations, and they were required
22 to submit a Performance Management Plan as a Corrective
23 Action Plan.
24 Q. What's the purpose of the Performance Management
25 Plan?

1 A. The plan is for the school to detail the steps that
2 it's going to take towards improving performance, and to use
3 a template format for preparing the plan, and to have those
4 steps towards implementation of the plan, and it is to focus
5 on math and reading.
6 Q. When you say a plan toward improving performance,
7 are you specifically narrowing it to the improvement of
8 student academic performance?
9 A. Yes, student academic performance.
10 Q. Would you please refer to Exhibit 15.
11 Can you identify Exhibit 15?
12 A. Yes.
13 This was the Performance Management Plan submitted
14 by Allsport, the school.
15 Q. Was the Performance Management Plan that's
16 Exhibit 15 submitted to the Charter Board?
17 A. Yes.
18 Q. When was that?
19 A. September 1st of 2010.
20 Q. And if you please refer to Page 322 of this
21 exhibit, at the top, did Allsport identify, as the duration
22 of this plan, that it was to begin August of 2010 to May of
23 2013?
24 A. Yes.
25 MS. ANDERSON: Your Honor, I would move for the

1 admission of Exhibit 15 into evidence.
2 ADMINISTRATIVE LAW JUDGE: Is there any objection
3 to 15?
4 MS. MONTOYA: No, Your Honor.
5 ADMINISTRATIVE LAW JUDGE: All right.
6 15 is admitted.
7 (Exhibit No. 15 was admitted.)
8 BY MS. ANDERSON:
9 Q. Going back to the DSP, the Demonstration of
10 Sufficient Progress document, does the academic performance
11 framework set forth the criteria or the instrument that is
12 used by the Charter Board in evaluating whether the DSP of
13 the charter school is demonstrating sufficient progress
14 toward the Board's academic performance expectations?
15 A. Yes, it does.
16 Q. Are the evaluation criteria that are used those
17 that begin on Page 184 of Exhibit 4?
18 A. Yes.
19 Q. What happens after the charter school submits its
20 DSP?
21 A. Once the DSP is submitted, it's evaluated, using
22 this evaluation criteria.
23 Then a site visit is conducted, where additional
24 documentation is collected and reviewed.
25 And then a final evaluation, again going back to

1 the evaluation criteria, is done on the DSP.
2 Q. Did Allsport submit a DSP?
3 A. Yes, they did.
4 Q. Would you please refer to Exhibit 7.
5 Can identify this exhibit?
6 A. Yes.
7 This is the Allsport's Demonstration of Sufficient
8 Progress, their DSP.
9 This is what they submitted.
10 Q. When did they submit that?
11 A. In April of 2013.
12 MS. ANDERSON: I move for the admission of
13 Exhibit 7.
14 ADMINISTRATIVE LAW JUDGE: Is there any objection
15 to 7?
16 MS. MONTOYA: No, Your Honor.
17 ADMINISTRATIVE LAW JUDGE: All right.
18 7 is admitted.
19 (Exhibit No. 7 was admitted.)
20 BY MS. ANDERSON:
21 Q. Was Allsport advised by the Charter Board of the
22 requirement that it submit a DSP as a result of its
23 performance under the Board's academic performance framework?
24 A. Yes.
25 Q. Was the school advised by the Charter Board that

1 the Board's determination whether to restore the charter to
2 acceptable performance or to revoke the charter would be
3 based on Allsport's academic performance in accordance with
4 the academic performance framework?
5 A. Yes.
6 Q. How were they advised of this?
7 A. They were advised by a letter.
8 Q. Could you please refer to Exhibit 6, and identify
9 that exhibit.
10 A. This is the letter that Allsport received that
11 assigned the Demonstration of Sufficient Progress.
12 And also identified that the Board's decision to
13 restore or revoke would be based on evidence of the charter
14 holder's performance in accordance with the framework.
15 Q. And you authored the letter that is Exhibit 6; is
16 that correct?
17 A. Yes, I did.
18 MS. ANDERSON: I would move for the admission of
19 Exhibit 6.
20 ADMINISTRATIVE LAW JUDGE: Is this any objection to
21 6?
22 MS. MONTOYA: No, Your Honor.
23 ADMINISTRATIVE LAW JUDGE: All right.
24 6 is admitted.
25 (Exhibit No. 6 was admitted.)

1 BY MS. ANDERSON:
2 Q. Did the Charter Board subsequently meet to consider
3 whether to restore or to revoke Allsport's charter to operate
4 the school?
5 A. Yes, it did.
6 Q. Was that at its meeting on May 15th, 2013?
7 A. Yes.
8 Q. Were written materials prepared for the Board's
9 consideration of that issue?
10 A. Yes, in the form of a portfolio.
11 Q. Would you please refer to Exhibit 16.
12 And can you identify that exhibit?
13 Exhibit 16 consists of subparts A through J.
14 A. Yes.
15 These are the contents of the portfolio that was
16 provided for the Board's consideration.
17 Q. What is contained in 16-A?
18 A. 16-A is the staff report that was prepared and
19 provided to the Board.
20 Q. And on Page 332 of this exhibit, is the dashboard
21 here for Allsport Academy the same dashboard that we
22 discussed in Exhibit 5?
23 A. Yes, it is.
24 Q. What is contained in 16-B?
25 A. 16-B is the letter from the Arizona Department of

1 Education notifying the Board that Allsport was a priority
2 school, and they had earned an F for that year.
3 Q. What is contained in Exhibit 16-C.
4 A. 16-C is the letter notifying Allsport of the
5 requirement to submit a Demonstration of Sufficient Progress.
6 Q. What is contained in Exhibit 16-D?
7 A. 16-D is all Allsport Academy's Demonstration of
8 Sufficient Progress that was submitted.
9 Q. What is contained in Exhibit 16-E?
10 A. 16-E is the evaluation of the Demonstration of
11 Sufficient Progress that was submitted.
12 Q. This is the evaluation document that was authored
13 by the staff of the Charter Board?
14 A. Yes.
15 Q. And it evaluated the DSP?
16 A. The initial evaluation as well as the final
17 evaluation.
18 Q. Of the school's DSP?
19 A. Yes, of the school's DSP.
20 Q. What is contained in Exhibit 16-F?
21 A. That's the e-mail that was sent to Allsport
22 confirming the site visit, and outlining request for
23 documentation to be reviewed on-site.
24 Q. Can you please identify what's contained in Exhibit
25 16-G.

A. 16-G is the Performance Management Plan that was submitted by Allsport.

Q. And what is contained in 16-H?

A. 16-H is the continuous improvement plan for Title I that was submitted by Allsport.

Q. Who authored the exhibit that is 16-H?

A. The school.

Q. Was this a document that the school submitted to the Arizona Department of Education?

A. Yes.

Q. When was -- do you know when this document was submitted to the Arizona Department of Education?

A. September of 2012.

Q. What prompts the admission of a continuous improvement plan to the Arizona Department of Education, if you know?

A. It's a requirement for receiving Title I funding.

Q. Would you please refer to Exhibit 16-I, and identify that exhibit.

A. This is the solutions team summary of evidence report that was done for Allsport Academy.

Q. What is a solutions team?

A. A solutions team is a group of education experts that do a systems audit of a school on behalf of the Department Of Education.

1 Q. Did you participate on this solutions team?
2 A. I did.
3 Q. When did the -- did the team conduct a site visit
4 at the school?
5 A. Yes.
6 Q. When did that occur?
7 A. It was in October of 2012.
8 Q. What prompted the solutions team of which you were
9 a member to conduct a site visit at the school?
10 A. Because the school had received an F.
11 Q. Was the school advised that the solutions team was
12 going to be visiting the school prior to the visit?
13 A. Yes.
14 Q. What was your participation in the writing of this
15 report?
16 A. I provided my notes from the site visit, and that
17 was the extent of my participation.
18 Q. Who was it that authored this solutions team
19 summary of evidence report?
20 A. I believe, Scott Maxwell.
21 Q. Who is Scott Maxwell?
22 A. He's an employee of ADE and a member of the
23 solutions team.
24 Q. When you say "ADE," who do you mean?
25 A. Arizona Department of Education.

1 Q. Does the report accurately reflect what your
2 observations were at the site visit?
3 A. Yes, it does.
4 Q. What is contained in Exhibit 16-J?
5 A. 16-J is a progress monitoring report that was
6 conducted by the school improvement team, for Arizona
7 Department of Education, in March of 2013.
8 It reports on the progress made by the school.
9 Q. Exhibit 16, with its subparts A through J, is
10 the -- are those the materials that were provided to the
11 Charter Board on the date on which it considered whether to
12 restore or to revoke Allsport's charter?
13 A. Yes.
14 Q. Was it the decision of the Board to revoke
15 Allsport's charter?
16 A. Yes, it was.
17 MS. ANDERSON: Your Honor, I move for the admission
18 of Exhibit 16 into evidence, with its subparts.
19 ADMINISTRATIVE LAW JUDGE: Is there any objection
20 to Exhibit 16?
21 MS. MONTOYA: There is not.
22 ADMINISTRATIVE LAW JUDGE: Okay.
23 Exhibit 16 is admitted.
24 And just for our record, I'll note, of course, we
25 have some of those subparts under different numbers.

1 But recognizing that this was the complete packet
2 that went to the Board, it does make sense to take them
3 in as a complete unit here under the heading 16.
4 So Exhibit 16 with the various subparts is
5 admitted.
6 (Exhibit 16, A through J, was admitted.)
7 MS. ANDERSON: Your Honor, I have no further
8 questions of this witness.
9 ADMINISTRATIVE LAW JUDGE: All right.
10 Here is what I think we should do. We've been
11 going just shy of an hour and a half.
12 Why don't we take a short break.
13 And then when we come back, Ms. Montoya, we'll give
14 you the opportunity to ask questions of Ms. Morgan.
15 Unfortunately, there is no clock in the hearing
16 room anymore. So we'll just meet back up in about 10
17 minutes.
18 All right?
19 MS. MONTOYA: Thank you.
20 (Brief recess.)
21 ADMINISTRATIVE LAW JUDGE: All right.
22 We're back, ready for questions that Ms. Montoya
23 may have for Ms. Morgan.
24 So whenever you're ready, go ahead.
25 MS. MONTOYA: Your Honor, can I reserve questions

1 for a later time?
2 ADMINISTRATIVE LAW JUDGE: Well, let me ask
3 Ms. Anderson, was it your intent to have Ms. Morgan stay
4 throughout the proceedings?
5 MS. ANDERSON: I believe so, yes.
6 ADMINISTRATIVE LAW JUDGE: Then with that in mind,
7 is this any objection to reserving questioning?
8 MS. ANDERSON: No, Your Honor, no objection.
9 ADMINISTRATIVE LAW JUDGE: Okay.
10 And let me then just address another issue before
11 we get too much further along with regard to that.
12 Comparing the opening statement, Ms. Anderson, to
13 the witness list, it looked like the Board may make its
14 presentation more quickly than you had, perhaps, thought
15 when you put together the witness list.
16 Am I right about that?
17 MS. ANDERSON: Yes, Your Honor.
18 ADMINISTRATIVE LAW JUDGE: I know I wrote it down,
19 but the other witness was going to be -- only two
20 witnesses, and it was going to be who next?
21 MS. ANDERSON: Actually, Your Honor, I realize, in
22 my opening, I did neglect to identify Andrea Leder, who
23 will also be testifying with regard to financial
24 performance issues.
25 ADMINISTRATIVE LAW JUDGE: Okay. All right.

1 So I guess the point that I'm getting at is a
2 concern, let me ask you, Ms. Montoya, again, as I knew
3 you had prepared a witness list, but who do you
4 anticipate calling as witnesses at this time?
5 MS. MONTOYA: Joanne Vigilant.
6 ADMINISTRATIVE LAW JUDGE: And that's it?
7 MS. MONTOYA: Yes.
8 ADMINISTRATIVE LAW JUDGE: Okay. I just wanted to
9 make sure, kind of, see where we stood.
10 All right. Let me then back it up.
11 And given that there's no objection, what we can do
12 is go ahead in your -- you're excused from the witness
13 stand now, understanding you may be called back up for
14 cross-examination or even further direct exam.
15 All right?
16 THE WITNESS: Okay. Thank you.
17 ADMINISTRATIVE LAW JUDGE: With that, who will be
18 the next witness for the Board?
19 MS. ANDERSON: Your Honor, prior to calling my next
20 witness, I also did want to clarify that the Board will
21 be calling Ms. Montoya as a witness as well.
22 ADMINISTRATIVE LAW JUDGE: Okay. All right.
23 MS. ANDERSON: With that, the Board calls, as its
24 next witness, Lisa Weisberg.
25 ADMINISTRATIVE LAW JUDGE: Come on up.

1 Let me get you sworn in. So if you will, raise
2 your right hand.
3
4 LISA WEISBERG,
5 Having been first duly sworn upon her oath by the Notary
6 Public to speak the truth and nothing but the truth, was
7 examined and testified as follows:
8 ADMINISTRATIVE LAW JUDGE: Again, as a formality,
9 please go ahead and state and spell your name for our
10 record.
11 THE WITNESS: My name is Lisa Weisberg, L-i-s-a
12 W-e-i-s-b-e-r-g.
13 ADMINISTRATIVE LAW JUDGE: All right.
14 Whenever you're ready, Ms. Anderson.
15
16 EXAMINATION
17 BY MS. ANDERSON:
18 Q. Ms. Weisberg, could you tell us where you're
19 currently employed?
20 A. I'm currently employed at the Arizona State Board
21 the Charter Schools.
22 Q. You have a soft voice.
23 Could I ask you to repeat that.
24 And, if you can remember, keep your voice up.
25 A. At the Arizona State Board for Charter Schools.

Q. What is your position there?
A. I am an education program specialist.
Q. How long have you been employed at the Arizona State Board for Charter Schools?
A. About 15 months.
Q. What is your educational and professional background and experience?
A. I have a master's degree from Grand Canyon University in education, reading curriculum and instruction.
I'm a certified teacher and reading specialist.
This is my 12th year in education.
And I have served in the capacity of a classroom teacher, a reading specialist, and curriculum instructional specialist before coming to the Board.
Q. What are your duties with the Arizona State Board for Charter Schools?
A. I work in charter accountability, performing interval reviews and/or reports.
And I evaluate academic dashboards and Demonstration of Sufficient Progress documents to ensure schools are meeting the beard's expectation.
Q. So as part of your duties, are you charged with monitoring the academic performance of charter schools sponsored by the Charter Board?
A. Yes.

1 Q. Are you familiar with the charter school, Allsport
2 Academy?
3 A. I am.
4 Q. How are you familiar with the school?
5 A. They were required to submit a Demonstration of
6 Sufficient Progress document, and I evaluated the document. I
7 was on their site visit.
8 I reevaluated their document and their additional
9 documentation that they provided to us at the site visit.
10 And I assisted in creating the Board's materials.
11 Q. When you say the "Board's materials," are you
12 referring to the portfolio prepared for the Charter Board
13 meeting?
14 A. Yes.
15 Q. In writing its Demonstration of Sufficient Progress
16 document, was Allsport, which received a does not meet
17 standard or falls far below standard for all measures of its
18 dashboard, was it required to address all of those measures
19 in its Demonstration of Sufficient Progress document?
20 A. Yes.
21 Q. Could you please refer to Exhibit 8.
22 Can you identify this exhibit?
23 A. This is the initial evaluation that was completed
24 on 4-10-13, for Allsport Academy.
25 Q. It was the initial evaluation of what?

1 A. Their Demonstration of Sufficient Progress.
2 Q. What do the letters -- the I in the nonacceptable
3 column mean?
4 A. The I stands for initial meeting, that it was
5 completed after the Demonstration of Sufficient Progress
6 document was submitted, but prior to the site visit.
7 Q. What about the comments contained in this document?
8 A. Those comments are taken directly from the rubric
9 that we use to evaluate the Demonstration of Sufficient
10 Progress.
11 And they're specific to Allsport's submission.
12 Q. In completing this evaluation document that's
13 Exhibit 8, in determining whether Allsport's Demonstration of
14 Sufficient Progress document is evaluated as acceptable or
15 not acceptable, did you use the evaluation criteria defined
16 by the Charter Board in Appendix D of its performance
17 framework?
18 A. Exhibit 4?
19 Q. Exhibit 4, yes.
20 A. Yes.
21 Q. Does Exhibit 8 reflect that Allsport scored not
22 acceptable in all measures of its Demonstration of Sufficient
23 Progress document?
24 A. Yes.
25 MS. ANDERSON: Your Honor, I move for the admission

1 of Exhibit 8 into evidence.
2 ADMINISTRATIVE LAW JUDGE: Is there any objection
3 to Exhibit 8?
4 MS. MONTOYA: No, Your Honor.
5 ADMINISTRATIVE LAW JUDGE: All right.
6 No. 8 is admitted.
7 (Exhibit No. 8 was admitted.)
8 BY MS. ANDERSON:
9 Q. Generally, what were the problems that you identify
10 in your initial evaluation of Allsport's Demonstration of
11 Sufficient Progress document that resulted in your scoring of
12 the document as not acceptable in all areas?
13 A. Generally, Allsport was in their 14th year of
14 operation when this document was submitted.
15 And the narrative described the beginning stages of
16 developing systems for curriculum instruction, assessment,
17 and professional development.
18 And according to our rubric, beginning stages are
19 not acceptable.
20 Q. When you say "the narrative described," are you
21 referring to the description provided by Allsport in its DSP?
22 A. Yes.
23 Q. Did you subsequently participate in a site visit at
24 the school?
25 A. I did.

1 Q. When was that?
2 A. That was on April 25th, 2013.
3 Q. Who accompanied you on the site visit?
4 A. Laura Clothenberg (phonetic), Martha Morgan, and
5 Steve Sarmento.
6 Q. What was the purpose of the site visit?
7 A. The purpose of the site visit was to review
8 documentation that was identified in their Demonstration of
9 Sufficient Progress document, as well as allow the school the
10 opportunity to present any additional information that they
11 had that spoke to systems that they had in place in the areas
12 where they were scored not acceptable.
13 Q. Systems in place for what?
14 A. For curriculum, instruction, assessment, and
15 professional development that demonstrate students are making
16 sufficient progress.
17 Q. Was Allsport notified of the site visit and of the
18 information you wanted made available for the site visit?
19 A. Yes.
20 Q. Is that notification what is contained in
21 Exhibit 10?
22 A. Yes.
23 Q. And was a copy of your initial evaluation of their
24 Demonstration of Sufficient Progress document also included
25 with this e-mail to the school notifying them of the site

1 visit?
2 A. Yes, it was.
3 Q. How was it determined what information that
4 Allsport needed to have available at the site visit that was
5 identified by the bullets at the bottom of the e-mail?
6 A. After reviewing their initial Demonstration of
7 Sufficient Progress document, I generated a list of
8 information that they had identified in their document.
9 MS. ANDERSON: Your Honor, I move for the admission
10 of Exhibit 10 into evidence.
11 ADMINISTRATIVE LAW JUDGE: Is there any objection
12 to 10?
13 MS. MONTOYA: No, Your Honor.
14 ADMINISTRATIVE LAW JUDGE: All right.
15 10 is admitted.
16 (Exhibit No. 10 was admitted.)
17 MS. ANDERSON: Your Honor, I also move for the
18 admission of Exhibit 9.
19 ADMINISTRATIVE LAW JUDGE: I'm sorry, No. 9 is --
20 MS. ANDERSON: I'm sorry, Your Honor.
21 I haven't gotten to 9. I apologize. I'm ahead of
22 myself.
23 BY MS. ANDERSON:
24 Q. What staff from the school was present at the site
25 visit?

1 A. Raquel and Moses Montoya, and Justin Montoya joined
2 us for a few moments.
3 Q. Did the school provide you with documentation for
4 your review?
5 A. Yes.
6 Q. Did you review that documentation?
7 A. I did.
8 Q. Was Allsport provided any opportunity after the
9 site visit to provide additional documentation?
10 A. Yes.
11 They were allowed 48 hours after the site visit to
12 submit any additional documentation.
13 Q. Did they submit any additional documentation?
14 A. They did not.
15 Q. Following the site visit, did you complete another
16 Demonstration of Sufficient Progress evaluation instrument?
17 A. Yes.
18 Q. Is that what is contained in Exhibit 9?
19 A. Yes.
20 Q. When was Exhibit 9 completed?
21 A. It was completed on May 8th, 2013.
22 Q. What's the difference between the evaluation
23 instrument that's Exhibit 8 versus this evaluation instrument
24 that is Exhibit 9?
25 A. Exhibit 8 is, as I mentioned, an initial evaluation

1 of the Demonstration of Sufficient Progress evaluation that
2 was completed after the submission but prior to the site
3 visit.
4 Exhibit 9 is the reevaluation of -- the revised
5 evaluation form that was completed after the site visit and
6 after the review of the additional documentation.
7 Q. In the areas where you previously evaluated
8 Allsport's Demonstration of Sufficient Progress and
9 determined those areas to be not acceptable, following your
10 site visit and review of additional documentation they
11 provided at the visit, did they move in any areas from not
12 acceptable to acceptable?
13 A. No.
14 Q. In conducting the second evaluation, did you also
15 use the evaluation criteria defined by the Charter Board in
16 its academic performance framework and guidance document
17 that's Exhibit 4?
18 A. Yes.
19 Q. Were there additional comments that you included in
20 the evaluation instrument that is Exhibit 9?
21 A. Yes.
22 The bolded type is additional documentation that
23 they provided, that they provided to us.
24 Q. At the site visit?
25 A. At the site visit.

1 MS. ANDERSON: I move for the admission of
2 Exhibit 9 into evidence.
3 ADMINISTRATIVE LAW JUDGE: Is there any objection
4 to 9?
5 MS. MONTOYA: No, Your Honor.
6 ADMINISTRATIVE LAW JUDGE: All right.
7 No. 9 is admitted.
8 (Exhibit No. 9 was admitted.)
9 BY MS. ANDERSON:
10 Q. Would you please refer to Exhibit 4.
11 At Page 184 -- on Page 184, in the boxes at the top
12 of this table that are of a pink background, does the Board's
13 academic performance framework direct Allsport, for the
14 category of curriculum, to, in its DSP, provide evidence of a
15 sustained improvement plan that includes implementation of a
16 curriculum that contributes to increased student growth in
17 math and reading?
18 A. Yes.
19 Q. Would this be their provision of this information
20 as to student growth overall?
21 A. Yes.
22 Q. The numbers, the 1-A, the 1-B, the 2-A, the 2-B, do
23 those correspond with those categories on the school's
24 dashboard?
25 A. Yes.

1 Q. And because of Allsport's performance in their
2 dashboard for student growth percentile, they were required
3 to, in their Demonstration of Sufficient Progress document,
4 identify the implementation of a curriculum contributing to
5 increased student growth and student growth percentile
6 overall; is that correct?
7 A. Yes.
8 Q. And also for the bottom 25 percent?
9 A. Yes.
10 Q. And were they also required to provide evidence of
11 a sustained improvement plan that includes implementation of
12 curriculum that contributes to increased student proficiency
13 in math and reading?
14 A. Yes.
15 Q. And that corresponds with the sufficiency indicator
16 and how Allsport performed in a dashboard and the measures
17 and proficiency indicator?
18 A. Yes.
19 Q. And Allsport would have to provide the same
20 information in its Demonstration of Sufficient Progress for
21 its English Language Learner, free and reduced lunch, and
22 disabled, or SPED, S-P-E-D, population; is that correct?
23 A. Yes.
24 Q. As reflected in the information toward the bottom
25 of the curriculum table on Page 184, a school's narrative

that describes a system to create, implement, evaluate, and revise curriculum, including supplemental curriculum, aligned with Arizona Academic Standards, evidenced by curriculum alignment, curriculum maps, pacing guides, instructional material adoptions, committee work, data review teams, and clearly defined and measurable implementation across the school, and where the data and analysis included provide support for the narrative, that demonstration would meet the Board's criteria for Demonstration of Sufficient Progress in the curriculum area; is that correct?

A. That is correct.

Q. What are you looking for in a system?

A. The system is a formalized integrated method --

Q. I think you need to try to speak up.

A. A system is a formalized integrated method that includes these items here listed in the rubric, and that that system would be effective in having the students demonstrate progress.

Q. What are the Arizona Academic Standards?

A. The Arizona Academic Standards are a set of expectations that students are supposed to learn and be able to do at each content level and each grade level.

Q. Are the Arizona Academic Standards prescribed by the Arizona State Board of education?

A. Yes, they are.

Q. And they're prescribed by grade level; is that correct?

A. Yes.

Q. Are the Arizona Academic Standards that are currently prescribed by the State Board of Education also called Common Core standards?

A. Yes.

Q. Are the Arizona Academic Standards available on-line through the Arizona Department of Education website?

A. Yes.

Q. What's the significance of schools aligning their curriculum to the Arizona Academic Standards?

A. The significance is that students across the State would be learning the same content at the same grade level so that for reasons of promotion to the next grade level, if the student were to leave a school and go to another school, they would be learning the same material across the board.

Q. What is the significance of schools aligning their curriculum to the Arizona Academic Standards to State standardized testing, the AIMS testing?

A. The AIMS tests on those standards.

So you would need to align to the standards to ensure you were being tested on the same standards that you're teaching.

Q. And AIMS is also tested by grade level; is that

1 correct?
2 A. Yes.
3 Q. Did Allsport, in its DSP or at its site visit or
4 through the additional documentation it provided to you at
5 the site visit, demonstrate their alignment of their
6 curriculum with the Arizona Academic Standards?
7 A. No, they did not.
8 Q. On what do you base that answer?
9 A. They didn't provide us with any curriculum, so it
10 wasn't aligned.
11 MS. MONTOYA: I didn't hear that.
12 THE WITNESS: They didn't provide us with any
13 curriculum, so it wasn't aligned to the standard.
14 BY MS. ANDERSON:
15 Q. Was this any discussion with the school at the site
16 visit about the standards or what was happening with regard
17 to their curriculum?
18 A. Well, Raquel mentioned they never had a formalized
19 curriculum.
20 Moses, who at the time was serving as a school
21 director, said that he was giving the teachers the Arizona
22 Academic Standards and letting them create their own
23 curriculum and pacing.
24 Q. What are curriculum maps?
25 A. Curriculum maps are the order, or the sequence, in

which the standards are being taught.

Q. "The sequence" meaning the sequence the standards are taught throughout the school year?

A. Throughout the year, yes.

Q. Did Allsport, in its Demonstration of Sufficient Progress document, or at the site visit, or in the documentation they provided at the site visit, demonstrate their use of curriculum maps?

A. No.

Q. Is there any evidence that they were using curriculum maps?

A. No.

They said that they were collecting lesson plans in an effort to make a curriculum map, but they didn't provide evidence of a curriculum map.

Q. What are pacing guides?

A. Pacing guides are the time frame in which standards are taught to ensure that standards are covered throughout the year.

Q. Did Allsport, in its Demonstration of Sufficient Progress document, or at the site visit, or the initial documentation they provided at the site visit, demonstrate that the school was using pacing guides?

A. No, they didn't provide that documentation.

Q. What are instructional material adoptions and

1 committee work?
2 A. Instructional adoption and committee work is a team
3 of students -- sorry, is a team of staff that makes a
4 curriculum and instructional recommendation and revisions as
5 necessary.
6 Q. Did Allsport, in its Demonstration Sufficient
7 Progress document, or the site visit, or in the documentation
8 provided at the site visit, demonstrate that they were using
9 instructional material adoptions or committee work?
10 A. No.
11 Q. Would you please refer to Exhibit 7, Allsport's
12 Demonstration of Sufficient Progress document.
13 At Page 195, at the bottom, in the category headed
14 "Curriculum," about the fourth line down, Allsport states:
15 This year, with the assistance of a curriculum consultant,
16 we've been gathering teacher's lesson plans in all content
17 areas and will use these to assist in development of a formal
18 comprehensive school curriculum, pacing guides, and maps.
19 In your evaluation of Allsport, what did they
20 demonstrate with regard to this statement?
21 A. They didn't provide us with any documentation of a
22 curriculum consultant.
23 They had been gathering teacher's lesson plans.
24 The samples that they provided to us were not in all content
25 areas or grade levels.

At the site visit, they said they were no longer collecting those lesson plans in order to create a formal comprehensive school curriculum; that they were looking into a TUSD or Vale curriculum to adopt.

Then I asked what they planned on using all these lesson plans for that they had been collecting throughout the year, and they said they would possibly use them for a curriculum map, as mentioned earlier.

Q. When you said TUSD, what does that mean?

A. Tucson Unified School District.

Q. What is the significance of curriculum maps, pacing guides, instructional material, adopted, and committee work to increasing student growth and proficiency?

A. So the standards are tracked and insured that they are taught throughout the year, and that the curriculum is meeting the needs of instructing those standards.

Q. Would you please refer to Exhibit 10.

The bullets at the bottom of the e-mail. The first bullet, Allsport is requested to make available for review at the site visit sample lesson plans aligned to the Common Core standards for each content area and at each grade level.

Did Allsport provide documents as its response to this request?

A. Yes, they did.

Q. Would you please refer to Exhibit 12, A and B, and

1 can you identify these documents?
2 A. These documents are the lesson plans that Allsport
3 submitted to us.
4 Do you want me to walk through them?
5 Q. Were these documents responsive to your request
6 that we just said in the bullet point on Exhibit 10, for
7 sample lesson plans aligned to the common core State standard
8 to each content area and at each grade level?
9 A. No, they were not.
10 Q. And why not?
11 A. Because Exhibit A, the first -- they provided us
12 eight lesson plans. The first five are 6th grade language
13 art lesson plans.
14 All of them but one included a performance
15 objective or standard.
16 The last three are not clearly identified for what
17 grade levels they are intended for. And one of them that was
18 labeled language arts was actually a math lesson plan.
19 In Exhibit B, these lesson plans are for math.
20 The first lesson plan is a 5th grade lesson plan.
21 And while intended for math, it had a technology standard.
22 And then 7th, 8th, and 9th grade lesson plans are
23 included.
24 Allsport is a 5th through 9th grade school. So
25 we're missing 5th and 6th grade lesson plans for math, and we

1 only have clearly identified 6th grade language arts lesson
2 plans.
3 And then an appropriate lesson plan would have had
4 a clear performance objective or standard, it would have had
5 learning activities that were aligned to the standard, and it
6 would also have an assessment or enclosure that aligned to
7 that standard, and that wasn't the case in all of these.
8 Q. Did Allsport, in its Demonstration of Sufficient
9 Progress document, or at the site visit, or through
10 documentation provided to you at the site visit, demonstrate
11 that it had a specific curriculum to address the bottom 25
12 percent -- the needs of his its bottom 25 percent performing
13 students?
14 A. No.
15 Q. Would you please refer to Exhibit 12-C.
16 Can you identify that exhibit?
17 A. These were lesson plans that Allsport submitted for
18 their math and reading fundamental class, intended for their
19 lowest performing students.
20 Q. What was your evaluation of these than lesson plans
21 contained in Exhibit 12-C?
22 A. As I mentioned earlier, an appropriate lesson plan
23 would have a standard clearly defined, as well as learning
24 activities that align to the standard, and an assessment.
25 And especially with an intervention lesson plan,

1 there would be an assessment and data to support why they
2 were teaching these particular interventions with these
3 particular students.
4 This lesson plan does not have a clearly stated
5 standard, nor learning activities aligned for that standard,
6 nor an assessment for data.
7 This, really, what it seemed like, was a handbook
8 on how to teach an intervention class because for 18 weeks
9 the lesson plan is lacking.
10 Q. So the lesson plans that are contained in 16-C, as
11 indicated at the top, are for various weeks throughout the
12 semester?
13 A. Yes.
14 Q. But they provide the exact content score for each
15 of those weeks?
16 A. Yes.
17 MS. ANDERSON: I move for the admission of
18 Exhibit 12, parts A through C.
19 ADMINISTRATIVE LAW JUDGE: Is there any objection
20 to Exhibit 12?
21 MS. MONTOYA: No, there's not.
22 ADMINISTRATIVE LAW JUDGE: All right.
23 12, parts A, B, and C are admitted.)
24 (Exhibit 12, Parts A, B, and C were admitted.)
25 BY MS. ANDERSON:

1 Q. Did Allsport, in its DSP, or at the site visit, or
2 through additional documentation demonstrate that it had
3 curriculum resources or lesson plans to address the specific
4 needs of its subgroups, its English Language Learners, free
5 and reduced lunch, and disabled student population?
6 A. No.
7 Q. Would you please refer to Exhibit 15.
8 Allsport's Performance Management Plan, Page 322,
9 where it states: Strategy One, in bold, near the top of the
10 page.
11 A. Yes.
12 Q. In its Performance Management Plan, Allsport
13 stated: Grades 5 through 9 are using company text name here,
14 reading series, along with literature sets for the next two
15 years.
16 And at the end of that same paragraph: The school
17 will be ordering the literature sets this year.
18 Did Allsport, in its DSP, or the site visit, or
19 through documentation submitted at the site visit demonstrate
20 any use of literature sets in any of its grade?
21 A. No, they did not, and they didn't demonstrate a
22 reading series of curriculum.
23 Q. Did Allsport, in its DSP, or at the site visit, or
24 through documentation submitted at the site visit,
25 demonstrate that the school had implemented a system to

1 create, implement, and revised curriculum aligned to the
2 Arizona Academic Standards that contributes to increase
3 student growth in math, reading schoolwide or for as low as
4 the bottom performing 25 percent?
5 A. No, there was no evidence.
6 Q. Did Allsport, in its DSP, or at the site visit, or
7 in the documents submitted at the site visit demonstrate that
8 the school implemented a system to create, implement, and
9 revised curriculum aligned to the Arizona Academic Standards
10 that contributes to increase student proficiency on the State
11 assessment in math and reading or any other subgroups?
12 A. No.
13 Q. Would you please refer to Exhibit 4, on Page 185.
14 In this page, the Board's academic framework, does
15 it direct the school for the category of instruction to, in
16 its DSP, provide evidence of a sustained improvement plan
17 that includes implementation of a plan for monitoring the
18 integration of the Arizona Academic Standards into
19 instruction; is that correct?
20 A. Yes, that's correct.
21 Q. And was Allsport, in its DSP, because of its
22 performance on its dashboards in the area of proficiency,
23 required to, in its DSP, provide this evidence as to each of
24 the measures within the proficiency indicator?
25 A. Yes.

1 Q. So that would be the school overall?
2 A. Yes.
3 Q. And again, would it also -- would the school also
4 be required to address this information for the students
5 below?
6 A. Yes.
7 Q. As reflected in the information at the bottom of
8 the page, a school narrative that describes a system to
9 monitor the integration of Arizona Standards into instruction
10 and evaluate the instructional practices of the teachers
11 evidenced by lesson plan reviews, formal teacher evaluations,
12 informal classroom observations, standards checklists, data
13 review teams, and standards based assessment, with a system
14 that provides for some analysis and feedback to further
15 develop the system, with data and analysis, including
16 providing support for the narrative, this would meet the
17 Board's criteria for demonstrating sufficient progress in the
18 area of instruction; is that correct?
19 A. Yes.
20 Q. What is the significance of these items that I just
21 identified to increasing student growth and proficiency?
22 A. These items track that the standards are being
23 taught and that they're instruction aligned to the standards,
24 and that the assessments are also aligned to the standards.
25 That everything is aligned to the standards that

1 are taught through the year, at each grade level.
2 Q. What are lesson plan reviews?
3 A. Lesson plan reviews are reviews of the lesson plans
4 done by the administration to ensure that the standards are
5 included, that the learning activities are aligned,
6 assessment are aligned to the standards.
7 Q. When you say "by the administration," would that be
8 the administration of the school?
9 A. Yes.
10 Q. Did Allsport, in its DSP, or at the site visit, or
11 in documentation submitted at the site visit demonstrate that
12 they were conducting lesson plan reviews?
13 A. Lesson plans were submitted. There was no
14 documentation that they were formally reviewed.
15 Q. What are formal teacher evaluations?
16 A. Formal teacher evaluations are evaluations also
17 completed by the school administration to provide
18 quantitative feedback to the teachers about their work.
19 Q. Did Allsport, in its DSP, or through its site
20 visit, or documentation submitted at the site visit identify
21 they had a tool to perform teacher evaluations?
22 A. Yes, they did.
23 Q. Would you please refer to Exhibit 13, Page 286
24 through 296.
25 Is this what Allsport provided to you as the tool

1 for their formal teacher evaluations?
2 A. Yes.
3 Q. This summative teacher evaluation rubric we're
4 talking about, was that provided to you by Allsport at the
5 site visit?
6 A. Yes.
7 Q. As of the date of your site visit -- which you said
8 was what date?
9 A. April 25th.
10 Q. 2013?
11 A. Yes.
12 Q. As of the date of your site visit, April 25th,
13 2013, had the school conducted any evaluations using the
14 summative teacher evaluation rubric?
15 A. No.
16 Q. Would you please refer to Exhibit 7, on Page 195.
17 Allsport's DSP, under the heading, at the bottom of
18 the page: Monitoring the Integration of Standards to
19 Curriculum.
20 The fourth line down, it states: The school
21 principal\director monitors teacher effectiveness by
22 performing and recording regular classroom walk-through to
23 observe and encourage good pedagogic practices using a State
24 approved standards checklist.
25 Did Allsport, with its DSP, or at the site visit,

1 or the documentation provided at the site visit demonstrate
2 or provide anything that demonstrated or supported this
3 statement?
4 A. Yes.
5 Q. What did they provide to you?
6 A. Teacher observation.
7 Q. You have to speak up.
8 A. The classroom walk-through observation and comment
9 sheet.
10 Q. Could you please refer to Exhibit 13, Pages 284 to
11 285.
12 What are the pages of this exhibit?
13 A. This is the classroom observation form that was
14 provided to us.
15 And the second page is the classroom form that they
16 documented after the observation.
17 Q. Did you discuss with Allsport their use of this
18 classroom observation form?
19 A. Yes.
20 They didn't provide us a schedule, but Moses said
21 that he performed classroom observation once a week. He
22 would like to perform them twice a week.
23 And there was -- after further review, the
24 observation that was provided to us actually took place two
25 days prior to our site visit.

1 And Moses did state at the site visit that he had
2 been doing these since November -- these observations since
3 November, but that he'd lost his booklet of documentation.
4 So he only had documentation since February.
5 And then after further review of these
6 documentations once we got back, there was no identified
7 standard objective on the classroom observation form.
8 And they had stated that they had a quantitative
9 teacher self-evaluation on the classroom observation form
10 that wasn't identifiable.
11 Those things were identifiable on the classroom
12 observation discussion form, but there seemed to be a
13 disconnect between the two documents.
14 That the discussion that happened after the
15 classroom observation wasn't directly related to what was
16 being observed in the classroom.
17 Q. When you say "Moses" told you, are you talking
18 about Moses Montoya, the charter representative?
19 A. Yes.
20 Q. When you said he started the observations in
21 November, are you saying November of 2012?
22 A. Yes.
23 Q. Did Allsport, in its DSP, or the site visit, or
24 documentation provided at the site visit demonstrate that it
25 had a system in place to monitor teachers integration of the

1 Arizona Academic Standards into their math and reading
2 instruction that contributes to increased student growth in
3 math and reading schoolwide, or for as low as the bottom
4 performing 25 percent?
5 A. No, it wasn't.
6 Q. Did Allsport, in its Demonstration of Sufficient
7 Progress document, or the site visit, or through additional
8 documentation provided, demonstrate assistance to monitor and
9 evaluate its teachers integration of the Arizona Academic
10 Standards into math and reading instruction that contributes
11 to increased student's proficiency on the State assessment
12 four subgroups?
13 A. No.
14 Q. Would you please refer to Exhibit 4, at Page 186.
15 Did the Board's academic framework direct Allsport
16 to include category of assessment in its Demonstration of
17 Sufficient Progress document provide evidence of a sustained
18 improvement plan that includes implementation of a plan for
19 monitoring and documenting increases in student growth and
20 proficiency in math and reading?
21 A. Correct.
22 Q. In Allsport's Demonstration of Sufficient Progress
23 document, was it required to address all of the measures
24 within the growth and proficiency indicators as a result of
25 their performance in those measures under the dashboard?

1 A. Yes.
2 Q. As reflected in the information at the bottom of
3 the page, a school's narrative that describes a comprehensive
4 assessment system based on clearly defined performance
5 measures aligned with the curriculum, an instructional
6 methodology that includes data collection from multiple
7 assessments, such as, formative and summative assessments,
8 common\benchmark assessments, and data review teams, with
9 data analysis included providing support for the narrative
10 would meet the Board's criteria to demonstrate sufficient
11 progress in the assessment area; is that correct?
12 A. That is correct.
13 Q. What is the significance of student assessments to
14 increasing student growth and proficiency?
15 A. Assessments serve as a periodic temperature check
16 of how well the students are mastering the standard.
17 They also inform instruction.
18 Q. What do you mean?
19 How do they inform instruction?
20 A. In areas where the assessment determines students
21 to be weak in certain standards that had already been taught,
22 it provides opportunities for reteach.
23 And also for students who are more advanced, it can
24 provide them an opportunity for enrichment.
25 Q. Would you please refer to Exhibit 7, on Page 196.

1 Allsport's DSP, under the heading: Monitoring and
2 Documenting Student Proficiency.
3 At the top of the page, Allsport states: For the
4 2012-12SY, we began our assessment of student reading
5 proficiency using practice AIMS tests for benchmarking.
6 In the third sentence: In March of 2013, we
7 purchased Study Island Reading Assessment Program.
8 And then at the end of the that paragraph:
9 However, we will not begin using it as our formal assessment
10 tool until next year.
11 Did Allsport provide you with assessment data at
12 the site visit?
13 A. Yes.
14 Q. Would you please refer to Exhibit 11.
15 Can you identify that exhibit?
16 A. This is the data that Allsport provided us on the
17 site visit.
18 Q. Did you evaluate this data?
19 A. Yes.
20 Q. If you would go through it, what did you find with
21 regard to the assessment data that was provided?
22 A. This first page was --
23 Q. If you would, refer to the page numbers at the
24 bottom.
25 A. This first page, Page 239, is the overall data for

1 the school from 5th to 8th grade. 9th grade wasn't
2 included.
3 The first two blue columns were the first and third
4 benchmark assessments for reading, and first green columns
5 were the first and third benchmark assessment for math.
6 And the next two blue columns are the 6th grade
7 first and third benchmark assessment for reading.
8 And then the -- and so on.
9 Q. What is the benchmark assessment tool that Allsport
10 is using to assess its students?
11 A. For language arts, they were using the practice
12 AIMS test from the ADE website.
13 For math, they were using a program called Star
14 Math.
15 ADMINISTRATIVE LAW JUDGE: I'm sorry. The program
16 was?
17 THE WITNESS: Star Math.
18 ADMINISTRATIVE LAW JUDGE: Thank you.
19 BY MS. ANDERSON:
20 Q. The use of AIMS practice test as an assessment
21 tool, is that an appropriate method of assessment for data
22 collection?
23 A. No, it is not.
24 Q. Why not?
25 A. Because you're giving the same test.

1 In this case, three times, the exact same test.
2 So you're no longer testing the concept. You're
3 testing the recall of the student of the questions on the
4 test.
5 Do you want me to continue walking through?
6 Q. Yes.
7 A. On Page 240, their names are redacted here.
8 As I said, they have the language arts benchmark
9 that they -- they use the practice AIMS for the benchmark for
10 language arts.
11 And they have the Star Math for the benchmark for
12 math.
13 The problem here was that, at the bottom, they
14 factored their growth data, which demonstrated growth.
15 However, they were including students in the growth
16 data that had not tested for each administration.
17 So if you had a student who wasn't there for the
18 primary benchmark, their data was factored into the growth
19 for the third benchmark.
20 And vice versa, if you had a student there for the
21 primary benchmark and didn't do well, then the third
22 benchmark didn't include their score, but was factored for
23 growth calculation.
24 That was the same for all grade levels.
25 Additionally, at the end here, on Page 245, they

1 provided the pretest that they gave for Study Island in
2 reading.
3 Again, the names are redacted.
4 Q. When was the pretest for Study Island provided?
5 A. At the site visit.
6 Q. The one where the students were using the pretest?
7 A. In March of 2013.
8 Q. So there's no comparison score between testing
9 because the students -- this reflects that Study Island
10 testing was done just one time?
11 A. Correct.
12 So there's no growth score.
13 Q. What is Study Island?
14 A. Study Island is a benchmark assessment program.
15 Q. Would you please refer to Exhibit 15, Allsport's
16 Performance Management Plan.
17 At Page 320, first bolded paragraph -- prior to
18 that first bolded paragraph, there is a discussion as to how
19 their students are doing in AIMS, in math and reading; is
20 that correct?
21 A. Yes.
22 Q. And this first bolded paragraph, on Page 320,
23 states: Based on these findings, the school team shall
24 monitor these areas every two to three weeks using the Study
25 Island assessment software.

1 If you refer to Page 324 of this exhibit, near the
2 bottom of the page, where the heading "Timeline" is
3 contained, it states: The implementation of the assessment
4 system no later than the end of the first quarter in 2010-11;
5 is that correct?
6 A. Yes.
7 Q. When did Allsport begin using the Study Island
8 assessment program at the school?
9 A. March of 2013.
10 Q. As of your site visit on April 25, 2013, had
11 Allsport administered the Study Island assessment on only one
12 occasion?
13 A. Yes.
14 Q. For what subject?
15 A. Reading.
16 Q. How was it administered?
17 A. It was administered as a pretest.
18 But they said they weren't using it as their
19 assessment, they were using the practice AIMS test.
20 They were just trying it out so the students could
21 get familiar with it for the next year.
22 Q. Since Study Island was only used once as a pretest,
23 is there any basis on which the Study Island assessment tool
24 could be used to measure student achievement growth at
25 Allsport?

1 A. No.
2 Q. What assessment did Allsport say it was using for
3 math?
4 A. Star Math.
5 Q. When did Allsport state it had began using the Star
6 Math program as an assessment for math?
7 A. They started using it in the 2011-2012 school year,
8 but they only provided us documentation of data from the
9 2012-2013 school year.
10 Q. In your evaluation of Allsport's DSP, or site
11 visit, or through additional documentation, did Allsport
12 demonstrate that it had a comprehensive assessment system for
13 math and reading?
14 A. No.
15 Q. Why not?
16 A. Because, as I mentioned, the reading assessment
17 that they were using was not valid because it's the same
18 assessment used over and over.
19 And the growth calculations were not calculated
20 appropriately.
21 And they didn't provide any documentation to how
22 that assessment was being used to inform instruction.
23 It was a list of percentages.
24 Q. Did Allsport, in its DSP, or at the site visit, or
25 in documentation provided at the site visit demonstrate that

1 it was collecting student performance data from multiple
2 assessments?
3 A. No.
4 It was just a single assessment from each content
5 area.
6 The exception is that Study Island pretest.
7 Q. Was the Arizona Department of Education able to
8 provide student level performance data for a dashboard
9 requesting Allsport's performance for the 2012-2013 school
10 year?
11 A. Yes.
12 Q. Would you please refer to Exhibit 22.
13 Can you identify that exhibit?
14 A. This is the dashboard for the 2012-2013 school
15 year, as well as one for the 2011-12
16 Q. When did the information for dashboard for the
17 2012-2013 school year become available?
18 A. Last Friday.
19 Q. In the 2012-2013 school year, did Allsport again
20 receive a grade of F under the Arizona Department of
21 Education State accountability system?
22 A. Yes.
23 Q. In the 2012-2013 school year, did Allsport again
24 receive an overall rating, under the Board's academic
25 performance framework, of falls far below standard?

1 A. Yes.
2 Q. In fact, was there any improvement at all in its
3 overall rating from the 2011-12 school to the 2012-2013
4 school year?
5 A. No.
6 The overall rating was exactly the same.
7 MS. ANDERSON: Your Honor, I move for the admission
8 of Exhibit 22.
9 ADMINISTRATIVE LAW JUDGE: Is there any objection
10 on 22?
11 MS. MONTOYA: No, Your Honor.
12 ADMINISTRATIVE LAW JUDGE: All right.
13 22 is admitted.
14 (Exhibit No. 22 was admitted.)
15 MS. ANDERSON: I also move for the admission of
16 Exhibit 11 into evidence.
17 ADMINISTRATIVE LAW JUDGE: Okay.
18 Is there any objection on 11?
19 MS. MONTOYA: No.
20 ADMINISTRATIVE LAW JUDGE: 11 is admitted.
21 (Exhibit No. 11 was admitted.)
22 BY MS. ANDERSON:
23 Q. Would you please refer to Exhibit 4, on Page 187.
24 The Board's academic framework for the area of
25 professional development is direct the school, in its DSP, to

1 provide evidence of a sustained improvement plan that
2 includes implementation of professional development plan that
3 contributes to increased student growth and proficiency in
4 math and reading?
5 A. Yes.
6 Q. Again, because of Allsport's performance under its
7 dashboard in the growth and proficiency measures, was it
8 required to address this for each of those measures?
9 A. Yes.
10 Q. As reflected in the information at the bottom of
11 this table, a school's narrative that describes a
12 comprehensive professional development plan that is aligned
13 with teacher learning needs, the plan includes follow-up and
14 monitoring strategies, the plan focuses on areas of high
15 importance and supports high quality implementation, the data
16 analysis included provides support for the data, a narrative
17 that describes this information, would that meet the Board's
18 criteria for demonstrating sufficient progress in those
19 areas?
20 A. Yes.
21 Q. What is the significance of having -- first of all,
22 what is a professional development plan, and what is the
23 significance of having one?
24 A. A professional development plan would map out the
25 professional development for the school year.

1 Q. The professional development of who?
2 A. Of the teachers.
3 The significance of having one is so the teachers
4 are learning new skills, and that the administration follows
5 up and monitors that those skills are in fact being
6 implemented in the instruction.
7 And also be used to determine -- go back to the
8 observation. Use those to determine what professional
9 development needs to be covered over the year as you're
10 following up and monitoring, and seeing what teacher
11 strengths and weaknesses are.
12 Q. Could you please refer to Exhibit 10.
13 At the bottom of the page, the eighth bullet:
14 Request Allsport to make available for review at the site
15 visit evidence of professional development for SY2013.
16 Does "SY" reference school year 2013?
17 A. Yes.
18 Q. Was evidence for professional development for
19 school year 2013 made available for your review at the site
20 visit?
21 A. Yes.
22 Q. Would you please refer to Exhibit 14, A and B.
23 Can you identify what's contained in Exhibit 14-A?
24 A. This is the professional development documentation
25 that was provided by Allsport Academy.

1 Do you want me to specifically say what it
2 includes?
3 Q. Yes.
4 A. There is professional development plan. There are
5 agendas and sign-in sheets included for professional
6 development.
7 And then in B, there are agendas and sign-in sheets
8 and professional development evaluations included for staff
9 meetings.
10 Q. In its Demonstration of Sufficient Progress
11 document, or at the site visit, or in the documentation that
12 you just referred to in Exhibit 14, did any of this
13 information provided demonstrate that the professional
14 development that Allsport was providing to its teachers was
15 aligned with or based on the learning needs of its teachers?
16 A. No.
17 Q. Did Allsport provide any information in their
18 Demonstration of Sufficient Progress document, or at the site
19 visit, or in the documentation provided at the site visit
20 that demonstrated that anyone was following up or monitoring
21 the implementation of the information or the strategies that
22 was being provided to teachers during the professional
23 development?
24 A. No.
25 Q. Did Allsport provide any information, in its DSP,

1 or at the site visit, or in the documentation provided at the
2 site visit, that the professional development it was
3 providing to its teachers contributed to increased student
4 growth in math or reading?
5 A. No.
6 Q. Did Allsport, in its DSP, or at the site visit, or
7 in the documentation provided at the site visit, demonstrate
8 that the professional development it was providing to its
9 teachers contributed to increased student proficiency in
10 statewide performance levels in math or reading?
11 A. No.
12 Q. Would you please refer to Exhibit 7, at Page 196,
13 which is Allsport's DSP.
14 Under the category "Professional Development," at
15 the end of that paragraph, it states: PD classes were also
16 held to instruct our teachers in the use of our
17 computer-based assessment programs, Study Island and Star
18 Math.
19 Did Allsport provide any information or data, in
20 its DSP or at the site visit, that demonstrated that it was
21 providing instruction to teachers in the assessment tools of
22 Study Island or Star Math?
23 A. It provided an agenda that spoke to Study Island,
24 but not to Star Math.
25 MS. ANDERSON: Your Honor, I move for the admission

1 of Exhibit 14.
2 ADMINISTRATIVE LAW JUDGE: 14, you said?
3 Let me back up.
4 I had flagged that you didn't offer 13, my note
5 shows.
6 We may have just skipped that one previously.
7 If I'm on board here, we were just discussing 14, A
8 and B.
9 MS. ANDERSON: I was just kind of going back
10 because I did forget 13.
11 So I would ask for the admission of 13.
12 ADMINISTRATIVE LAW JUDGE: Okay.
13 And 13 is the classroom observation form
14 information, correct?
15 MS. ANDERSON: Yes.
16 ADMINISTRATIVE LAW JUDGE: Okay.
17 Is there any objection to 13?
18 MS. MONTOYA: No, Your Honor.
19 ADMINISTRATIVE LAW JUDGE: Okay.
20 (Exhibit No. 13 was admitted.)
21 MS. ANDERSON: And, Your Honor, I move for
22 the admission of Exhibit 14, and its Subparts A
23 and B.
24 ADMINISTRATIVE LAW JUDGE: Okay.
25 Any objection to 14, A or B?

1 MS. MONTOYA: No, Your Honor.
2 ADMINISTRATIVE LAW JUDGE: Okay.
3 14, A and B, are then admitted.
4 (Exhibit No. 14, A and B, was admitted.)
5 BY MS. ANDERSON:
6 Q. Could you please refer to Exhibit 10.
7 The second line of that e-mail states: Part of the
8 leadership team meeting will include a discussion of the
9 implementation of the Performance Management Plan submitted
10 by the charter holder as a collective action for the
11 five-year integral review in August of 2010.
12 Is the Performance Management Plan being referenced
13 in this e-mail the Performance Management Plan that is
14 Exhibit 15?
15 A. Yes.
16 Q. What was that discussion?
17 A. We discussed with Moses Montoya, the charter
18 representative, that so many of the things that were
19 mentioned in the Performance Management Plan that was to take
20 place between 2010 and May of 2013 were just starting to
21 be -- just starting to happen, just starting to take place,
22 and just starting to come to fruition.
23 We asked him why.
24 And he stated it was because of the financial
25 situation of the school that was preventing them from getting

1 started to this time.
2 MS. ANDERSON: Your Honor, I have no further
3 questions.
4 THE ARBITRATOR: All right.
5 Ms. Montoya, do you have questions for
6 Ms. Weisberg?
7 MS. MONTOYA: We reserve the right to question
8 afterwards, please.
9 ADMINISTRATIVE LAW JUDGE: Well, let me ask
10 Ms. Anderson, was it your intention to have Ms. Weisberg
11 present throughout the proceedings?
12 MS. ANDERSON: Yes, Your Honor.
13 ADMINISTRATIVE LAW JUDGE: All right.
14 Is there any objection to deferring on the
15 cross-examination?
16 MS. ANDERSON: No, Your Honor.
17 ADMINISTRATIVE LAW JUDGE: All right.
18 Then you're excused for now.
19 Then who will be the next witness for the
20 Board?
21 MS. ANDERSON: The Board calls Andrea Leder.
22 ADMINISTRATIVE LAW JUDGE: All right.
23 Come on up.
24 Let me get you sworn in.
25 Go ahead and sit.

1 ANDREA LEDER,
2 Having been first duly sworn upon her oath by the Notary
3 Public to speak the truth and nothing but the truth, was
4 examined and testified as follows:
5 THE ARBITRATOR: Go ahead and state and spell your
6 name, as a formality, for our record, please.
7 THE WITNESS: Andrea Leder, A-n-d-r-e-a L-e-d-e-r.
8 ADMINISTRATIVE LAW JUDGE: Go ahead.
9
10 EXAMINATION
11 BY MS. ANDERSON:
12 Q. Ms. Leder, where are you currently employed?
13 A. The Arizona State Board for Charter Schools.
14 Q. What is your position there?
15 A. I'm the government and financial services manager.
16 Q. How long have you been employed at the Charter
17 Board?
18 A. Ten years.
19 Q. What are your duties?
20 A. My duties include reviewing the annual financial
21 and compliance audits, and following up with schools on
22 issues identified in those audits.
23 Since August of 2012, I'm also responsible for
24 implementing the Board's financial performance framework and
25 evaluating the charter school's performance framework.

1 Q. Are you familiar with the charter school, Allsport
2 Academy?
3 A. I am.
4 Q. With regard to the Charter Board's financial
5 performance expectations of charter schools that it sponsors,
6 has the Board developed a financial performance framework?
7 A. Yes.
8 Q. What is the financial performance framework?
9 A. It is the mechanism the Board uses to evaluate
10 charter school's near term financial health and longer term
11 financial sustainability.
12 The framework included seven measures, and
13 establishes thresholds for meeting the performance
14 expectations for each specific measure.
15 Q. Why was the financial performance framework
16 developed?
17 A. To communicate the Board's expectations as they
18 relate to financial performances.
19 In June of 2011, the Board adopted its strategic
20 plan.
21 And one of the objectives of the strategic plan is
22 that all charter holders in the Board's portfolio are viable
23 organizations with strong fiscal management practices.
24 Q. When you say all charter holders in its portfolio,
25 are you referring to the charter schools that are sponsored

1 by the Charter Board?
2 A. Yes, I am.
3 Q. How was the financial performance framework
4 developed?
5 A. Staff formed a work group that included auditors,
6 charter representatives, charter school business office
7 personnel, a banker, and a charter school financial services
8 provider.
9 In addition to getting input from the charter
10 community, the National Association of Charter School
11 Authorizers also provided what it perceived to be national
12 standards in this area.
13 Following consideration and approval by the Board
14 subcommittee, the full Board adopted the framework in August
15 of 2012.
16 Q. What is the significance of the financial
17 performance framework to the Board?
18 A. Financial health can affect a charter school's
19 ability to comply and meet the obligations of its charter
20 contract and its obligations under the law.
21 Q. Would you please refer to Exhibit 17.
22 Can you identify this exhibit?
23 A. This is the Board's financial framework and
24 guidance document.
25 Q. This is the financial performance framework that we

1 were just discussing?
2 A. Yes.
3 Q. Is the Board's financial performance framework and
4 guidance document organized in a similar fashion to its
5 academic performance framework in that it has indicators or
6 categories of financial performance, and then measures within
7 those indicators?
8 A. Yes.
9 Q. Is the Board's financial performance framework and
10 guidance document organized in a similar fashion to its
11 academic performance framework document in that it has
12 measures within certain indicators?
13 A. That would be correct.
14 Q. Is the Board's financial performance framework and
15 guidance document organized in a similar fashion to the
16 academic performance framework and guidance document in that
17 it also has performance ratings?
18 A. Yes, it does.
19 Q. And what ratings can a school receive under the
20 Board's financial performance framework?
21 A. It can receive meets standard, does not meet
22 standard, or falls far below standard.
23 Q. When is the financial performance framework and
24 guidance document used by the Board?
25 A. It is used in renewal; five-year interval reviews;

1 expansions of class; and at times when the Board is making
2 decisions related to a charter school's academic performance
3 and/or operational performance, including when it considers
4 whether to restore or revoke the charter of the school.
5 Q. Is a charter holder's financial and performance
6 data compiled into a table?
7 A. Yes.
8 Q. Please refer to Exhibit 16-A, at Page 336.
9 What is contained on that page?
10 A. This page includes the financial performance of
11 Allsport Academy on the Board's financial framework for the
12 past three years.
13 Q. Who created the table and provided the information?
14 A. I did.
15 Q. Why does the table include three years' worth of
16 data?
17 A. The Board has asked that when it considers a
18 school's financial performance that staff include in the
19 report the three years of data so that the most current year
20 of data can be put into context.
21 Q. What do the various colors at the bottom of this
22 particular table mean?
23 A. The red indicates that the charter holder received
24 a falls far below standard rating on a particular measure,
25 yellow would equal does not meet standard, and green would

1 indicate meets standard.
2 Q. What is the source of the financial information in
3 the financial data portion of the document?
4 A. Comes from the annual audits that are conducted by
5 independent CPAs.
6 Q. Are charter schools required by charter law to have
7 an annual financial statement audit conducted?
8 A. Yes.
9 Q. Is that annual audit to be conducted by a certified
10 public accountant?
11 A. Yes.
12 Q. Could you please refer to Exhibit 18.
13 Can you identify Exhibit 18?
14 A. Exhibit 18 includes Allsport's financial statements
15 for fiscal year 2012.
16 Q. Was it the data from Exhibit 18 that was used
17 to -- was that the source of the data for the Allsport's
18 financial table that's contained on Page 336, under the
19 column 2012?
20 A. That's correct.
21 Q. And can you identify Exhibit 19?
22 A. Exhibit 19 are the financial statements for
23 Allsport for the fiscal year 2011.
24 Q. Exhibit 19, is that the source of the data --
25 financial data contained in the Allsport table on Page 336

1 for 2011?
2 A. Yes.
3 Q. Can you identify Exhibit 20?
4 A. Exhibit 20 are the financial statements for
5 Allsport Academy for fiscal year 2010.
6 Q. And is Exhibit 20 the source of the data for the
7 Allsport Academy financial performance table contained on
8 Page 336 for year 2010?
9 A. That's correct.
10 MS. ANDERSON: Your Honor, I move for the admission
11 of Exhibits of 18, 19, and 20 into evidence.
12 ADMINISTRATIVE LAW JUDGE: Is there any objection
13 to 18, 19 or 20.
14 MS. MONTOYA: No, Your Honor.
15 ADMINISTRATIVE LAW JUDGE: All right.
16 18, 19, and 20 are admitted.
17 (Exhibit Nos. 18, 19, and 20 were admitted.)
18 MS. ANDERSON: Your Honor, I'd also move for the
19 admission of Exhibit 17 into evidence.
20 ADMINISTRATIVE LAW JUDGE: All right.
21 Is there any objection to 17?
22 MS. MONTOYA: No, Your Honor.
23 ADMINISTRATIVE LAW JUDGE: All right.
24 17 is admitted.
25 (Exhibit No. 17 was admitted.)

1 BY MS. ANDERSON:
2 Q. Ms. Leder, if we go back to Exhibit 16, on
3 Page 336, Allsport's financial performance table, how is the
4 information found in the financial performance portion, which
5 is the bottom part of the table, how is that information
6 determined?
7 A. It either comes from disclosures found in the
8 audit, or it is based calculations made by staff using
9 information from the audit.
10 Q. For fiscal years 2012, 2011, and 2010, what does
11 the "yes" in the red boxes in the "going concern" row mean?
12 A. It means that in each of those three years,
13 Allsport's financial statements were prepared on a going
14 concern basis.
15 Q. What does it mean to be prepared on a going concern
16 basis?
17 A. "Going concern" is the idea that an organization
18 will continue to engage in its activities for the foreseeable
19 future.
20 Auditing standards require the auditor to evaluate
21 whether substantial doubt exists that the organization will
22 continue to operate for the next year or shorter time period.
23 If the auditor determines that doubt does exist,
24 then the independent auditor's report to the financial
25 statements would include a paragraph explaining that concern.

1 Additional information would also be found in the
2 notes to the financial statements that includes management
3 plans.
4 So if I may go to Exhibit 18?
5 Q. Yes, please.
6 A. Exhibit 18 are the financial statements for
7 Allsport for fiscal year 2012.
8 Page 434 is the independent auditor's report.
9 The last paragraph on this page is that explanatory
10 paragraph that I was referring to.
11 And it begins: The accompanying financial
12 statements have been prepared assuming that the school will
13 continue as a going concern.
14 As discussed in the financial statements, the
15 school has suffered recurring losses from operations, has a
16 working capital deficit, and a deficit in net assets that
17 raises substantial doubt about its ability to continue as a
18 going concern.
19 This paragraph refers to Note 9, which may be found
20 on Page 445.
21 In addition to and including some of the
22 information that was found in the paragraph I just read a
23 portion of, this disclosure also includes management's plan,
24 which may be found in the bullets.
25 Q. When you say "management's plan," is that referring

1 to the school's management main?
2 A. Yes, that would be Allsport's plan.
3 Similar disclosures were also identified in the
4 schools years 2011 and 2010.
5 Q. What is the significance of a falls far below
6 standard rating in the going concern measure to the financial
7 performance of a charter school?
8 A. It indicates that the charter holder may have
9 difficulty meeting its academic obligations and its
10 operational obligations.
11 Q. Would you refer again to Page 336 of Exhibit 16-A.
12 The measure of unrestricted days cash, what does
13 that mean, unrestricted days cash?
14 A. Unrestricted days cash looks at the number of days
15 the charter holder could cover its expenses without another
16 influx of cash.
17 Q. How is unrestricted days cash calculated?
18 A. If we focus on the 2012 column on this page, you
19 start with the school's total expenses.
20 For 2012, the school's total expenses were
21 $667,759.
22 That amount is divided by 365, to come up with a
23 daily expenses amount.
24 You would then look in the section -- the statement
25 of financial position section, and pull the number for

1 unrestricted cash. That number is $33,092.
2 That number is then divided by the daily expenses
3 amount to come up with the unrestricted days cash.
4 If you look at the bottom of the bottom of the
5 page, for Allsport Academy, for fiscal year 2012, it was
6 18.09 days.
7 Q. What does that 18.09 days unrestricted days cash
8 mean?
9 A. It means that it has -- without any additional
10 influx of funds, it has the money available to cover its
11 expenses for a little over 18 days before it would run out of
12 money.
13 Q. What is the significance of a score of falls far
14 below or does not meet standard for the unrestricted days
15 cash measure to the financial performance of a charter
16 school?
17 A. In the event of unforeseen circumstances, such as,
18 unexpected costs or changes to State aid, 30 days cash, which
19 is the meets standard, would provide the school with the
20 flexibility and the ability to meet its obligations, pay its
21 rent, make cable; otherwise, keep the doors open until it
22 received another influx of cash.
23 If the school has less than 15 days of cash, which
24 is the falls far below the threshold, its ability to meet its
25 other obligations could be hampered.

1 Q. The Allsport Academy financial performance table
2 that's on Page 336, at the bottom of the page, in the
3 sustainability indicator, the measure of total liabilities to
4 equity ratio, what is that?
5 A. That measure looks at the extent to which the
6 charter holder is relying on outside funding; such as, loans.
7 Q. Allsport's financial data for all three years in
8 this measure contains parentheses.
9 What do the parentheses mean?
10 A. The parentheses indicate a negative number.
11 Q. What is the significance of a negative number?
12 A. It indicates that Allsport -- a negative ratio or
13 negative number on this ratio indicates that Allsport may not
14 be generating enough cash through its operations to meet its
15 obligations.
16 Q. Assume for a moment that Allsport's staff stated
17 that the reason that they didn't implement their Performance
18 Management Plan was because of limited financial resources,
19 would that statement be supported by Allsport's performance
20 under the Board's financial performance framework?
21 A. Yes, it would.
22 MS. ANDERSON: Your Honor, I have no more questions
23 of this witness.
24 ADMINISTRATIVE LAW JUDGE: All right.
25 Let me ask, Ms. Montoya, do you have questions for

1 Ms. Leder?
2 MS. MONTOYA: Yes, I do.
3 ADMINISTRATIVE LAW JUDGE: All right.
4 Go ahead.
5
6 EXAMINATION
7 BY MS. MONTOYA:
8 Q. Based on Page 331, which shows a graph of Allsport
9 in '09 and 2010, drops down to 2011, and then it starts to
10 improve again; 2012-2013 being its high point, last year.
11 MS. ANDERSON: I'm sorry, Your Honor.
12 I think I lost what page you're on.
13 MS. MONTOYA: 331.
14 MS. ANDERSON: Thank you. I'm sorry.
15 BY MS. MONTOYA:
16 Q. Based on these indicators, Ms. Leder, do you think
17 that had none of this charter information happened this year,
18 do you think we would have been on track -- Allsport would
19 have been on track to just continue that improvement from
20 that 99.878?
21 Just based on your opinion looking at the graph.
22 A. Are you asking me if you guys would have increased
23 your ADM?
24 Q. Yes.
25 A. And you're saying, without the action that was

1 taken by the Board?
2 Q. Right.
3 Would it be possible to assume that it would
4 continue?
5 A. I guess, the graph shows that you have -- excuse
6 me, the school has increased its ADM in the last two years.
7 But prior to that, there was a drop.
8 So I don't know that I can say one way or the other
9 whether it would have continued to grow.
10 But the last two years do show that you had growth
11 in your ADM.
12 Q. Positive growth?
13 A. Yes.
14 Q. If we go back to Page 336, where we follow the
15 negative information, the bottom portion of the financial
16 performance, we show, of course, a continuing going concern,
17 going concern, which you have already outlined in the
18 financial statements.
19 But then we see that in 2010, we show -- for
20 unrestricted days cash, we show 3.35. And in 2011, 7.88.
21 And then in 2012, we have 18.09.
22 So there again, assuming we were on the right
23 track, would we have an improvement in 2013 based on these
24 numbers?
25 A. It's hard to say.

1 It's my understanding, based on the financial
2 statements, that the reason that there was the bump up in the
3 amount of cash was due to borrowing, which a school is
4 allowed to do.
5 But your operations didn't generate the cash.
6 Funds were borrowed to generate that.
7 I don't know if the ability of the school to
8 continue borrowing would have been there, or how your
9 operation did last year, in fiscal year '13.
10 MS. MONTOYA: Okay.
11 I have no further questions.
12 ADMINISTRATIVE LAW JUDGE: Ms. Anderson, do you
13 have any follow-up questions?
14 MS. ANDERSON: No, Your Honor.
15 ADMINISTRATIVE LAW JUDGE: All right. Thank you.
16 Let me ask, Ms. Anderson, other than calling
17 Ms. Montoya, is that then it for the Board?
18 MS. ANDERSON: Yes, Your Honor.
19 ADMINISTRATIVE LAW JUDGE: Okay.
20 And is it your desire to call her now or to wait,
21 perhaps, until the school presents its evidence?
22 MS. ANDERSON: If in fact Ms. Montoya is planning
23 to testify during the school's presentation, I can wait
24 until the school's presentation of its case.
25 ADMINISTRATIVE LAW JUDGE: All right.

1 Let me ask Ms. Montoya, were you planning on
2 testifying?
3 MS. MONTOYA: Yes, sir.
4 ADMINISTRATIVE LAW JUDGE: All right.
5 Here's where we stand, then. And I'll just kind of
6 do our housekeeping to make sure we're all on the same
7 page.
8 Other than your desire to call Ms. Montoya as a
9 witness, that's it for the Board right now, correct?
10 MS. ANDERSON: Yes, Your Honor.
11 ADMINISTRATIVE LAW JUDGE: All right.
12 And then, Ms. Montoya, then, we're going to go to
13 your witnesses.
14 So let me ask, who will be first?
15 Will it be you, or is it Ms. Vigilant?
16 MS. MONTOYA: It will be myself.
17 ADMINISTRATIVE LAW JUDGE: Okay.
18 What I'm going to suggest, we're kind of at
19 a -- perhaps, not the best point. We're right about
20 11:25, I think.
21 Rather than start, though, I think it does make
22 sense just to break for lunch a little bit early. And
23 that way, we don't just barely get going and then
24 interrupt ourselves.
25 So why don't we take -- let me just check and see

1 what the computer time here is.
2 Yeah, 11:25.
3 So why don't we meet back up at 15 minutes to
4 1:00.
5 And at that time, Ms. Montoya, we'll get your
6 testimony, and then we'll go to Ms. Vigilant next, and
7 then any cross-examination, should you want, with the
8 Board's witnesses.
9 So we'll met back up in an hour and 20 minutes, at
10 15 minutes till 1:00.
11 MS. MONTOYA: Thank you, Your Honor.
12 (Noon recess from 11:25 a.m. to 12:45 p.m.)
13 ADMINISTRATIVE LAW JUDGE: All right. We're back
14 from lunch. Ready to move forward.
15 Ms. Montoya is now in the witness chair.
16 And so let me just address, I guess, one bit of
17 housekeeping, Ms. Montoya.
18 Because you called yourself as a witness, of
19 course, we have to get testimony in a narrative form.
20 So I'll just go ahead and have you start on that.
21 One of the downfalls, if you will, of that
22 procedure is that if Ms. Anderson wants to register an
23 objection, she may have to interrupt you to do that.
24 But whenever you're ready, you can go ahead and
25 begin your testimony.

1 MS. MONTOYA: I thought she was going to be asking
2 me questions.
3 ADMINISTRATIVE LAW JUDGE: Well, okay.
4 Ms. Anderson indicated she did want to question
5 you. But, I guess, maybe I misunderstood.
6 I thought you had wanted to provide some of your
7 own testimony as well.
8 If not, we can go straight to Ms. Anderson's
9 questions.
10 THE WITNESS: Yes, let's do that.
11
12 EXAMINATION
13 BY MS. ANDERSON:
14 Q. Would you please state and spell your name for the
15 record.
16 A. Raquel Montoya, R-a-q-u-e-l M-o-n-t-o-y-a.
17 Q. And how long have you been involved in the
18 operation of Allsport Academy Charter School?
19 A. I've been involved in the daily operation since
20 2007.
21 Q. In what capacity?
22 A. I was in the human resources area and in the
23 accounting area.
24 Q. What is your current position with the school?
25 A. Currently, I am doing an educational services,

1 grants management, Federal and State.
2 Q. What do you mean by "educational services"?
3 A. Well, we understood that through the visits that we
4 were getting, we began looking at curriculum changes.
5 So I began doing some research on curriculum, doing
6 some training with ADE on curriculum and Title I services,
7 and that's where my education began in trying to work with
8 our consultants that were providing us some guidance on
9 curriculum.
10 Q. When you said you were doing some training with
11 curriculum, were you conducting the training or receiving the
12 training?
13 A. I was receiving the training.
14 I began going to ADE trainings for Common Core,
15 also for Title I services, targeted and schoolwide.
16 Q. You are also officer and director of the
17 corporation Allsport Academy as well; is that correct?
18 A. I am.
19 Q. Prior to your involvement with Allsport Academy
20 Charter School, you were employed as a mortgage consultant;
21 is that correct?
22 A. That is correct.
23 Q. Your employment history prior to becoming involved
24 at -- generally, prior to becoming involved in Allsport, was
25 financing mortgages; is that correct?

A. That is correct.

Q. You don't have any background in curriculum development; is that correct?

A. I do not.

Q. Do you hold any teaching certifications from Arizona?

A. I do not.

Q. From any State?

A. No.

Q. Would you please refer to the Board's Exhibit 15.

In the summer of 2010, Allsport prepared and submitted this Performance Management Plan to the Charter Board; is that correct?

A. That is correct.

Q. And Allsport was required to submit the Performance Management Plan because of its poor academic performance; is that correct?

A. I thought it was a review of our school because ADE came over to visit our school, and there were AIMS tests that were lost. So they wanted to find out why we had 12 students out of 72 AIMS scores.

And they conducted a three-day evaluation of our curriculum, went through all of the leadership with Mr. Montoya, my husband, and reviewed the teachers that were there at the time.

1 As far as I was concerned, when Ms. Debra Horkin
2 (phonetic), the consultant who helped us write this up, we
3 were supposed to get some feedback from ADE after this was
4 sent.
5 Q. Was the purpose of this Performance Management Plan
6 to identify the steps that Allsport would take to improve its
7 student academic performance on statewide testing?
8 A. I had felt that it was a way for us to identify
9 certain intervention programs, and to set up better
10 performance for our students, yes.
11 Q. Would you please refer to Page 319.
12 PMP reflects that for AIMS 2009 math, 90 percent of
13 the students in Grade 6 did not pass AIMS; is that correct?
14 A. Does that say 70 or 90?
15 In 2009?
16 Q. In 2009, for 6th grade math, you had 70 students
17 that fell far below, right?
18 A. Yes.
19 Q. So they fell far below the standards for the AIMS
20 testing?
21 A. Yes.
22 Q. And then 20 of your 6th grade students for AIMS
23 2009 math approached the AIMS standard?
24 A. Yes.
25 Q. And you had 10 students that exceeded the standard,

1 correct?
2 A. Yes.
3 Q. So of 100 students, 90 students did not pass the
4 2009 AIMS math test, correct?
5 A. Yes.
6 Q. Which would be 90 percent, correct?
7 A. Yes.
8 Q. Performance Management Plan reflects that for AIMS
9 2010 math, for Grade 8, 79 students fell far below the
10 standard for AIMS testing; is that correct?
11 A. Correct.
12 Q. And 14 approached the standard, correct?
13 A. Correct.
14 Q. So if we have 79 plus 14 plus 7 equals 100, and 79
15 plus 14 equals 93, then 93 percent of the students in Grade 8
16 did not pass the 2010 math AIMS; is that correct?
17 A. Yes.
18 Q. The PMP reflects that for AIMS 2009 reading, for
19 6th grade, 100 percent of the 6th graders -- excuse me.
20 60 percent of the 6th graders did not meet the AIMS
21 standards, correct, for reading?
22 A. Yes.
23 Q. And for AIMS 2010 reading for 6th grade, 100
24 percent of the students did not pass the AIMS standards; is
25 that correct?

1 A. That is correct.
2 Q. In fact, at Allsport, for the AIMS 2009 and 2010
3 math and reading, the majority of the students at Allsport
4 did not pass AIMS; isn't that correct?
5 A. That is correct.
6 Q. Would you please refer to Page 320 of this
7 exhibit.
8 A. Okay.
9 Q. The first paragraph in bold print, it states:
10 Based on these findings, the school team shall monitor these
11 areas every two to three weeks using the Study Island
12 assessment software, correct?
13 A. Correct.
14 Q. Was it Allsport's plan, in accordance with this
15 Performance Management Plan, to use Study Island as an
16 assessment tool for students in both math and reading?
17 A. No.
18 Just in reading.
19 Q. Please refer to Page 324.
20 At the bottom of the page, where it states:
21 Timeline.
22 In bold print: Allsport states in its PMP that
23 implementation of the assessment system no later than the end
24 of the first quarter 2010-2011; correct?
25 A. Correct.

1 Q. But the implementation of the Study Island software
2 as an assessment tool did not occur until late 2013, correct?
3 A. The Study Island?
4 Q. Yes.
5 A. That is correct.
6 Q. Would you please refer to Exhibit 16-I.
7 This reflects that the Arizona Department of
8 Education solutions team conducted a visit at Allsport on
9 October 26, 2012, correct?
10 A. Yes.
11 Q. And the Arizona Department of Education's solutions
12 team had also conducted a site visit to Allsport prior to
13 October 26, 2012, correct?
14 A. The site team, no.
15 MS. ANDERSON: Your Honor, I would like to refer to
16 one of the school's exhibits.
17 However, it's a little confusing because they've
18 also used numbers.
19 ADMINISTRATIVE LAW JUDGE: I don't have copies of
20 those exhibits.
21 Thank you.
22 MS. ANDERSON: So I'm not sure whether it's your
23 preference that I use this exhibit and refer to it as
24 School's Exhibit A, or whether I identify it as a Board
25 exhibit.

1 ADMINISTRATIVE LAW JUDGE: I'm going to recommend
2 we continue to use them as the School's exhibits because
3 that's what they are.
4 And we'll just have to, going forward, make sure we
5 identify which -- for example, if it's Exhibit 1,
6 whether it's a Board's No. 1 or the School's.
7 And then that way, although this is a little
8 potential for confusion on our record, I think it helps
9 the parties out who have worked with these exhibits,
10 given the numbering scheme that they've used.
11 We'll go ahead about it that way.
12 BY MS. ANDERSON:
13 Q. If you would, please refer to Allsport's
14 Exhibit 2.
15 ADMINISTRATIVE LAW JUDGE: If you've got an extra
16 copy for the witness. If not, I can let her look at
17 mine.
18 THE WITNESS: It could be that I don't recall it.
19 BY MS. ANDERSON:
20 Q. Exhibit 2.
21 A. Yes.
22 Q. At Addendum 1.
23 A. No, I didn't put it in this one because it was in
24 here.
25 Q. No, I don't have that exhibit in the Board's

1 exhibits.
2 A. You don't?
3 Q. Do you have a copy of School's Exhibit 1, Addendum
4 1?
5 ADMINISTRATIVE LAW JUDGE: School's 2?
6 MS. ANDERSON: I'm sorry.
7 The School's Exhibit 2, at Addendum 1.
8 BY MS. ANDERSON:
9 Q. It reflects that it's an Arizona Department of
10 Education solutions team summary of evidence report; is that
11 correct?
12 A. Dated 3-8 of 2012?
13 Q. Indicates the date of the visit was March 8, 2012
14 and March 9, 2012; correct?
15 A. Yes.
16 Q. Would you please refer to Page 5 of 11 of this
17 exhibit.
18 For an assessment indicator Capital A-1, it states:
19 the LEA has a districtwide assessment system aligned with the
20 Arizona Academic Standards, correct?
21 A. Yes.
22 Q. Over on the right-hand side is the rating for Item
23 A-1, is a zero; is that correct?
24 A. Yes.
25 Q. According to the key above, a zero means no

1 evidence of development or implementation, correct?
2 A. Yes.
3 Q. So in March of 2012, the Department Of Education
4 solutions team found no evidence of development or
5 implementation of a districtwide assessment system aligned
6 with the Arizona Academic Standards, correct?
7 A. Correct.
8 Q. LEA stands for Local Education Agency, correct.
9 A. Yes.
10 Q. In this context, it refers to your school,
11 Allsport, correct?
12 A. Correct.
13 Q. The third comment in the quality indicator
14 assessment box for A-3 -- excuse me.
15 The third comment in the middle evidence box
16 states: All interviews and classroom observations provide
17 evidence that no system of formative and summative assessment
18 is in place, correct?
19 A. Correct.
20 Q. If you would, please refer to 16-I.
21 A. Okay.
22 Q. At Page 392, the fifth bullet down.
23 At its site visit to Allsport on October 26, 2012,
24 the team found interviews and documentations reveal --
25 documentation reveal that the school does not have

1 benchmarking system in place, correct?
2 A. That's what it says.
3 Q. The following bullet, the solutions team, in their
4 report, states: Based on interviews and classroom
5 observations, there's no evidence that teachers use formative
6 assessment data to determine correct level of difficulty for
7 individual or group instruction, correct?
8 A. That's what it says, yes.
9 Q. Would you please refer to Exhibit 15, at Page
10 319 -- the bottom of Page 319 and the top of 320, the
11 Allsport's Performance Management Plan is providing an
12 analysis of some of the specific weaknesses that were
13 reflected in students AIMS reading and math scores; is that
14 correct?
15 A. Yes.
16 Q. For example, on Page 319, the third paragraph
17 states: The 6th grade AIMS shows a relative weakness in
18 strand one of the reading process, which is vocabulary;
19 strand two, comprehending literary text; and strand three,
20 comprehending informational text, specifically expository
21 text; correct?
22 A. Yes.
23 Q. Is the identification of these weaknesses important
24 so that instruction to students can be beefed up in the areas
25 in which the students are weak?

A. Yes.

Q. Is it important then for a charter school's leadership to share AIMS data, the AIMS test results, with its instructional staff?

A. Yes.

Q. Would you please refer to Exhibit 16-I, at Page 392, the fourth bullet down.

The solutions team report from its site visit on October 26, 2012, states: Interviews indicate that teachers have not analyzed students AIMS data, school\leadership has not shared AIMS data with instructional staff, correct?

A. Correct.

Q. Allsport Academy Charter School identifies itself as a sports charter; is that correct?

A. Yes.

Q. Would you please refer to Page 393 of this exhibit, the second bullet on the page.

Solutions team reported, in October of 2012, that physical activity has a major influence on the school's academic schedule, with approximately two hours a day dedicated to P.E.

The majority of students surveyed said they chose to attend the school because of its P.E. sports program.

Students said that they get to play several sports throughout the school day, including basketball, baseball,

1 football, and tennis.
2 Observations, however, show that the school's P.E.
3 sports programs have no structure, are not well organized,
4 and do not teach students life skills, such as, teamwork and
5 sportsmanship; is that correct?
6 A. That's what it says.
7 Q. If you would, please, refer to the Board's
8 Exhibit 15, on Page 324.
9 The Board's Performance Management Plan from the
10 summer of 2010.
11 If you look at the action steps in the middle of
12 the page, Step 4 states: Build a school culture that
13 optimizes a learning environment, correct?
14 A. Yes.
15 Q. And the same step is repeated on multiple pages
16 throughout the PMP; is that correct?
17 A. That is correct.
18 Q. If you please refer to Exhibit 16-I, at Page 388.
19 The second to the last bullet on the page:
20 Solutions team reported, in October of 2012, that interviews
21 and documentation indicate that school/district leadership
22 provides little support in developing frameworks to create
23 and implement a learning community.
24 The leadership staff conducts weekly staff
25 meetings. However, interviews show that meetings are not

1 targeted towards addressing school needs.
2 Is that correct?
3 A. That's what it says.
4 Q. If you would, please, refer to Page 390 of this
5 exhibit.
6 The first bullet of the page. This bullet
7 references that Allsport at that time had two designated
8 start times -- two different designated start times for its
9 students, correct?
10 A. Correct.
11 Q. The last sentence of this bullet states: Evidence
12 shows that the current daily schedule limits instructional
13 time, and is both disruptive for confusing for students and
14 teachers.
15 Correct?
16 A. That's what it says.
17 Q. In the last bullet on this page: The solutions
18 team reported, in October of 2012, the teachers indicate that
19 6th through 8th grade students participate in upwards of two
20 hours of P.E. every day.
21 Students state that they take part in 1 hour and 50
22 minutes of P.E. The daily schedule shows that 8th grade
23 students, in Group 3 specifically, take three periods of
24 P.E., totaling 156 minutes, 2.6 hours, of P.E. each day.
25 Correct?

1 A. That's what it says.
2 But we showed Scott Maxwell the schedule, and that
3 was an incorrect statement. That was not correct.
4 Q. How many hours of P.E. a day were the students
5 participating in in October of 2012?
6 A. The students that were not in intervention could
7 participate up to a little under two hours.
8 Q. The curriculum at Arizona charter schools and
9 district schools has to be based and aligned to the academic
10 standards prescribed by the State Board of Education,
11 correct?
12 A. Yes.
13 Q. This alignment is what drives, in part, the success
14 of students on the AIMS testing, correct?
15 A. Yes.
16 Q. Would you please refer to Exhibit 15, Page 322.
17 A. Okay.
18 Q. Allsport, in the summer of 2010, in its performance
19 management, identified as Step 7 that Allsport will
20 strengthen curriculum alignment to the standards in targeted
21 areas of improvement, correct?
22 A. Yes.
23 Q. This language in this action step is repeated
24 throughout the Performance Management Plan, correct?
25 A. Yes.

1 Q. If you would, please refer to Allsport's Exhibit 2,
2 at Addendum 1.
3 A. Okay.
4 Q. At Page 2 of 11.
5 At the time of the Department Of Education
6 solutions team visit in March of 2012, as indicated in the
7 second comment under evidence box, it states: Teacher and
8 other stakeholder interviews provide no evidence that there
9 is a written core curriculum, or that there are consistent
10 curriculum maps, pacing guidelines, or lesson plans utilized
11 by the teaching staff.
12 Correct?
13 A. Yes.
14 Q. If you refer to the fourth comment, it states: The
15 presentation and interviews provided evidence that the drop
16 in enrollment at the school over the past years has severely
17 limited available funding to purchase instructional programs
18 and materials.
19 Is that correct?
20 A. Yes.
21 Q. If you refer to Exhibit 16-I, at Page 391, in the
22 first bullet on the page: The solutions team reported, in
23 October 2012, that interviews, documentation, and classroom
24 observations reveal that the school does not have a standards
25 based curriculum and does not have a process in place to

1 ensure flexibility within the curriculum to meet the needs of
2 all students.
3 Isn't that correct?
4 A. Yes.
5 Q. If you refer to the second bullet on the same page,
6 the solutions team was reporting, in October of 2012, that
7 there is no evidence that the school's curriculum is
8 articulated across all grade levels and subject areas.
9 Pacing guides and/or curriculum maps are not used at all
10 Allsport Academy.
11 Isn't that correct?
12 A. Yes.
13 Q. If you refer to the fourth bullet on this same
14 page, the solutions team reported, in October of 2012: The
15 school does not have policies and procedures in place to
16 ensure school leadership and instructional teams examine
17 student work for evidence that instruction is aligned to
18 State standards.
19 Isn't that correct?
20 A. That's what it says.
21 Q. If you would, refer back to Allsport's Exhibit 2,
22 at Addendum 1, at Page 3 of 11, the fifth statement in the
23 middle evidence box.
24 At the time of the Arizona Department of Education
25 solutions team visit, on March 8th and 9th, 2012, states:

1 Classroom observations provide no evidence of differentiated
2 instruction in meeting needs of diverse student populations.
3 Correct?
4 A. Yes.
5 Q. If you refer to Exhibit 16-I, on Page 389, the
6 seventh bullet on the page.
7 The Arizona Department of Education solutions team
8 reported, in October of 2012, that evidence indicates that
9 teachers have not examined student data on a consistent basis
10 to identify target populations needing interventions.
11 There is also no evidence to indicate that teachers
12 are aware of the curriculum expectations that were included
13 in the school's improvement plan.
14 Correct?
15 A. Correct.
16 Q. If you refer to Page 390 of this same exhibit, the
17 second to the last bullet on the page.
18 The solutions team reported, in October of 2012,
19 that the school/district leadership and teachers state that
20 the school's English Language Learner, ELL, teacher works
21 with content area teachers throughout the day to expand
22 student supports.
23 Teachers report that paraprofessionals provide
24 additional one-on-one support for struggling students.
25 However, there was no observable evidence for a clear plan

1 for increasing the achievement level of ELL, SPED, and
2 struggling students.
3 Is that correct?
4 A. Yes.
5 Q. If you refer to Page 391 of this exhibit, the sixth
6 bullet down.
7 The Arizona Department of Education solutions team
8 reported, in October of 2012, that the school did not provide
9 evidence that it offers intervention shown to be effective
10 with at-risk students.
11 Interviews reveal that afterschool tutoring is
12 focused on homework completion, not on closing education gaps
13 in student learning.
14 Isn't that correct?
15 A. That's correct.
16 Q. On Page 393 of this exhibit, in the last bullet:
17 Solutions team reported, in October of 2012, that students
18 state that they wish coursework was more challenging.
19 They mention that lessons are too easy and that
20 they are not being pushed to reach their full academic
21 potential.
22 Classroom walk-through confirm this sentiment.
23 Students were not engaged, nor were they completing work at
24 or above grade level.
25 Isn't that correct?

1 A. Yes.
2 Q. If you would, refer to Allsport's Exhibit 2, at
3 Addendum 1, Page 3 of 11, the sixth statement in the evidence
4 box.
5 At the time of the Arizona Department of
6 Education's solutions team visit, in March of 2012, they
7 found that teacher interviews indicate a desire for more
8 frequent and more formal evaluation of instruction and
9 feedback on teacher effectiveness.
10 Correct?
11 A. Yes.
12 Q. If you would, refer to Exhibit 16-I, at Page 388,
13 the sixth bullet on the page.
14 The solutions team reported, in October of 2012,
15 that Allsport Academy does not have a formal process to
16 observe and evaluate teacher effectiveness.
17 Isn't that correct?
18 A. Yes.
19 Q. If you would, please refer to Exhibit 15,
20 Allsport's Performance Management Plan, at Page 322.
21 In its Performance Management Plan that was to
22 begin August of 2010, Allsport identified, in Step 1, that it
23 would focus professional development on the identified
24 targeted areas of improvement and use of literature sets for
25 differentiated instruction.

1 Correct?
2 A. Correct.
3 Q. If you would, please refer to Allsport's Exhibit 2,
4 at Addendum 1, at Page 4 of 11, the sixth statement in the
5 middle evidence box.
6 At the time of the Arizona Department of
7 Education's solutions team visit, in March of 2012, it was
8 found that LEA and site leadership interviews indicate that
9 the assistant director meets with teachers weekly to discuss
10 a variety of topics, but there's no formal professional
11 development plan currently in place.
12 Is that correct?
13 A. Correct.
14 Q. In the statement that follows: The solutions team
15 found all groups interviewed reported that there is no formal
16 system in place to evaluate the effectiveness of the school's
17 professional development program.
18 Is that correct?
19 A. Yes.
20 Q. If you would, refer to Exhibit 16-I, Page 388, the
21 seventh bullet down, third from the bottom.
22 Solutions team reported, in October of 2012, that
23 school/district leadership has not provided instructional
24 staff with appropriate curriculum and instructional
25 materials.

1 School/district leadership has also not provided
2 instructional staff with the professional development
3 necessary to effectively use resources that are available.
4 Isn't that correct?
5 A. Yes.
6 Q. If you would, refer to Page 389 of this same
7 exhibit, the third bullet from the bottom.
8 Solutions team found, at its visit in October of
9 2012, that according to interviews conducted with staff,
10 teachers rarely participate in job embedded professional
11 development to update their content knowledge and/or
12 professional practices.
13 Isn't that correct?
14 A. Yes.
15 MS. ANDERSON: Your Honor, I would move for the
16 admission of the School's Exhibit 2, Addendum 1.
17 ADMINISTRATIVE LAW JUDGE: All right.
18 Let me just, one, see if there is any objection.
19 And two, note that the copy that I received didn't
20 have the addendum. So I'll need a copy of that,
21 assuming there is no objection.
22 MS. MONTOYA: No objection.
23 ADMINISTRATIVE LAW JUDGE: All right.
24 MS. ANDERSON: Your Honor, I do have extra copies
25 of this particular exhibit.

1 ADMINISTRATIVE LAW JUDGE: Okay.
2 Let me make sure that it's just the addendum that
3 you're moving in at this point?
4 MS. ANDERSON: Yes, it's just the Addendum 1, which
5 is the Arizona Department of Education's solutions team
6 summary of evidence report from March 8, 2012, and March
7 9, 2012, that's 11 pages.
8 ADMINISTRATIVE LAW JUDGE: That document then is
9 admitted.
10 (School's Exhibit 2, Addendum 1, was admitted.)
11 ADMINISTRATIVE LAW JUDGE: I'll go ahead and get
12 your copy, Ms. Anderson, and your binder can stay
13 complete.
14 MS. ANDERSON: Thank you.
15 BY MS. ANDERSON:
16 Q. Has Allsport Academy taken any steps to advise the
17 parents of students attending the school that Allsport isn't
18 a school that received an F letter grade?
19 A. Yes.
20 Q. Allsport Academy charter school has not been
21 designated as a performing school since the 2008-2009 school
22 year, has it?
23 A. Correct.
24 Q. But Allsport represents its school on its website
25 as currently being a performing school; isn't that correct?

1 A. The website has not been updated for a bit, yes.
2 Q. So the website is currently showing that Allsport
3 Academy is designated a performing school by the Arizona
4 Department of Education; isn't that correct?
5 A. Yes.
6 MS. ANDERSON: I have no further questions, Your
7 Honor.
8 ADMINISTRATIVE LAW JUDGE: All right.
9 Ms. Montoya, let me ask, do you want to provide any
10 testimony at this point?
11 MS. MONTOYA: Well, I'd just like to mention a
12 couple of things regarding the solutions team report
13 that was provided on October 26 of 2012.
14 We had the report done and visits were made --
15 visits were made by the individuals, and various
16 interviews were held.
17 By the time we got this report, there were some
18 things that I felt needed to be corrected, especially
19 when it came to professional development.
20 We began professional development with our teachers
21 at the beginning of the school year, but we did have a
22 turnover in teachers.
23 So we discussed these changes with Max -- Scott
24 Maxwell.
25 However, they're in print. Once the report was

1 written, there was no way to go back and really correct
2 it.
3 However, we did continue to make changes.
4 And by the time the year ended, Scott Maxwell
5 provided another report that we will submit later on.
6 ADMINISTRATIVE LAW JUDGE: All right.
7 Anything else?
8 MS. MONTOYA: I don't think so.
9 ADMINISTRATIVE LAW JUDGE: Ms. Anderson, any
10 follow-up questions?
11 MS. ANDERSON: No, Your Honor.
12 ADMINISTRATIVE LAW JUDGE: All right. Thank you.
13 Then, you can probably leave those here.
14 You're going to then go for Ms. Vigilant next?
15 MS. MONTOYA: Yes, please.
16 ADMINISTRATIVE LAW JUDGE: All right.
17 Why don't you come on up.
18
19 JOANNE VIGILANT,
20 Having been first duly sworn upon her oath by the Notary
21 Public to speak the truth and nothing but the truth, was
22 examined and testified as follows:
23 ADMINISTRATIVE LAW JUDGE: Go ahead and state and
24 spell your name for our record, and then I'll turn it
25 over to Ms. Montoya.

1 THE WITNESS: Joanne, J-o-a-n-n-e, Vigilant,
2 V-i-g-i-l-a-n-t.
3 ADMINISTRATIVE LAW JUDGE: Okay.
4 Go ahead, Ms. Montoya.
5
6 EXAMINATION
7 BY MS. MONTOYA:
8 Q. Okay.
9 Ms. Vigilant, could you please give us your
10 credentials and background, please.
11 A. I have an associate's in communications. I have a
12 bachelor's degree in education. A master's degree in
13 psychology, and a master's degree in education leadership,
14 and another master's degree in education.
15 Q. And you were hired by Allsport when?
16 A. July 20th, 2012.
17 Q. When you were hired, were you told of the condition
18 that the school was in at that time and what was going on?
19 A. Yes.
20 Q. Can you tell us why you decided to take on the
21 challenge of helping a failing school?
22 A. I felt the school desperately needed help. That's
23 why I took on the challenge. I felt the staff was
24 dedicated.
25 It's been my experience -- I have very extensive

1 experience in working with your population.
2 And I felt that my area of expertise could possibly
3 benefit your school.
4 Q. Were you told about the deficiencies that Allsport
5 had in the curriculum?
6 A. Yes.
7 Q. I believe that in -- you were also shown a progress
8 monitoring report by Scott Maxwell that showed all of the
9 monitoring visits in October and March and in May?
10 A. Yes, I was shown those.
11 Q. As the incoming principal, you were made aware also
12 of the student data?
13 A. Yes.
14 Q. As far as the gaps that we had in the learning?
15 A. Yes.
16 Q. What about the subgroups for SPED, Title I, and ELL
17 students?
18 A. Was I made aware of them?
19 Q. Yes.
20 A. Yes, I was.
21 Q. Now, what was your suggestion at that time for
22 Allsport as far as continuing the curriculum and identifying
23 itself to the public in your profile that you had?
24 A. This question is: What was the purpose of that?
25 Q. Yes.

A. What was the purpose of the school profile?

Q. Yes.

A. The purpose of the school profile was allowing Allsport to identify who and what they are.

Me, as a new person coming in, I felt that Allsport was just about sports.

And looking at your current grade of failing and looking at the lack of curriculum, I felt that anybody looking at Allsport would think it's just a sports school, just about sports.

So I felt a need to identify exactly what we do.

So the school profile was created so that we could be identified and not just associated with the name.

Q. In working on the current school schedule, viewing last year's school schedule and this year school schedule, what were the changes in the P.E. program that you can identify?

A. Just in the P.E. program?

Q. Yes.

A. The P.E. program has been significantly reduced this year from last year -- the P.E. time. I apologize.

Also, the P.E. program, we've also applied some structure so we could also gauge whether students are improving.

We've also accumulated -- I'm sorry.

1 We also utilized the use of journal writing in P.E.
2 so that students can also document their process as they
3 participate in the P.E. program.
4 Q. Okay. Being at the school for these few weeks,
5 what have you discovered about the personalities of the
6 students that attend Allsport?
7 A. When you say "personalities," you mean how they
8 act?
9 Q. Their behaviors. Are there challenges that have
10 been identified or that you can --
11 A. Our students are -- academically, they're very
12 low. We get students that are just learning how to write the
13 alphabet.
14 They're extremely migratory. They don't stay.
15 They'll come, go to Mexico. Come back, go to Mexico. Or
16 they get kicked out of other public schools and we accept
17 them.
18 There is a lot of baggage with our students. Their
19 parents don't view education as a priority.
20 That's about 100 percent of our population.
21 Q. Understanding this, do you think that the kind of
22 baggage that these students come with, do you think that that
23 might be a factor in some of the low testing scores that
24 occur, specifically, in AIMS, year after year?
25 A. I think it could be.

1 I don't think our students are unique to what other
2 public schools or charter schools have. I think we have that
3 everywhere.
4 However, when it's such a huge population of
5 your -- when that number is so high, a huge population of
6 your students, yes.
7 I think there's other contributing factors, but I
8 definitely believe that's one of them.
9 Q. What are some of the -- can you point out two
10 things that might help a student population like ours in
11 correcting student behavior to better have academic growth,
12 academic achievement?
13 A. I do believe having a viable curriculum is an
14 asset.
15 I also believe that having teachers in place that
16 are strong teachers and able to teach our students is
17 extremely important as well.
18 I also believe in having a strong leadership that
19 can guide the school academic program is also essential.
20 Q. Have you had the opportunity to meet or make
21 specific contracts with certain students regarding their
22 academic expectations for the school year?
23 A. Yes.
24 Q. Can you tell us about that.
25 A. If a student comes to us with -- I think I pretty

1 much have a contract with about 30 percent of our students.
2 It's just a contract for them to maintain a certain
3 GPA, grade point average, and also attendance. A lot of our
4 students don't come to school.
5 And I also require that the parents come in and
6 sign as well.
7 Q. So it's a joint?
8 A. Absolutely.
9 Q. This is before any of the other intervention
10 programs take place, regular programs, such as, the Title I
11 or the daily Title I intervention programs?
12 A. It depends.
13 If the student that I'm making a contrat with
14 qualifies, yes, that will also be included, mandatory
15 attendance, to the agreed to intervention program, or
16 Saturday school is also required as part of the contract, if
17 that student qualifies for that, which a majority of them do.
18 MS. MONTOYA: Thank you.
19 I have no more questions.
20 THE ARBITRATOR: Ms. Anderson.
21 MS. ANDERSON: Thank you, Your Honor.
22
23 EXAMINATION
24 BY MS. ANDERSON:
25 Q. Ms. Vigilant, you were hired on July 25th, 2012.

1 A. Yes.
2 Q. You were hired at the school for the last school
3 year?
4 A. I apologize.
5 2013.
6 Q. When you were talking about developing --
7 identifying a school profile, you said in addition to their
8 current F and their lack of curriculum, correct?
9 A. Yes, ma'am.
10 Q. You identified a lack of curriculum at Allsport
11 Academy; is that correct?
12 A. Yes, ma'am.
13 A lack of viable curriculum, yes.
14 Q. You also testified that the students that you
15 described, academically very low, migratory, kicked out of
16 other public schools, that these student backgrounds are not
17 unique only to Allsport Academy Charter School, correct?
18 A. That is correct.
19 MS. ANDERSON: I have no further questions.
20 ADMINISTRATIVE LAW JUDGE: Ms. Montoya, any
21 follow-up questions?
22 MS. MONTOYA: No, sir.
23 ADMINISTRATIVE LAW JUDGE: All right. Thank you.
24 Let me then see, Ms. Montoya, is there any other
25 evidence that you would like to present?

1 MS. MONTOYA: Sir, we have some letters, Your
2 Honor, testimonials, or affidavits from parents that are
3 in the binders there.
4 Because we are -- we handle so many challenging
5 students, we have provided a few letters of parents that
6 we have assisted with their student's behaviors over
7 time.
8 I wanted to go ahead and have those submitted as
9 evidence.
10 ADMINISTRATIVE LAW JUDGE: All right.
11 Which exhibits then -- we'll go through them one at
12 a time.
13 Why don't you call out the numbers one at a time,
14 and we will then see if Ms. Anderson has any objection
15 to each one.
16 MS. MONTOYA: The first one is going to be 14.
17 ADMINISTRATIVE LAW JUDGE: All right.
18 I'm looking at Allsport Exhibit 14.
19 What jumps out about this letter to me is it's not
20 in English.
21 MS. MONTOYA: It's not in English.
22 I didn't know whether to provide the translation or
23 whether the court handled that for legal purposes.
24 ADMINISTRATIVE LAW JUDGE: No, I can't.
25 What I can only do is, if we need an interpreter

1 for testimonial purposes, we can, of course, accommodate
2 that, but not for written documentation.
3 Let me ask, do you have a translated copy of
4 Allsport 14?
5 MS. MONTOYA: No.
6 ADMINISTRATIVE LAW JUDGE: Then let me -- then why
7 don't we skip that one then, and we'll go to the next
8 and come back to 14.
9 MS. ANDERSON: Your Honor, I apologize for
10 interrupting, but my notebook does not have an
11 affidavit.
12 It indicates a spot for parent testimony affidavit,
13 but there is no actual written item.
14 ADMINISTRATIVE LAW JUDGE: Let me just verify,
15 Ms. Anderson, does that appear to be the only one
16 missing or, perhaps, the whole tail end of the book?
17 MS. ANDERSON: No.
18 It looks like --
19 MS. MONTOYA: Do you have Halverson?
20 MS. ANDERSON: The one for Halverson, I do not have
21 that.
22 ADMINISTRATIVE LAW JUDGE: That's going to be 16,
23 correct?
24 MS. ANDERSON: Those are the two that I don't have.
25 ADMINISTRATIVE LAW JUDGE: All right.

1 So no. 15 then is by a Mr. and Ms. Barren,
2 correct?
3 MS. MONTOYA: Yes.
4 ADMINISTRATIVE LAW JUDGE: All right.
5 And then I'm just actually going to kind of do them
6 in a little bit more of a bulk fashion.
7 16 is by Ms. Edith Halverson, and then 17 by
8 Ms. Cecilia Derks.
9 With regard to Allsport's 14, 15 -- 14, I was going
10 to skip.
11 So 15, 16, and 17, affidavits from parents,
12 Ms. Anderson, do you have any objection to those
13 documents?
14 MS. ANDERSON: Your Honor, having these does
15 not provide the Board with the opportunity for
16 cross-examination, but I would not object on the basis
17 that that be taken into consideration with regard to the
18 weight of the evidence.
19 ADMINISTRATIVE LAW JUDGE: All right.
20 15, 16, and 17 are admitted then.
21 Understanding, as Ms. Anderson said, she can't
22 question the folks who wrote them, so I will have to
23 take that into account when I weigh the evidence.
24 (School's Exhibit Nos. 15, 16, and 17 were
25 admitted.)

1 ADMINISTRATIVE LAW JUDGE: Let me see which other
2 documents, if any, then, Ms. Montoya you wanted to offer
3 into evidence.
4 MS. MONTOYA: I didn't have it listed here, but I
5 also wanted to offer the syllabus by the U of A
6 professor conducting the class on adolescent personal
7 and social responsibility through physical activity.
8 ADMINISTRATIVE LAW JUDGE: Okay.
9 And that was the document you asked about
10 referencing in your opening statement, correct?
11 MS. MONTOYA: Yes.
12 ADMINISTRATIVE LAW JUDGE: Do you have copies, one
13 for me and one for Ms. Anderson?
14 MS. MONTOYA: Yes.
15 ADMINISTRATIVE LAW JUDGE: What I'm going to do is
16 two things.
17 One, I'm going to mark it as AS-18. That looks
18 like the next highest number.
19 Then I'm going to give Ms. Anderson a few moments
20 to look through it.
21 MS. MONTOYA: Okay, I --
22 ADMINISTRATIVE LAW JUDGE: Hang on a second. We
23 need to let Ms. Anderson have a chance to look at
24 No. 18.
25 MS. ANDERSON: Your Honor, I would object to the

1 admission of Exhibit 18.
2 Exhibit 18 reflects that it is a course description
3 of a class for undergraduate students at the University
4 of Arizona.
5 It's not relevant to the issues for today's
6 hearing.
7 ADMINISTRATIVE LAW JUDGE: All right.
8 Let me see, Ms. Montoya, if you want to respond to
9 the objection.
10 MS. MONTOYA: I wanted to submit it to Your Honor
11 only as an evidence of partnership that we have with the
12 U of A as far as their continued study in behaviors of
13 students with our special needs, needing high activity.
14 So this has been a question that has been going on
15 quite a while. It's not just in Arizona; it's national.
16 So I wanted to just show what is happening
17 currently with the U of A, and our partnership with
18 them.
19 ADMINISTRATIVE LAW JUDGE: All right.
20 With the additional information provided,
21 Ms. Anderson, does that resolve your objection, or do
22 you want to add further comment?
23 MS. ANDERSON: I would just renew the objection
24 with regard to its relevance to the issues to today's
25 hearing.

1 ADMINISTRATIVE LAW JUDGE: All right.
2 What I'm going to do is, I'm going to accept 18 in,
3 understanding there is the objection, but only for the
4 purposes for which you've just outlined or stated there,
5 Ms. Montoya, for the very limited purpose, not for
6 really the substance of the document.
7 But this way, if the Board, when reviewing my work,
8 wants to see it, they'll have an understanding that it's
9 for the limited purpose you just provided to show that
10 partnership.
11 (School's Exhibit 18 was admitted.)
12 ADMINISTRATIVE LAW JUDGE: So then, let's see then,
13 is there any other evidence from Allsport?
14 MS. MONTOYA: Yes.
15 There was another report written by Arizona
16 Department of Education in the progress monitoring.
17 That was dated -- I believe it was May 9th of 2013.
18 And this report was not available to the Board when
19 they made their decision.
20 ADMINISTRATIVE LAW JUDGE: Is that Allsport
21 Exhibit 10?
22 MS. MONTOYA: Yes, it is.
23 ADMINISTRATIVE LAW JUDGE: Okay.
24 And you made reference, I think, in your limited
25 testimony you gave, responding to some of the questions

1 Ms. Anderson had asked.
2 Let me ask you, then, Ms. Montoya, do you want to
3 provide any additional testimony about Allsport Exhibit
4 10 before I see if there is any objection to it?
5 MS. MONTOYA: Yes, I would.
6 Do you have a copy of that, Ms. Anderson?
7 MS. ANDERSON: I'm trying to determine whether that
8 is any different from the Board's Exhibit 16-J.
9 MS. MONTOYA: The one you have is dated March 7th.
10 That was the midyear.
11 MS. ANDERSON: I see the difference.
12 ADMINISTRATIVE LAW JUDGE: Okay. So they are two
13 different documents, correct?
14 MS. MONTOYA: Yes.
15 ADMINISTRATIVE LAW JUDGE: Okay.
16 Then go ahead. With regard to testimony about
17 Allsport No. 10, go ahead, Ms. Montoya.
18 MS. MONTOYA: I think that in this report, it
19 summarizes the many steps that Allsport has taken over
20 the past year and prior to.
21 I think that not documented in the previous PMP was
22 the fact that we started intervention programs at our
23 school, we hired a consultant to handle these
24 intervention programs.
25 However, because of our school designation being 5

1 through 9, we discovered at the beginning of the
2 following year, or that is to say 12-13, that our
3 intervention program was disallowed because our teachers
4 that were highly qualified, for instance, in secondary
5 education were not necessarily qualified in elementary
6 for the 5th grade that we were covering; or, the other
7 hand being, if a teacher was content qualified for
8 elementary, they could teach up to 8th grade, but not
9 into 9th grade.
10 So there was a real discrepancy in what we were
11 trying to achieve. The intervention programs were
12 occurring and as we were trying to formulate and
13 structure a little bit better; however, it was
14 disallowed.
15 When we started 2012-2013, we began the year with
16 our benchmarking, and those are the reports that were
17 reviewed by the Charter Board.
18 However, I find it a little bit disconcerting
19 because we had three different types of visits.
20 We had the school improvement team visiting us,
21 where we were outlining school improvement for the
22 State, we were outlining school improvement for the
23 Federal government, and part of it was through Elite,
24 part of it was through Arizona Star.
25 In any case, ADE has a monitoring program in Cycle

1 4. So they come in to a school during its fourth year,
2 Cycle 4, and they review all the documentation, all the
3 programs.
4 And Joan Curtis, from Title I, and I think it was
5 Bobby Orlando -- two of the individuals came in and
6 actually reviewed the lesson plans in both the language
7 arts and math, but specifically they went in and talked
8 to our language arts teach and how she formulated the
9 intervention program in her lessons.
10 So our schedule was revised so that our students
11 were receiving intervention by the teacher during the
12 classroom hour.
13 At the same time, we would conduct what is called a
14 pull-up program.
15 So individuals that were having challenges or they
16 were in our bottom core title were pulled from our P.E.
17 program, brought back into the classroom, whether it was
18 language arts or math, so that they could have
19 additional instruction.
20 What happens here with the solutions team's review,
21 if you review the progress that was made, as Scott
22 Maxwell identifies, bottom line is he saw progress with
23 our school.
24 He saw that we were doing what we needed to do for
25 us to continue our student achievement -- or,

1 identifying those achievement gaps.
2 Joan Curtis also came in, as I said, and reviewed
3 those items.
4 So I'm a little -- I understand that there is
5 discrepancy with our curriculum. If you don't mind, I'd
6 like to also address this at this point.
7 When Allsport was begun in 2001, the founder used
8 Tucson Unified School District's curriculum. We copied
9 their curriculum.
10 We did not use their maps, we did not use their
11 pacing guides, because once we were working with the
12 students, their needs were greater, so we had to do a
13 lot of review.
14 As we tried to incorporate common core with the
15 curriculum, things got very hazy, and we were trying to
16 get consultants to assist us with the curriculum while
17 we were, at that point, trying to do research to
18 actually develop our own school curriculum.
19 After much research and frustration over the
20 various consultants that we had hired, we received a
21 wonderful presentation from a Vale school district that
22 has Beyond Textbooks.
23 Their curriculum is a complete comprehensive
24 curriculum, and they offered it to our school.
25 Also identifying the fact that when Vale first

began their Beyond Textbooks curriculum, they were in the bottom of -- I guess, the very, very bottom of the Arizona standards.

When they developed this curriculum, they were able to, over a matter of a few years, not only acquire student achievement but it just climbed so that it is one of the top districts.

They have various partners throughout the State. And listed in this website that I also might want to add to the exhibits is that we have partnered with Beyond Textbooks so that we adopt their curriculum.

We just felt that it was just too much trying to develop and trying to hire individuals to help us develop a physical curriculum.

And once we saw their presentation, it was presented to the Board, the advisory Board, and our site committee.

Our site committee was developed at the beginning of the year to help with the monitoring process, and it was unanimously approved by all, the site team, the advisory board, and the governing board.

So that was our hope, that we would continue with Beyond Textbooks and be able to -- as this last report mentions, the highlight of this report is that we hire a principal to address leadership continually, to help

1 with the teacher coaching and monitoring, and that we
2 establish a curriculum.
3 And I believe, Your Honor, that we have
4 accomplished that. We're doing this now.
5 ADMINISTRATIVE LAW JUDGE: Before I see about
6 Exhibit 10, let me ask, is there any other testimony
7 you'd like to offer?
8 MS. MONTOYA: No, sir.
9 ADMINISTRATIVE LAW JUDGE: All right.
10 Ms. Anderson, is this any objection to AS Exhibit 10, or
11 Allsport Exhibit 10, the report from Department of
12 Education, and I'll call it the second report.
13 MS. ANDERSON: No, Your Honor.
14 ADMINISTRATIVE LAW JUDGE: All right.
15 So AS 10 is admitted.
16 (School's Exhibit 10 was admitted.)
17 ADMINISTRATIVE LAW JUDGE: Let me see,
18 Ms. Anderson, if you would like to ask further questions
19 of Ms. Montoya about the testimony she's just provided?
20 MS. ANDERSON: Yes, Your Honor.
21 ADMINISTRATIVE LAW JUDGE: All right.
22
23 FURTHER EXAMINATION
24 BY MS. ANDERSON:
25 Q. Ms. Montoya, when was it that Allsport was looking

1 at the curriculum from Vale?
2 A. We began looking at that in April.
3 Q. In April of 2013?
4 A. Yes.
5 May I just review a little bit also on the
6 curriculum?
7 Q. No. You've answered my question. Thank you.
8 MS. ANDERSON: I have no other questions, Your
9 Honor.
10 THE ARBITRATOR: All right.
11 Ms. Montoya, is this anything else you'd like to
12 add at this point?
13 MS. MONTOYA: Did I mention the partnership with
14 Beyond Textbooks and their website?
15 ADMINISTRATIVE LAW JUDGE: You did mention the
16 partnership, yes.
17 MS. MONTOYA: I didn't make a copy for everybody.
18 ADMINISTRATIVE LAW JUDGE: Well, I can't take
19 exhibits if don't have copies for every other party.
20 Is there any other evidence you would like to
21 present?
22 MS. MONTOYA: No, sir.
23 ADMINISTRATIVE LAW JUDGE: All right.
24 What I want to verify to make sure we're clear, and
25 my question may not have been as clear as it should have

1 been, you've deferred on cross-examining the Board's
2 witnesses.
3 So do you have any desire to cross-examine any of
4 the witnesses that the Board has presented today?
5 MS. MONTOYA: Yes.
6 I would like to ask Martha Morgan.
7 THE ARBITRATOR: All right.
8 Come on up, Ms. Morgan.
9 ADMINISTRATIVE LAW JUDGE: Whenever you're ready,
10 Ms. Montoya.
11
12 EXAMINATION
13 BY MS. MONTOYA:
14 Q. Ms. Morgan, when you were at all Allsport Academy
15 and you reviewed all the documentation that you had with the
16 other two parties in the office, do you recall your
17 summarizing statement that you made at the end of the day?
18 A. No, I don't suppose I do.
19 Q. You reviewed the documents for professional
20 development, and we explained that there was a list of
21 professional development schedule, but we amended it
22 according to the needs of our staff.
23 And copies were made of all of those, or some of
24 them, the professional development meetings that were held.
25 Can you tell me what you consider a professional

1 development meeting, professional development seminar or
2 training?
3 A. Well, typically, professional development is for
4 improving the skills and knowledge of the teacher so that it
5 eventually impacts their performance in the classroom.
6 I do distinguish between a training, a meeting, and
7 professional development.
8 Q. Have you attended any of the trainings by the
9 solutions team where they address leadership and how to
10 provide professional development to their schools for their
11 staff?
12 A. No, I have not.
13 Q. When you were at the meeting and you were shown the
14 TUSD curriculum and you were told about the -- about the
15 plans for the summer in trying to develop a curriculum, did
16 you assume that there was no curriculum whatsoever at that
17 point at Allsport?
18 A. The Demonstration of Sufficient Progress said that
19 there wasn't, and that you were collecting lesson plans to
20 build a curriculum.
21 Q. And when was this supposed to occur?
22 Do you remember the statement that was said about
23 when we were developing the curriculum or finalizing the
24 curriculum, when it was going to take place?
25 A. When we were on-site for the visit, you said that

1 you abandoned the plan to compile the lesson plans to build a
2 curriculum, and that you were looking -- at that point in
3 time, you were looking at TUSD's curriculum as well as Vale's
4 Beyond Textbook curriculum, which I believe you pay a fee to
5 use; is that correct?
6 Q. That is correct.
7 Once you had reviewed all the documentations, you
8 made a statement. May I quote you on that?
9 And then you can let me know if you remember that
10 or not.
11 A. You may say it, yes.
12 Q. When you were done with the meeting, you said to
13 Mr. Montoya: It looks like you have been following your PMP
14 and you need a little bit of money.
15 Do you recall that statement?
16 A. I don't recall that specifically.
17 What I do remember was there were a lot of things
18 mentioned in the Demonstration of Sufficient Progress that
19 you were just starting to do that had initially been
20 identified three years prior, in the Performance Management
21 Plan.
22 I did ask the question: Is there a reason why
23 these activities that you've identified in the Performance
24 Management Plan are not implemented?
25 His response was: Lack of resources.

1 So three years later, when the Performance
2 Management Plan was intended to be completed, it appeared as
3 though you were just starting it, and mentioning that in the
4 Demonstration of Sufficient Progress.
5 Q. When Allsport Academy was informed at the beginning
6 of the school year, August 2012, that it was categorized as a
7 priority school, did you have communication from the
8 Department Of Education where they were indicating to you
9 what year progress we were in, or the monitoring stage that
10 we were in?
11 A. For a priority school?
12 Q. At the beginning of the school year, August 2012.
13 A. Allsport was identified as a priority school, yes.
14 Q. Did they tell you what year in that format Allsport
15 was going to be identified in?
16 A. Not that I recall, no.
17 Q. Because, usually, when a school improvement team
18 really takes on the job of helping a school, what is
19 typically the years or time frame for them?
20 A. I don't work in the department with school
21 improvement, so I'm not sure what their specific plans are.
22 Q. Okay.
23 MS. MONTOYA: I have no other questions.
24 ADMINISTRATIVE LAW JUDGE: Ms. Anderson, any
25 follow-up questions?

1 MS. ANDERSON: Yes, Your Honor.
2
3 FURTHER EXAMINATION
4 BY MS. ANDERSON:
5 Q. What is the status of Allsport's receipt of Federal
6 grant funds under the Title I program?
7 A. According to grants management, they're on
8 problematic hold.
9 Q. Does that mean they're not receiving the grant
10 funds at this time?
11 A. Yes.
12 Q. Why were they placed, do you know, on problematic
13 hold?
14 A. They're a high risk, LEA.
15 Q. The Department Of Education has categorized them as
16 high risk?
17 A. Yes.
18 MS. ANDERSON: No further questions.
19 THE ARBITRATOR: Let me just verify.
20 The Federal Department of Education as opposed to
21 Arizona Department --
22 THE WITNESS: I'm sorry.
23 Arizona Department of Education.
24 ADMINISTRATIVE LAW JUDGE: Okay. ADE.
25 Okay, thank you.

1 If you want to follow-up, Ms. Anderson, you're
2 welcome to.
3 MS. ANDERSON: No, thank you.
4 THE ARBITRATOR: All right.
5 Ms. Montoya, do you have additional questions for
6 Ms. Morgan?
7 MS. MONTOYA: Pardon me a minute. Let me check
8 something.
9 No more questions, Your Honor.
10 ADMINISTRATIVE LAW JUDGE: All right. Thank you.
11 Let me go back to you, Ms. Montoya, and see if you
12 want to cross-examine any of the other Department
13 witnesses?
14 MS. MONTOYA: No, sir.
15 ADMINISTRATIVE LAW JUDGE: Okay. Let me turn to
16 you, Ms. Anderson, and see, is there any other evidence
17 from the Board?
18 MS. ANDERSON: No, Your Honor.
19 ADMINISTRATIVE LAW JUDGE: So this will be your
20 last chance, Ms. Montoya.
21 Is this any other evidence from the School?
22 MS. MONTOYA: No, sir.
23 ADMINISTRATIVE LAW JUDGE: All right.
24 Here's where we stand.
25 I didn't ever actually deal with Exhibit 14. I'm

1 going to deny admission of that exhibit.
2 We have affidavits from other parents, and we need
3 to keep constrained to get our evidence on record
4 today.
5 So understanding we have the other affidavits, that
6 one will not be admitted.
7 There's two choices in how we can go forward.
8 Each party is entitled to make an argument in
9 closing. It's not an opportunity to present new
10 evidence, but to sum up your basic positions.
11 We can either do that orally here today, or it can
12 be done in writing if there is a preference to go that
13 route.
14 Let me ask, does either party have a preference?
15 MS. ANDERSON: Your Honor, it would be the Board's
16 preference to submit that in writing.
17 ADMINISTRATIVE LAW JUDGE: Submit it in writing,
18 okay.
19 Ms. Montoya, does that meet with your desires as
20 well?
21 MS. MONTOYA: Yes, sir.
22 ADMINISTRATIVE LAW JUDGE: Okay. What we need to
23 do is just kind of get our scheduling down.
24 It makes sense to me to set the deadline far enough
25 out to accomplish a couple of things.

1 One, it's always helpful to have the transcript in
2 preparing those, of course.
3 Our recording -- I've recorded the procedure as
4 we've gone forward. That will be posted through our
5 website, almost certainly, tomorrow, but it's a little
6 more cumbersome than using a transcript.
7 So the things to accomplish would be to make sure
8 that we allow enough time for folks to get copies of the
9 transcript, and then time after that to prepare their
10 written materials.
11 So typically -- and I'll see, Ms. Anderson, if this
12 meets what you believe is going to happen here.
13 We typically get the transcripts in 10 or 15
14 business days. I think, 10 business days. So that
15 stretches out, normally, to two weeks by the time you
16 add the weekends.
17 So would it make sense then to set something like
18 30 to 45 days out for the closings, allowing a total of
19 15 days for the transcript and then additional time to
20 put the written materials together?
21 MS. ANDERSON: Your Honor, I agree with the time
22 that you've built in for the transcript, and the court
23 reporter nodded her head that that was sufficient as
24 well.
25 I think that it's the Board's position that the 30

1 to 45 days past that date can be shortened.
2 ADMINISTRATIVE LAW JUDGE: I'm sorry. I was
3 talking all inclusive. So that may be 30 to 45 days
4 total.
5 MS. ANDERSON: The Board would prefer to utilize
6 closer to 30 days total.
7 ADMINISTRATIVE LAW JUDGE: 30 days total, all
8 right.
9 Does that meet with your approval, Ms. Montoya?
10 MS. MONTOYA: Yes, Your Honor.
11 ADMINISTRATIVE LAW JUDGE: 30 days, all right. 30
12 days, we'll call it then.
13 And I always -- I'll issue an order confirming
14 this. I didn't bring my calendar in, sorry to say. I
15 don't think we'll run into a weekend or anything like
16 that.
17 The one potential I'll let you know is that the
18 State still has a holiday on Columbus Day. I think
19 we'll also be clear of that. But I may tinker with it,
20 32 or 33 days, if we do hit a weekend.
21 But I'll issue an order confirming that filing
22 deadline. You're not required to file, but you need to
23 be welcome to.
24 Once those are in hand, if you will, the next day,
25 the record will close, and then I'll have 20 days to

1 review the evidence and the arguments made, and I'll
2 produce my written decision within that 20-day time
3 frame.
4 That will then go over to the Board. And they'll
5 get the matter scheduled up for one of their meetings.
6 And the exact date of that is a little bit unknown
7 also because it depends on when my decision is
8 released.
9 If it's a day before a meeting, typically, that's
10 not enough time to give people notice, and it gets
11 bumped to the next meeting. So there is a little
12 uncertainty there.
13 This is where we stand, then. I'll issue an order
14 setting the deadline of 30 days for written closing
15 argument.
16 No new evidence can be taken, but only reference to
17 the existing evidence.
18 Parties can write as much or as little as they
19 would like, just understanding it's only me that's going
20 to be reviewing it.
21 Then the day after that deadline, the record will
22 close, and my 20 days to produce a written decision with
23 findings of fact conclusions of law and a recommendation
24 will be issued, and that will go to the Board.
25 With that in mind, let me ask, are there any

1 questions about the procedure from here on out, or any
2 questions about where we stand?
3 MS. ANDERSON: I have a question, Your Honor.
4 With clarification with regard to the 30 days that
5 we're talking about.
6 Are we talking calendar days or business days?
7 ADMINISTRATIVE LAW JUDGE: Calendar days.
8 MS. ANDERSON: Thank you, Your Honor.
9 ADMINISTRATIVE LAW JUDGE: Today is September 3rd.
10 In theory, it would be October 4th, not counting today,
11 starting the days running tomorrow. So weekends would
12 be included in that.
13 Again, I'll put a firm date in the order, which I
14 assume will be October 4th, pending looking at a
15 calendar and seeing, for some reason, that -- Columbus
16 Day, I think, we take the Monday, which would be the
17 11th this year, so we should be set for that October 4.
18 MS. ANDERSON: Thank you, Your Honor. That was the
19 only clarification I needed.
20 ADMINISTRATIVE LAW JUDGE: Is there anything else?
21 MS. MONTOYA: No, Your Honor.
22 THE ARBITRATOR: All right.
23 Thank you all for your time.
24 I'll remind everybody who's present about the
25 evaluation forms. Again, that's a voluntary process,

1 but our director does appreciate it if any or all of you
2 would like to give him feedback on how we're doing.
3 The other thing I'll let each of you know is I've
4 got one set of all the exhibits. That's all I need.
5 So I'll recommend you go ahead and take each of
6 your respective binders you were using for the witnesses
7 because I'd just put those in the recycle if I took
8 them.
9 With that, thank you all for your time.
10 MS. MONTOYA: Thank you.
11 MS. ANDERSON: Thank you.
12 (Hearing was concluded at 2:17 p.m.)
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STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing hearing was taken before me, DEBORAH J. BOYETTE, Registered Professional Reporter, Certificate No. 50507, State of Arizona; that the witnesses before testifying was duly sworn by me to testify to the whole truth; that the questions propounded to the witnesses and answers of the witnesses thereto were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 194 pages constitute a true and accurate transcript of all proceedings had upon the taking of said hearing, all done to the best of my skill and ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome thereof.

DATED at Phoenix, Arizona, this 11th day of September, 2013.

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Deborah J. Boyette, RPR
Certified Reporter
Certificate No. 50507