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STATE OF ARIZONA
OFFICE OF ADMINISTRATIVE HEARINGS
HONORABLE JUDGE SONDRA J. VANELLA

In the matter of: ARIZONA STATE BOARD FOR CHARTER SCHOOLS (Board)	No. 13F-AP-001-BCS JOHN HANCOCK ACADEMY INC. (Applicant) **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

John Hancock Academy, hereinafter referred to as "JHA", in response to the request of Honorable Judge Sondra J. Vanella presents these **Findings of Facts and Conclusions of Law** and hopes this satisfies her request.

Reed Gaddie being the authorized representative of JHA has prepared this document to the best of his understanding of presenting the findings of facts and conclusions of law considering JHA was granted an informal hearing.

WHEREAS, a Hearing was held before Honorable Judge Sondra J. Vanella at the

Arizona Office of Administrative Hearings on May 7, 2013, regarding JHA's appeal of a decision on February 11, 2013 made by the Arizona State Board for Charter Schools, hereinafter referred to as "Board" in their denial of the charter application submitted by JHA.

INTRODUCTION AND PURPOSE OF JOHN HANCOCK ACADEMY

1. **One fact which is unique about Delite Gaddie and her husband Ernest Gaddie** is that they have been providing high quality academic education experience for thousands of families in Arizona since 1970 when Delite Gaddie and her husband opened a high quality private school in Mesa, Arizona, named John Hancock Academy. (Testimony of Reed Gaddie) Over the last 35 years, Delite Gaddie and her husband have provided a quality education for approximately 20,000 students (BCS250). (Exhibit 3 pages 3.10-3.12)

2. Delite Gaddie and her husband are the founders and operators of one of the highest scoring and highest academic improvement achieving "A" "Excelling" rated charter schools in the State of Arizona for the past 12 years named Happy Valley School. (Exhibit B page BCS010) (Exhibit K7 page 249)

3. Delite Gaddie played a key role in the financing, real estate acquisition, start-up, business management, school governance and/or operation of Sequoia, (1996 approximately 1200 students) (JHA Exhibit 3 page 3.5 and cover photo) Noah Webster (1997- approximately 1200 students)(BCS255) (JHA Exhibit 3 pages 3.5, 3.8, and 3.9) Burke Basic School (1999 - approximately 850 students) (JHA Exhibit 3page 3.6) and Happy Valley School (2000 approximately 750 students) (JHA Exhibit 3 page 3.10-3.12)

Presently there are approximately 2,700 students attending charter schools operated by Delite Gaddie and members of her family.

CHRONOLOGICAL SEQUENCE OF FACTS/EVENTS

4. **April 27, 2012, Delite Gaddie herself alone did, in fact, file and incorporate John Hancock Academy Inc. (JHA) as President of John Hancock Academy's Board of Directors. (JHA)** (Exhibit L2 page BCS243-248) This fact technically and legally makes her the original **sole founder** of John Hancock Academy Inc. **and the primary or key applicant.** (Board Stipulations of fact page 1 line 21 and page 2 lines 1 and 2) A second manifestation of Delite Gaddie being the original sole founder is the fact that the name John Hancock Academy was the name of Delite Gaddie's private school which she opened with her husband Ernest Gaddie in 1970. (JHA Exhibit 3 page 3.3)

[Analysis, Comments and Conclusions of Law: JHA complied with Title 7 Article2 Rule 7-5-201,202 "applicant will be an individual,, corporation..." Thus John Hancock Academy finds that evidence has established that Delite Gaddie is the original sole founder and the Board verified they knew this fact in their stipulations of fact Page 2 - Cross ref Exhibit D pages BCS006-BCS016 illustrates insufficient description of Delite Gaddie's background presented in the Board staff Report is, misleading confusing and insufficient weight given to Delite Gaddie due to she is key applicant]

JHA FILES AN APPLICATION

5. **On June 20, 2012, JHA electronically submitted in a timely manner its "Preliminary Application Package" for the 2013-2014 school year to the Board.** (Board stipulations of facts page 2 lines 4-6) (BCS010) Because of the rush to make the deadline, Delite Gaddie asked the teachers of Happy Valley School to help complete the curriculum sample templates. Reed Gaddie was attending common core courses provided by the State DOE at that

time.

[*Analysis, comment or Conclusion of law: (JHA did comply with Title 7, Article 2 Rule 7-5-202 "Applicant shall submit a preliminary application package" Fact #7 makes Delite Gaddie the key and primary applicant in the charter application and it should be given legal weight to this fact and she did not receive sufficient consideration in the Board decision because it was minimized in the Board staff report (Exhibit D page BCS010)*]

6. **On June 27, 2012, Delite Gaddie filed an amendment to the Articles of Incorporation (Exhibit L1 page BCS241-BCS242) and added her son Reed Gaddie. Delite Gaddie asked her son Reed to provide her assistance.** Reed Gaddie had in the past played a key role in acquiring the financing for construction and start-up of the other schools operated by members of Delite Gaddie's family. Delite desired his assistance once again knowing what he was capable of accomplishing, (evidence to support this below.)

Analysis, Comments and Conclusions of Law: JHA found the above statement as fact. The fact the Board knew this is in the Board's evidence (Exhibit K7 pages BCS0241, BCS0242)

7. **In July of 2012, after Reed Gaddie completed AZ DOE's common core standards instruction courses, he read over JHA's Preliminary Charter Application and discovered that several of the curriculum sample templates that had been previously submitted to the Board were not aligned** with the common core standards. After he informed Delite Gaddie of this issue, she instructed and approved Reed Gaddie to begin immediately revising JHA's templates. At that time Reed Gaddie asked his teacher Dr. Linda Maltby (known statewide to be the Department of Education's (DOE) ELA expert of common core instruction who DOE hired to train district superintendents, principals, lead teachers) to

proofread JHA's revised templates. Dr. Maltby agreed to proofread the templates for a fee. (More information will be listed below indicating that Dr. Maltby stood before the Board on February 11, 2013 and testified that the Board had made an error in scoring JHA's writing templates) (See ref. below Dr. Maltby co-authored JHA's writing templates herself with Reed Gaddie. [Cross reference this info to the Rule for TRP scheduling issue R7--5-203.6-10.d (Exhibit K1 pages 106-110, Section K2 pages 106-110, section K3 pages 148-154, and section K5 pages 194-201 and section K6 pages 216-222)]

[*Comments, Analysis of Facts and/or Conclusions of Law: Reed Gaddie knew because of Title 7 Article 2 of AAC Rules 7-5-202 and AAC Rule 7-5 203 which are rules concerning rules of procedure, rules of determining administrative and substantive completeness of an application for a charter school, that he would have an opportunity to make changes to the previously submitted templates. Reed Gaddie knew then that the templates required revisions, thus the preliminary package became less concern to Reed Gaddie and are* ***the reason Reed Gaddie knew he would be given an opportunity to submit revised templates then they were to be reviewed by the technical review Panel according to law*** ***(Submittal of revisions is required by law PRIOR to the Board attempting any form of assessment or review.(BCS038) (Ref: Arizona Administrative Code Title 7 Article 2 Rule 7-5-203.6 - "If a revised application is submitted, the Technical Review Panel shall score the revised application package using the scoring criteria in the application"].*

IN-PERSON INTERVIEW SCHEDULED WITH INTENT TO FAIL

8. JHA was notified on October 31, 2012, that the Board required JHA to attend an "in person interview" (interview). (BCS038-BCS042) [(See Ref above) this

would have been proper and lawful if JHA had drafted a flawless preliminary application package.

Analysis, Comments and Conclusions of Law: JHA complied with attending interview

A. JHA found however, JHA did in fact submit a preliminary package that had errors and as previously mentioned and had curriculum samples that were not aligned with the common core standards. Reed Gaddie knew this before the interview. (BCS038) (Cross Ref above Reed reviews templates)

B. JHA found that when Reed and Delite Gaddie arrived at the board's administrative office they were taken to a room and sat down before the Board's TRP. (BCS038)

C. JHA found that the first question the TRP asked was "Describe a typical day of life of a 3rd grade student at your school." What does the Gaddie Education Model look like through the course of the day?" (Exhibit "D" page BCS038)

D. JHA found that JHA responded to the question utilizing information from JHA's revised application package for a typical day of a middle form student (equivalent to 3rd and 4th grade student) using the Gaddie Education Model.

E. JHA found that JHA's response was presented in accordance with what was to be in the revised application package. F.

F. JHA found that the TRP scored the response negatively due to the information in the response did not describe the aspects of what the Gaddie Education Model looked like through the course of the day from JHA's preliminary application package which Reed Gaddie knew had errors and knew was not aligned with the common core standard.(Exhibit

"D" page BCS038)

G. JHA found that the 2nd question had to do with the target population (see response to all target population questions below in "Target Population Issue" (Exhibit D page BCS038)

H. JHA found that if JHA would have responded using information from JHA's preliminary application, the response would have been scored negatively because it would have not been aligned with the common core standards as Reed Gaddie had discovered weeks earlier. If JHA would have responded with information in JHA's revised application package the score would have been negative due to it would not have matched the info the TRP had read from the preliminary application package **thus there was no correct response to the question no matter what response JHA provided**

[*Analysis/Discussion/Conclusions of Law on facts presented: - Title 7 Article 2 Rule 203.6 states: "If a revised application is submitted, the Technical Review Panel shall score the revised application package using the scoring criteria in the application" - Considering the fact that Rule7-5-203.6 provides all applicants a right to revise their application package, it appears the Board violated Rule 7-5-293.6 in several ways:*

9. The fact Reed Gaddie informed the Board that JHA knew their preliminary application package had errors (BCS040) (proven with the state's own evidence) and that JHA knew previously that JHA's preliminary application package curriculum templates were not aligned to the common core standards requirement of the Board and that JHA was in the process of revising JHA's application package and they planned to submit a revised application package legally, From THAT MOMENT ON THERE WAS NO NEED IN GOING ANY FURTHER.

MORE EVALUATION COULD NOT BE DONE WITH THE APPLICANT BECAUSE THE BOARD DID NOT HAVE A COPY OF JHA's **REVISED** APPILICATION PACKAGE TO EVALUATE THE APPLICANT'S WITH. This made it a violation of Rule 7 -5-203.6 for the TRP to conduct an interview any further after Reed Gaddie informed the TRP that JHA had made a decision that they were going to submit a revised application package.

A. Because of the fact and violation described in "9" above, the Board violated Rule 7-5-203.6 again when the Board penalized JHA's revised application package for failing to provide inaccurate and invalid preliminary application information responses at the interview on October 31, 2012 to the TRP's inaccurate and invalid questions which were based on information from JHA's invalid preliminary package. Proof of the Board's penalizing the revised application for information from the preliminary package can be found in (Exhibit B pages BCs008, BCS010, BCS011BCS012, BCS015, Exhibit A page BCS004, and also evidence of penalizing the final revised application score Exhibit DD pages 393-397)

B. Thus JHA was placed in a situation where there was but one option: FAIL.

C. E - In Exhibit D page BCS004, on November 20, 2012 it was appropriate to notice JHA for their preliminary application package being substantively incomplete including the interview which based its questions from the preliminary package information. From that date forward, JHA had 20 days to submit a revised application package thus **Rule 7-5-203.4 "If an applicant receives a of failure to meet the expectations as evaluated by the Technical Review Panel (at the interview also) may, within 20 days of the postmarked date on the notice submit a revised application package..."** It is clear the Arizona Legislature intended these keep scoring and performance of the applicant in the preliminary application package separated from the applicant's performance in their revised

application package. Therefore it was a violation of Rule 7-5-203.6 to penalize JHA's revised application package score (BCS006-BCS016) for JHA's performance at the interview which could only assess JHA's performance in the preliminary application package.

D. The scheduling of the interview was in itself a violation of Rule 7-5-203.6 due to the Board penalized JHA for responses on information the Board had not received as of October 31, 2012 and it would not receive JHA's revised application package for another 6 weeks.(**A simplified comparison example would be to require a student to write a book report today on a book he/she will not read until 6 weeks from now then after they read the book, penalize the student permanently for not performing satisfactorily on their book report 6 weeks earlier before they read the book.** This makes the scheduling of the interview, not only illogical, out of sequence, and unfair, but also a violation of Rule 7-5-203.6 in and of itself.

E. Due to the fact that the Board's overall final score even with the Board's penalty of JHA's revised application was 7% did not meet the criteria or translated means 93% out of 95%, with consideration given to the fact that it was unfair and unlawful for the Board to penalize JHA's final revised application score, JHA now believes their overall score of their revised application package was and is in fact truly 95% if the Board would credit JHA for their violation **thus JHA's final revised application score was in fact 95% which proves JHA's revised application did in fact meet the Board's criteria**

F. It should be considered that the copy of JHA's revised application package was used at the Hearing as evidence but no consideration was given regarding the preliminary package Reason: worthless after December 18, 2012. So why was it ok to penalize JHA for it if it was trashed after December 18, 2012?]

G. After Reed Gaddie informed the TRP, everything after that moment was invalid and a violation of Rule 7-5-203.6.

[Analysis, Discussion and Conclusions of law:

JHA argues that the Arizona State Legislature made it possible for all applicants to have two opportunities of successfully meeting the Board's criteria during the application process. (AAC Title 7 Article 2 Rule 7-5-203.3 the first being the submittal of a "preliminary" application package and Rule 7-5-203.6 the second opportunity which is to submit a "revised" application package is entirely separate and the scores were not to be integrated)

From a technically legal aspect, in JHA's case, the revised version was the technically legal binding final application package that has significant merit and importance. JHA's revised application package is potentially a charter contract the Board makes decisions on and approves.

[Analysis, Comments and Conclusions of Law: JHA's revised application potentially has legal value, and everything that was submitted to the Board prior to December 18, 2012 when JHA submitted JHA's revised application package including the preliminary application package and all its errors and the interview was all invalid and to penalize JHA for interview responses (Exhibit BBCS008, BCS010, BCS011, BCS012, BCS015) was a violation of Rule 7-5-203.6. (Note: JHA would appreciate if the ALJ would consider it a fact that no consideration was given to JHA for its preliminary application package being administratively complete so no consideration should be given to the interview as well because it was scheduled prior to December 18, 2012 and the Board should not have penalize JHA for anything during the preliminary package timeline)]

JHA concluded Title 7 Article 2 Rules 7-5-2-01 through 7-5-2-3 was clearly written for the purpose of benefitting an applicant not the Board and to attach a penalty to JHA's application overall score undermined the foundation upon which the Arizona State law was intended to accomplish. (A simplified example would be to require an applicant to describe how to do a surgical implant in every detail on a patient they have not seen or diagnosed yet and because every one's body is a little different, you would not be able to respond correctly and it would be a matter of whose opinion it was correct or not)

10. **On November, 12, 1997, Dr. Richard Hughs and Mr. John Jones, representing Window Rock Unified School District, (WRUSD) did in fact conduct a site visit to count students and make other observations on AVT's campus.** (Exhibit V page BCS 359 Item "O") **The following was written on WRUSD letterhead for ACT site report:**

A. Certificate of Occupancy(JHA Exhibit 6 page 6.3)

B. Fire Marshall Certificate (JHA Exhibit 6 page 6.2)

C. 341 students on campus attended class

D. 14 staff = Student Ratio 24/1

"Mr. Jones and I viewed classes in session, making an estimate of students on campus during our visit. It proved to be a difficult task because of the lunch period that took place and because not all classrooms were visited before lunch. Mr. Gaddie took time to explain the challenges they face with attendance and with continuing their building activities. The vocational shop areas are yet to be constructed. The current computer lab appears to be well organized and utilized."

Analysis, Comment:

11. There are several key facts which were established with this site visit report:

A. ACT students had lunch.(This evidence is opposite of allegation at WRUSD hearing AVT was in fact not prevented from having lunch Exhibit V page 347.)

B. Academic Instruction was occurring otherwise they would have commented.(Disproves learning environment allegation)

C. Computer lab is well organized and utilized.

D. 341 students attending. (AVT was never paid for these)

E. 24/1 student /teacher ratio.

F. Students on campus attended class.

G. Mr. Gaddie communicated attendance challenges.

H. No wires hanging out of walls otherwise they would have commented.

I. Campus is not in chaos as described in WRUSD allegations.

RETURNING TO THE TIMELINE

12. **On November 20, 2012, JHA received** its notice, a notice that JHA had been expecting for almost four months, which was the Board's notice that JHA's application was substantively incomplete. JHA knew JHA's application would be substantively incomplete when Reed Gaddie discovered that JHA's originally submitted curriculum sample templates were not aligned with the common core standards in JHA's preliminary application, (BCS371) (JHA states that it would have been more appropriate to calculate the "interview" score into the "preliminary package score" since the interview was scheduled on October 31, 2012 during the preliminary time period.)

13. **On December 18, 2012, JHA submitted its revised application package** on the Board's scheduled deadline date within the time limit, in compliance with the Board statutory requirements which was JHA's final legal valid application information.

14. **On January 11, 2013 Reed Gaddie** discovered that JHA was not on the Board agenda for approval. This caused Delite Gaddie to fear something was wrong. It was only three days from the Board meeting. Then that same day we were informed by letter that our application did not meet the criteria.

ARBITRARY AND CAPRICIOUS DECISION

15. On February 11, 2012 about one-half of an hour before the Board considered JHA's charter, the Board considered *and approved a charter that had an applicant that had operated a revoked charter,* (Scottsdale Country Day School, Formerly Kachina Country Day School) then the Board one-half hour later *denied JHA's charter that had an applicant that operated a revoked charter.*

[*Analysis, Discussion and Conclusion of Law*

("Arbitrary and Capricious decision" - "an act not based on consideration of relevant facts" - 5 USC 706(2) (A) (1988)]

Narration of Public Record of ASBCS Board Meeting (by Reed Gaddie)

16. **On February 11, 2013,** John Hancock Academy (Representing by **Delite Gaddie, Reed Gaddie, and Dr. Linda Maltby stood before the Board.** (Dr. Maltby is an expert ELA and common core standards contractor who AZ DOE contracts to train district superintendents, principals etc. she was Reed's teacher for the common core standards course he attended and she co-authored the writing templates and stood before the Board and argued the Board's score was incorrect and that JHA's writing templates met the Board's requirement)

[Analysis, Comments and Conclusions of Law: JHA did in fact comply with (Title 7 Article 2 Rule 7-54-203.10.d.e, " Board shall listen, hear, and questions and listen to responses of the applicant as they present their charter.

17. **On February 11, 2013, *Delite Gaddie began to present a brief presentation of JHA's charter and was interrupted while attempting to present a brief presentation to the Board.***

[Analysis, Discussion, Conclusion of law

JHA found the Board violated Rule 7-5-203.10.d wherein it states: "The Board shall hear a brief presentation by the applicant.") The Board Executive Director rudely interrupted Delite Gaddie from presenting JHA's charter

JHA found that the Board never considered JHA's revised charter application because it was never presented to the Board. Violation Rule 7-5-203.10.a "The Board shall consider a copy of the applicant's revised application package " What actually occurred was the Board considered a document "written to fail" called the Board staff report (Exhibit B Pages BCS006-BCS015) JHA found that the Board gave seemingly little to no consideration to Delite Gaddie being the applicant at all and entirely diminished and eliminate all of her 35 years of success into two tiny sentences on Exhibit D page BCS010. 18.

On February 11, 2013, Reed Gaddie stood before the Board and **was asked to describe the cause of the closure of his previous school** and at that time he informed the Board it was forced into closure due to the wrongful withholding of 100% of his school's funding. **Reed Gaddie further explained that when the Legislature learned of this information they responded by passing ARS 15-185H which forbids any sponsor of any charter school in the**

state of Arizona from withholding any funding to charter schools with exception to 10% in cases of disciplinary action. (Reed Gaddie states with certainty that if ARS 15-185 H would have been law when his school was in operation in 1997, his school would have never closed) Reed Gaddie informed the Board it was unlawful for him to disclose any further information due to it being unlawful by order of the Grand Jury.

*Conclusions of Law: Rule 7-5-203 .10a-10c requires the Board to conduct an investigation on the background of applicants. Reed Gaddie states he would have nevergot involved with applying for JHA's charter if he had been guilty of what he was accused of and he thought the Board staff would see the forest through the trees. and she authored a document named the Board staff report which totally omitted all of Reed Gaddie's entire career history but dedicated 3 pages to everything negative possible about Reed (Exhibit D pages 006-016)***21.**

On Feb 11, 2013, Dr. Linda Maltby stood before the Board and informed the Board she is ELA expert in Common Core Standards who the Arizona State Department of Education hires to train district superintendents, principals, lead teachers and curriculum development teams how to implement the common core standards. She informed the Board that Reed Gaddie attended the Common Core Standards Courses provided by the AZ DOE. And she informed them that upon completion of taking his class with her being his teacher that he approached her and asked her to proofread some curriculum samples that Reed Gaddie had revised. She then informed the Board that she co-authored the writing templates and that the Board's assessment of the JHA's revised Writing samples was incorrect. She informed the Board that the lesson plans, student activities, formative and summative assessments met the Board's requirement.

Conclusion of Law: JHA found that JHA did meet the requirement for Writing Samples

19. On February 11, 2013, JHA principals were provided a document that the Board named "Board Staff Report" and an "in Person" interview report and placed them before the Board.

A. On Feb11, 2013, JHA was told the Board staff report was a summary of JHA's revised application package

Conclusion of Law: Title 7 Article 2 Rule 7-5-203.10.a states "the Board shall review a copy of the applicant's revised application package which was scored by the Technical Review Panel" JHA observed no copy of JHA's revised application before the Board members to make a decision on and the Board Staff Report was written with inaccurate information and was written with intent to influence the Board to deny JHA's charter.

B. On Feb11, 2013 JHA found that "Board Staff Report" was a far cry from anything close to the information which JHA submitted to the Board in JHA's revised application package

1. JHA found that the Board staff report did in fact minimize Delite Gaddie's existence entirely with exception to way back on page (Exhibit B page 010) if you looked hard enough you might find her name and couple of very brief comments about her. Other than that, she was literally eliminated from consideration. The Board staff report gave no indication of Reed Gaddie's career history entirely and three pages were provided with information that was proven untrue 15 years earlier by the Special Investigations Unit of the Arizona Auditor General's Office. How unfortunate it is the Executive Dirtector allowed herself to be deceived by such untruths. Reed Gaddie was

transparent about the information provided and hoped she would be honest in her work with JHA through the application process. Reed Gaddie this all has occurred from rumors and gossip about Reed Gaddie leaking from the Association and other individuals but he is unsure. One thing that was certain. The Board report made it appear Reed Gaddie was the key applicant which entirely misrepresented JHA with information found untrue and Reed Gaddie's Constitutional Rights of being Presumed innocent coupled with False Lighting and defaming of Reed Gaddie by entering information she in fact knew was false thereby all the elements of criminal fraudulent misrepresentation exist.

C. On Feb11, 2013 JHA found the "Board Staff Report" provided information to the Board that was never submitted in JHA's application package.

D. On Feb11, 2013 JHA found the information provided to the Board was in fact previously found false in a grand jury investigation and was in fact placed before the Board and altered the information with intent to influence the Board to vote how she wanted them to

E. JHA found that the Board did in fact fraudulently misrepresent JHA to the Board using information that was proven known to be false in a Grand Jury investigation.

F. The Board Executive Director did in fact know Reed Gaddie was innocent of the criminal allegations leveled against Reed Gaddie and she knew he was innocent when she reviewed Reed Gaddie's criminal history report and she did in fact enter false and fraudulent information in the Board staff report then placed a copy before each Board member with intent to influence the Board to deny a charter to JHA

THE BOARD AFTER BEING INFLUENCED, VOTED TO DENY JHA A CHARTER

NOTICE OF BOARD ACTION DENIAL

20. On February 14, 2013, the Board mailed a "Notice of Board Action on Charter Application"(Exhibit FF pages 422-423) JHA found JHA application failed to meet the requirement of Title 15 Chapter1, Article 8 due to:

A. *Lack of an Education Plan that includes a program of instruction that improves pupil achievement in the target population* that meets the Board's criteria as stated in the scoring rubric and demonstrated through the *responses to interview questions* **(Target Population Issue)**

B. Lack of Writing Curriculum aligned to state standards as stated in the scoring rubric **(Writing Templates Issue)**

C. Lack of a Business Plan that meets the Board's criteria as stated in the scoring rubric **(Typo errors issue)**

D. The applicant is not sufficient qualified to operate a charter school due to Mr. Gaddie's prior operation of a charter school whose charter was revoked in March 1998 by its sponsor Window Rock Unified School District (WRUSD) for numerous significant and serious violations of its charter and state law. These violations evidence a lack of accountability and an unwillingness or inability to comply with state statutes and the charter contract in Mr. Gaddie's previous operation of a charter school. The violations also included the charter school's failure to comply with laws relating to health and safety, and failure to comply with Arizona's fingerprinting requirements. These violations in particular affect the safety and welfare of students. (Not qualified issue), **(Previous revoked charter issue)**,

JHA RESPONSES TO REASONS FOR DENIAL

TARGET POPULATION ISSUE

21. **State evidence established the fact that JHA did in fact provide a very sufficient description of how their Education plan known as the Gaddie Education Model (GEM) would improve student achievement in the target population** beginning with:

A. JHA found that the JHA revised application package referenced here and below: Exhibit E pages BCS043&BCS044 JHA's revised application section "E" "Education Philosophy" which established the fact that the JHA application introduced Mrs. Gaddie and described her Gaddie Education Model (GEM). Mrs. Gaddie's Education Program that has proven to be very successful in improving all students from various situations and backgrounds including a description of the methods of instruction. Examples provided by JHA of the GEM include "*ability grouping," " Intensive Phonics," and others for reading beginning in Kindergarten*".(This means that all levels or forms of instruction receive intensive phonics which has proven effective for ELL students).

B. JHA found that in Exhibit E at the bottom of page (BCS045) states: "**The Gaddie Education Model has proven effective through the years with a variety of students - with diverse demographics, income levels, special education and English Language (page BCS0466) learner needs.**" ***It further states on page BCS045 that "with the combination of ability grouping, mastery based instruction, and tutoring insure that regardless of what the student brings with him or her, none will be left behind." On page BCS046 it provides a comparison of Happy Valley School with JHS' target population.***

C. JHA found during the Hearing, Mr. Sarmento testified that the difference

between Happy Valley School low income free and reduced lunch students which is 14% and JHA target population which is 10-40% low income and free and reduced lunch students is considerable. JHA's application (BCS046) argued they are similar. Mr., Gaddie continued to prove this point by asking Mr. Sarmento to define "ability grouping." Mr. Sarmento's failure to produce an adequate definition caused Mr. Gaddie to refer him to BCS067. **Then Mr. Gaddie had Mr. Sarmento state "What exactly did the application not provide a description of?"** Mr.Sarmento's answer was that the application lacked information on how it would meet the needs of free and reduced low income students, special education students, and English language learner students. State evidence proved this statement was untrue. (See below)

D. JHA found that **state evidence page BCS046 of JHA's revised application begins by explaining a description of the rational for the target population** and does a comparison with JHA's target population and Mrs. Gaddie's existing charter school and mentions the schools reduced lunch, low income, special ed. and English language Learners and how Mrs. Gaddie's education plan satisfies the needs of her existing charter school's low income free and reduced, special ed. and ELL students.

E. JHA found that **state evidence page BCS047 JHA revised application continuing with the rational - provides** information regarding research on the "intensive phonics first instruction" provides a description of a panel of experts in 2000 that analyzed the group Phonics First Instruction method and the results were: "Phonemic awareness instruction" helped various types of children: normally developing readers as well as "at risk" and "disabled" readers"

F. JHA found that **state evidence page BCS048 JHA revised application provides a research statistics and report** on "Mastery Based Instruction" Third paragraph "With mastery learning, about 95% of the learners in any group can gain complete mastery." It also states that "Unlike traditional instruction which holds time constant and allows achievement to vary within a variation of students, mastery learning holds achievement constant and lets the time students spend in pursuit of the objectives." (Robinsons 1992)

G. JHA found in **state evidence page BCS061 JHA revised application states** "*The Gaddie education Model implemented in John Hancock Academy meets the need for efficient public education by achieving academic excellence in a very efficient way according to the Arizona Charter Schools Association Educator Evaluator dataset for 2011.*"

H. JHA found in **state evidence page BCS067 JHA application provides an in depth definition of "Ability Grouping Form System"** Unlike other mainstream public schools that use numerical grade levels, the GEM incorporates ability grouping…a form system which allows students to progress more rapidly and are not held back academically - Kindergarten form,(K) lower form (1-2 grade), middle form (3-4 grade), upper form (5-6 grade)

I. JHA found in state evidence pages BCS067-BCS069 JHA application provides an in depth description of the methods of instruction of the GEM including a **commitment to follow "Arizona Department of Education (AZDOE) policy for the identification and assessment of students identified as English Language Learners (ELL) with Arizona's proficiency assessment - Arizona English Language Learner Assessment (AZELLA).**

[Analysis, Comments, or Conclusions of Law:

Note: The applicant argues that based on the facts above that JHA did in fact meet the Board's requirement proven here in the Board's own evidence of JHA's revised application which was admitted as evidence. There seems to be a tendency for the Board staff to be unfamiliar with, ignore, overlook, and/or omit any and all information pertaining to all information JHA provides even what they required of JHA. This tendency also tends to overlook or omit information regarding Mrs. Delite Gaddie's success in education, her education program (GEM) and her career history almost entirely. Most of all, it appears as if the applicant is being over-scrutinized on miniscule issues in every step in the application process. JHA humbly requests that the Administrative Law Judge take note that JHA in fact has met the requirement but can do nothing when the Board staff refuses to fairly give JHA credit for meeting the requirement.

JHA Concluded JHA did in fact meet the criteria for providing a description of how the GEM model will improve academic achievement in the target population.

WRITING TEMPLATES ISSUE

22. In regards to the issue of the five writing templates - (*See Exhibit EEBCS398-BCS421 state scoring rubric then compare with JHA exhibits listed below by page*))

A. JHA found JHA's revised writing samples that are disputed are:

1. (Exhibit K1 pages 106-110)

2. (Exhibit K2 pages 106-110),

3. (Exhibit K3 pages 148-154),

4. (Exhibit K5 pages 194-201)

5. (Exhibit K6 pages 216-222),

***the following information or findings of facts in evidence below was from testimonies of Reed Gaddie and Dr. Maltby when she stood with JHA before the Board.

B. JHA found Reed Gaddie did in fact attend 13.6 hours of courses on the Common Core Standards courses provided by Az DOE in the spring of 2012 while JHA's preliminary application was being submitted.(Exhibit D BCS040)

C. JHA found that after attending the courses, Reed Gaddie reviewed JHA's preliminary application and discovered that there were errors specifically in the curriculum samples that the teachers at Happy Valley School completed due to the rushed deadline then later learned the paraprofessionals completed some of the templates .(Exhibit D BCS040)

D. JHA found that Reed Gaddie immediately began revising the curriculum templates and called his teacher from his Az DOE courses to proofread them, She agreed.(Exhibit D 040)

E. JHA found that Reed Gaddie's teacher was Dr. Linda Maltby considered among advanced level educators of the State of Arizona and DOE as an expert in English Language Arts who AZDOE contracts to teach the district superintendents, principals, head teachers, and curriculum development teams the common core standards. (Reed Gaddie testimony)

F. JHA found that over the course of the summer and fall, Reed Gaddie and Dr. Maltby began to enjoy working with one another and Ms. Maltby decided she would assist by becoming a team member to help launch JHA into operation, and she co-authored the writing samples based on JHA's curriculum.

G. JHA found that when JHA received the notice that JHA's charter was incomplete due to errors on 5 of JHA's revised Writing templates Ms. Maltby became concerned and decided she would go and stand with Delite Gaddie and Reed Gaddie before the Board AZ SBCS on Feb 11, 2013.(Public record)

H. JHA found that on February 11, 2013, when JHA stood before the Board, Ms. Maltby stood before the Board and argued that the Board's assessment and score of JHA's revised writing samples was incorrect, that she herself had co-authored them, that they had magnificent lesson plans, student activities, that they had quality formative and summative assessments and that they measured student mastery and that the argument of whether a question should be worth 5 points or 8 points each still measures mastery and they did in fact meet the requirement of the Board (Dr. Maltby testimony)

I. JHA found that after a careful review of JHA's revised application writing templates,(evidence listed and referenced above) it was determined an Az DOE expert that JHA's revised writing samples did in fact have quality lesson plans and quality student activities, and provided quality formative and summative assessments which were in fact aligned with common core standards and did in fact measure mastery of the standard required by the Board. The Board condemned the entire sample due to the point value of a state mandated rubric for scoring just happened to not quite match up with JHA's score of 80%. Nonetheless, the measurement of mastery was described according to mandated state scoring rubric which JHA selected to do. Therefore, JHA argued at the hearing with Mr. Sarmento who scored the template that nonetheless, the writing samples met the Board's requirement as it was presented because the mastery of the standard was measured by a state mandated rubric for the applicable grade levels. JHA states that Dr. Maltby's credentials and experience have not been challenged. Thus JHA met

the requirement for the 5 curriculum samples. Nonetheless, JHA is willing to provide the Board something more accommodating if the Board requests it to show our willingness to comply. **[Analysis, Comment Conclusion of Law JHA complied with the legal Writing Samples and therefore met the Board's criteria**

TWO TYPOS ISSUE

23. In Regards to JHA's Two Typo Errors of JHA's 346 page revised application package

A. JHA found that the Board staff condemned JHA's entire business plan (Exhibit BCS281 -Exhibit T5page BCS342)) as a reason for denying JHA a charter (Exhibit FF pages BCS422-BCS423) due to two typo errors out of JHA's 346 page revised application package of which (Exhibit BCS043-Exhibit T5 page BCS342) were admitted as evidence.

B. One of the two typo errors occurred in JHA's corporate bylaws wherein its stated JHA will be a K-8 grade school and should have read K-6 grade school (Exhibit L4 (BCS259). The other error was JHA's revised application did in fact omit the word "not" JHA will not provide benefits to temporary employees, hourly employees, paraprofessionals and music teachers. (BCS307).

C. *JHA openly admits these two typos were JHA's errors however JHA totally disagrees that these two typo errors are sufficient to condemn JHA's entire Business Plan or deny a charter.]*

Conclusion of Law: JHA admitted these errors

NOT QUALIFIED ISSUE

24. In regards to REED GADDIE CAREER HISTORY

A. **JHA found that evidence in the application indicated Reed Gaddie (Reed)** began his instruction in teaching and school leadership from his parents at his childhood dinner table and began his teaching career when only 10 years old when his parents asked him to tutor struggling students at their private school.(Testimony of Reed Gaddie)

B. JHA found that Reed Gaddie graduated from his parents private school as valedictorian of his graduating class when he was only 16 years old.(JHA exhibit 4 page 4.1, 4.6)

C. JHA found that Reed Gaddie attended and graduated with honors and perfect attendance from Mountain States Technical Institute (MSTI) (JHA Exhibit 4 page 4.13image)a post- secondary technical college and afterwards was employed with "Diversified" a company which specialized in heavy industrial thermodynamics, cryogenics, stationary engineering, commercial and industrial thermodynamics applications where Reed Gaddie participated in supervision and installation of several multi-million dollar high rise construction projects which experience would benefit him later in his career) (JHA exhibits 4 pages 4.1,4.2, and 4.7)

D. JHA found that Reed Gaddie's earned a certificate from the National Assessment Institute in Business Management (JHA exhibit 4 page 4.9), Reed Gaddie holds a certificate from Leviton where he demonstrated his mastery of transient voltage surge suppression, relay logic and data automated control applications (JHA exhibit 4.10)

E. JHA found that Reed Gaddie's favorite instructor from his college days at MSTI contacted Reed Gaddie after he had been in the field 5 years and asked Reed Gaddie to substitute teach his night class due to he needed an operation to resolve a problem from an injury he received in the Viet Nam war. His teacher never recovered so, MSTI at that time employed Reed full time as an instructor of introductory courses. (JHA exhibit 4 page 4.13)

F. JHA found that Reed Gaddie soon advanced to teaching intermediate and advanced courses and eventually advanced to the lead or master teacher who taught classes at all levels at MSTI for 8 years.(JHA exhibit 4 page 4.14).

G. JHA found that Reed Gaddie eventually advanced to the position of Training Director at MSTI (See JHA exhibits 4 pages 4.11, 4.12, 4.13,4.14, 4.15, 4.16, 4.20,4.21, 4.26,and 4.27) and maintained that position for about 10 years. While in this position, Reed's duties included (JHA Exhibit 4 page 4.14) supervision of over 14 faculty and 8 support staff, hiring and training of teachers and staff, maintain MSTI's compliance with all rules, regulations, laws policies and procedures of municipal, county, state and federal government agencies as well as oversight of constant compliance with National Association of Trade and Technical Schools(NATTS) a branch of the Federal Accrediting Commission of Washington D.C. (JHA Exhibit 4.15) to maintain MSTI as a nationally accredited school and oversight over compliance with the Arizona State Board for Private Post-Secondary Education (JHA exhibit 4.11, 4.12,4.13).

H. JHA found that Reed Gaddie received a letter of recognition from the President the Federal Accrediting Commission (NATTS) as MSTI's Training Director and congratulated both Reed and his faculty participating NATTS-recommended Competency Based Staff Development (CBSD) Program. This letter was accompanied with a Certificate to Reed Gaddie in Professional Development on Teacher Training and Curriculum Development. (JHA exhibit 4 pages 4.16, 4.17) Reed holds a certificate of NATTS Professional Achievement in Competency Based Teacher Education and completed 16 education and curriculum development training modules which was accredited by NATTS (Exhibit 4.17) Reed's duties also included updating of curriculum, and supervision of 12 teachers and 8 support staff at MSTI.

I. JHA found that Reed Gaddie wrote the curriculum for an entire 1200 hour post-secondary industrial level technical, degreed course of instruction then submitted it for approval to the State Board.

1. JHA found that Reed did in fact receive a letter from the State Board (Exhibit 4.20) which notified him that the State Board approved his supplemental application and notified Reed that the Board approved and licensed MSTI to offer a degreed course of study which was a result of the curriculum Reed Gaddie wrote.

2. JHA found that due to Reed's efforts, MSTI received the licensing certificates from the State Board (Exhibit 4.21)

3. JHA found evidence which established the fact that Reed's 1200 hour degreed course received national recognition in national circulated trade magazines.(Exhibit 4.22-4.24) .

J. JHA found that Reed Gaddie and "his team" of faculty members and staff were responsible for the education and placement of approximately 3800 graduates of MSTI over the ten years he served as Training Director of MSTI and Reed received may "Teacher of the Phase Awards " "MSTI School Leader Award", and many standing ovations for his contributions to so his graduates, his staff and his faculty whom he called his "team." Reed Gaddie represented top management and also assumed the responsibility of school facilities management as part of his duties at MSTI.

K. JHA found that MSTI's Director of Education stated in her letter that **Reed Gaddie demonstrated outstanding skills in school administration, and oversight over maintaining MSTI's school compliance with state and federal regulating agencies,** He hired and trained 12 faculty and 8 support staff and his most outstanding quality was his ability to

teach. He had a natural talent in this area. He often taught right along with other responsibilities. His students highly praised him as an instructor and gave him top ratings on evaluations. He was awarded the title instructor of the month many times." (JHA exhibit 4 page 4.14)

L. JHA found that Reed Gaddie's mastery in teaching and school leadership was praised in letters from three of MSTI's faculty members (Exhibit 4, pages 4.11, 4.12, and 4.13 who complimented Reed's high quality school leadership skills, Reed's proven high quality skills in teaching, curriculum development, methods of instruction oversight and Reed Gaddie's constant effort to keep MSTI's reputation as a leader in education in the industry. They also indicated Reed Gaddie was as skilled in the field as well as in the classroom. One letter in particular assured the reader that Reed Gaddie would succeed in any position in management or education.

M. JHA found that there was evidence which verified Reed Gaddie had provided his students quality instruction which came as compliments in letters from the employers of his students (a true indicator of student achievement and quality instruction) which proved Reed Gaddie's applied methods of instruction was superior and proved beneficial not only to his students but to their customers and employers as well.(JHA exhibit 4 page 4.26 - 4.31)

N. JHA found that according to evidence, Reed Gaddie received a Letter of Appreciation and Recommendation from Arizona State University for providing assistance to design a registered intern/apprenticeship education program which had to be in compliance with the requirements of three Federal and State Government agencies. This letter verifies Reed Gaddie is an expert in designing custom education training courses of instruction. No doubt about it, Reed Gaddie prefers to be on the cutting edge of endeavors

worthy of his time and effort. (JHA Exhibit 4 page 4.32)

O. JHA found that Reed Gaddie received a letter of appreciation and recommendation from Arizona State University for developing an entire training program for stationary engineering interns of ASU Central Plant which had to be in compliance with three government regulating agencies.

P. JHA found that Reed Gaddie was in fact qualified to operate a charter school with respect to his career history prior to his charter school.

[Analysis, Comments: Believe it or not, Reed Gaddie has even more certificates and successes in his career beyond what was admitted as evidence. Based on the evidence of Reed Gaddie's career history above, JHA concluded Reed Gaddie was/ is in fact qualified for an approval for a charter and has demonstrated his skills would be necessary and useful during the start-up phases of John Hancock Academy. Evidence established the fact that Reed Gaddie is very experienced and successful school administration and found it a fact that Reed Gaddie's teaching skills are high quality and he has demonstrated ability not only in teaching the objectives but writing the curriculum he teaches and he holds certificates as well as mentioned and reviewed in evidence. Evidence proved Reed Gaddie is a qualified applicant and his demonstrated skills met the requirement of the Board.

Historical Sequence of Events of ACT

Opening Statement

25. In 1997, Reed Gaddie believed in the youth of the State of Arizona and knew they could accomplish so much more than they are given an opportunity to prove themselves and

1 thought he could help at risk students do a turnaround and excel further than they ever dreamed.
2
3 Reed Gaddie graduated from high school when he was only 16 years old and since then has
4 mastered many disciplines, music, electronics, HVACRSM, and others) and 1997, he thought it
5 was a the prime time to prove his belief in our youth. He believed that the youth of our state and
6 nation should not have to be required to become slaves to student loan servitude when they are
7 just starting out on their own in life and they should not have to be in debt when they complete
8 their degree in the field of their choice. He believed that he could make a difference in K-12
9 education by reinstituting the education program that taught our nation's forefathers when they
10 used to graduate from Harvard when they were 14 years old. His parent's curriculum had
11 advanced him from three grades behind to two grades ahead in 4 years and his Valedictorian
12 award proved his mastery of the K-12 curriculum of all subjects being taught.
13 A. JHA found it a fact that Reed Gaddie did in fact privately finance his
14 school facility signed a personal guarantee to repay a private lender approx. $ per month for
15 84months which would open the door of opportunity for Reed Gaddie to see his American
16 dream become a reality a reality.
17 B. JHA found that when Reed Gaddie began the construction of his school
18 site in middle of May 1997. At approximately 4:30 am about 30 SUY's pick-ups, motor-cycles
19 and other vehicles pulled up onto the school's barren desert site when it was being graded by
20 heavy equipment operators. He ran to these individuals and told them to leave due to it was
21 unsafe. Then one of the elderly looking gentlemen said "Mr. Gaddie, we are the grand- parents,
22 parents and our children and grandchildren have already enrolled in your new school. There is no
sense in hiding the truth Mr. Gaddie, we all know you have risked your entire future financially

1 and yourself so that our children and grandchildren will achieve success without wasting their
2 youth in our nation's failing schools. We all know also Mr. Gaddie you are well known to have
3 accomplished many things which most people consider impossible. You alone have stood up to
4 educators to show them the way and we cannot let your sacrifice to be for nothing. So we are
5 here to stand with you no matter what happens. Most of all, we also know you have to get this
6 school completely constructed and furnished with utilities turned on in only 3 months and we
7 refuse to leave because we have many years of experience in construction and we are here to
8 make sure you open the doors of this school on time on September2, 1997." (Testimony of Reed
9 Gaddie) (Exhibit 7 page 7.4&7.5)

10 C. JHA found that Reed Gaddie, witnessed his students execute everything
11 they were asked immediately with accuracy and precision and never once did they murmur or
12 complain as they labored into the evenings some days with no sleep. Reed Gaddie did in fact
13 witness his student's labor at the sides of their fathers and grandfathers and at Reed Gaddie's side
14 also and truly Reed Gaddie's school construction was a mile marker of historical achievement for
15 no school had been constructed by its own students prior to that date anywhere in the United
16 States as of that date. (Exhibit 7.pages 7.4& 7.5)

17 D. **JHA found that on September 2, 1997, Arizona Career and**
18 **Technology (ACT) Arizona Vocational Training (AVT) charter high school opened its**
19 **doors with 14 classrooms restrooms, administrative offices, completely functional computer**
20 **lab, cafeteria, science labs, auto and HVAC shops basketball courts, football field, paved**
21 **parking lot completely furnished with data cabling electric power energized with a**
22 **temporary occupancy permit and 12 busses parked and ready with teachers and support**

staff hired, fingerprinted and trained, attendance reporting software installed, and a total f 346 students attended the first day.

Analysis, Comment and Conclusions of law: Comment: Reed Gaddie met the requirement of opening his school on time with more students than projected and despite all that has been said, he did see his American dream place many youth on paths of success one of which was a female student who Mr. Gaddie had arranged with a couple's permission to allow a female student to witness the birth of their child. Years later in 2008, that same student called Reed Gaddie and thanked him for helping her find what she had a passion to do for a living. Today she is a Gynecologist in Boston, MA. She told him that if it had not been for Reed Gaddie and ACT, her life would have taken her down much more unhappy lost path of no hope in her future. JHA found this to be the true way how to measure academic achievement and success simultaneously.

On September 3, 1997 an employee informed Reed Gaddie that one of ACT's board members had told some students and a teacher that he was going to take control of the school and it was just a matter of time until that happened. Needless to say ACT had an adversary in the ranks who made multiple attempts to achieve his goal until he was asked to resign. This is where the term "squabbling over governance" came from. (JHA suggestion: If the Board were to accept this as the true reason which technically is and can be verified, and this reason being insufficient to deny a charter, it would immediately settle all issues and save face for all parties and a settlement could occur. This was what Reed Gaddie thought or expected to happen. Otherwise JHA will have no choice but prove how much the Board has been deceived as many others were.)

Issues of compliance

1. The allegation of non- compliance with USFR (Exhibit V page BCS352) disproved with state evidence (Exhibit V page 360 Item Z) (Cross ref. JHA List of Exhibit 6 page 6.12)

2. The allegation of Occupancy Permit - First, the complaint occurred in January when there was no students on site and no funding. Nevertheless, (Exhibit 6 page 6.1&6,3) proves permit compliance due to the building being modular, the jurisdiction of compliance technically was in that case of The State of Arizona Office of Manufactured housing. But there was no need due to on-one was in the building.

Conclusions of Law: JHA found ACT did meet the Occupancy Permit Requirement until no one was left on campus.

3. Medications: (Exhibit V page BCS348) (Cross ref. JHA List Exhibit 6 page 6.5)

Conclusions of Law: JHA found ACT in compliance with immunizations according to state law

4. Special Ed (Exhibit V page 359 Item U) ACT's special ed report verifying compliance (Cross ref. JHA List Exhibit 6 pages 6.8-6.11)

Conclusions of Law: JHA found ACT was in the process of meeting compliance and due to progress was occurring, no report for non-compliance was ever filed.

5, Fingerprints - (JHA List of Exhibit page 1)Burglary/Forced entry of ACT Administrative Office resulted in stolen computers, employee files including all of ACT employee fingerprint cards which made it impossible to comply with law. It should be considered that not one student or employee was on ACT's campus days before and after this event occurred. (Mesa Police Report # 19980761016 which was on JHA's list of exhibits which was "admitted" **it was also very interesting that WRUSD superintendent just happened to**

show up the following day just to ask for fingerprint cards, then form the 44 employee allegation thereafter. (Exhibit V page BCS357).

Conclusions of Law: Compliance impossible after burglary

6. Bus Driver proof of licenses and certificates (JHA List Exhibit 6 page 6.6)

Conclusions of Law: JHA found ACT in compliance with state law with Bus Driver Certifications

26. Reed Gaddie had filed for exemptions for bidding and other issues in April of 1997 which was approved (Exhibit V page 352) (Exhibit JHA Exhibit 6 page 6.12) an amendment to his charter with Window Rock Unified School District including exemptions for USFR bidding (audit compliance T& N (Exhibit V page BCS352 consulting.

27. **Three examples of the results of Reed Gaddie's vision of education in Arizona for all students including low income, free and reduced lunch, special ed. and ELL students are:**

A. Doris and Company CPA, owned and managed by Jerry Doris drafted a letter to Mr. James Penny Sr. Supervisor US Dept. of Labor Bureau of Apprenticeship and Training informing him that his firm participated in a trial work/study program with Az Career and Technology High School under the direction of Reed Gaddie. He further informed him that five students were selected to spend 4 hours each on separate days to work alongside their staff members in his accounting firm and named the students. He commented that this program was successful and he was interested in considering employing some of them part time. (JHA Exhibit7 page7.1)

Analysis, Comment or Conclusion of law: Conclusions of law Reed Gaddie was in fact complying with AVT's charter while participating in this trial career exploring experience

B. Arizona State Department of Transportation (ADOT) heard about ACT's program through engineers and toured ACT's campus on 11-14-97 (wrong date) Exhibit 7 page 7,2 two representatives of ADOT visited ACT's campus and toured 9 or 10 classrooms (this means academic instruction was in fact taking place) and spoke to ACT's students about ADOT's 2+2 program which would have provided ACT's high school students not only part time employment but also free instruction in highway maintenance and engineering and even offered ACT a free on site teacher. They said ACT's program was more accommodative to industry than any other district in the state. (Deanna, did you catch that one?) (Cross reference to (JHA Exhibit 7 pages 7.4&7.5)

C. **Ottawa University was part of Reed Gaddie's dream to share ACT's campus with an accredited University which would have provided ACT students opportunities in AP placement and Honors level courses at the same campus. This also was the access door to success in a university degree.**

Conclusions of Law: It is apparent and was verified Reed Gaddie would have exceeded the expectations of ACT's charter, ACT, sponsor, and would have made history in charter schools in the state of Arizona with the dual campus concept and opened many opportunities for students in an accredited University.

D. **On November 8, 1997, Sheila Allen, a grandparent, volunteer, and later a governing board member drafted a letter (JHA Exhibit 7 page 7.7) to Reed Gaddie regarding that matter. She stated:**

1 *"I am extremely impressed with the manner in which this new school has come*
2 *together under your direction. Having knowledge of your own personal experience and success*
3 *in private school and vocational education area and the overwhelming success stories of your*
4 *students over the past twenty years, my expectations of your capabilities were extremely high. I*
5 *am grateful to be able to tell you that your aspirations exceeded my confidence in your*
6 *capabilities and proven qualifications you have demonstrated.*
7 *I am aware you faced difficulties and adversities in attaining the high standards*
8 *that you required and demanded in your day to day administration and personnel. I realize it has*
9 *been a stressful and anxious time for you in your determination to surround yourself with the*
10 *best possible people in their career field... .....and commend you for the diligence you have*
11 *shown in obtaining the best services and tools for education administration compliance that are*
12 *available... I wish to extend to you my personal gratitude for the time and effort that*
13 *you....have extended to those less fortunate students who are "at risk" and the remarkable 180*
14 *degree turnaround I have observed in so many of these students. May I take the liberty of*
15 *encouraging you to continue with the good works and efforts in encouraging the youth to become*
16 *self-supporting responsible individuals, employees, and future leaders of our society and in*
17 *doing so, fulfill the mission of the school. We are fortunate to be able to benefit from your good*
18 *reputation and abilities in the workplace and business community that has led to you're*
19 *obtaining the sponsorship of the leaders in industry on behalf of the student's forthcoming career*
20 *opportunities...." **(Letter verifies Reed Gaddie is a quality school leader while on campus at***
21 ***AVT***
22 JHA found that there was definitely evidence to prove what happened on ACT's campus

and what witnesses at the WRUSD hearing testified were entirely opposite from one another as if it were the work of two separate people.

CHRONOLOGICAL TIMEFRAME (Continued)

28. **JHA found that on December 5, 1997, EES (AVT's attendance recording and reporting contractor) did in fact produce a 40 day ADM report for AVT and reported directly to WRUSD and DOE. (Exhibit 5 pages 5.10 and 5.11)**

Conclusions of Law: JHA found Reed Gaddie's school did in fact comply with ADM 40th day reporting. With that fact being fact, WRUSD had no reason to withhold funding and should have released AVT's funding. When WRUSD received that report, they responded in way most unexpected. (See below)Note: At this time, WRUSD had withheld approximately $180,000 and more pending of funding from ACT as of that date. ACT was expecting its funding. But despite ACT was in compliance, no funding ever came.

29. **JHA found that on December 18, 1997, WRUSD mailed a "Notice of Termination of AVT's charter by June 30, 1999" (JHA exhibit 5 page 5.12) and simultaneously WRUSD mailed a letter and/or personally called all of ACT's parents and told them ACT was going to be closed down and they needed to immediately withdraw their children and enroll them in local district school.**

Conclusions of Law: *WRUSD wrongful attempt to revoke AVT's charter violated state and federal law and was therefore void and ineffective. The revocation was ineffective for several reasons: First, the procedures established by WRUSD for charter revocation hearings are defective under ARS §15-183 (R) which requires WRUSD to establish procedures that are similar to procedures prescribed for adjudicative proceedings in title 41, chapter 6 article 10*

which require a judicial review of final decisions of state agencies and also outline an adjudicatory under which disputes are resolved by someone other than the parties to those disputes.

Second, WRUSD procedures did not provide for judicial review of the Governing Board's final decisions which make WRUSD the ultimate arbiter in the dispute. Since WRUSD procedures did not comply with ARS 15-183 (R) those procedures were void and any decision the Governing Board under those procedures is void as well.

Third, WRUSD procedures deprived AVT of constitutionally protected rights for the same reasons and are therefore void. ***It is fundamentally unfair and a deprivation of due process and civil rights for one party to contract to resolve disputes under the same contract. Not even the State or one of its political subdivisions may act as both litigant and judge in a contract dispute.*** *This is especially true when these procedures do not provide for judicial review of the Districts decisions (See R.L. Augustine Construction Co. Inc. v Peoria Unified School District #11, 188 Ariz. 368 (Ariz. 1997)*

Fourth, WRUSD wrongful withholding of public funding preclude WRUSD from revoking AVT's charter. That is WRUSD fulfillment of their duties as described above constitutes a "condition precedent" to any charter revocation proceeding by WRUSD. WRUSD wrongful conduct constitutes an absolute defense to WRUSD attempted revocation of ACT's charter.

Fifth, the actions WRUSD executed on December 18, 1997 indicate conduct that violated the letter and spirit of ARS 15 - 183(R) which provides:

"A sponsor ....may revoke a charter at any time if the Charter School breaches one or more of the provisions of its Charter. At least (90) days before the effective date of the proposed revocation, the sponsor shall give written notice to the operator of the Charter school of its

1 *intent to revoke the charter.....The notice shall incorporate a statement of reasons for the*
2 *proposed revocation of the charter.... The sponsor shall contact the charter School within (90)*
3 *days to correct the problems associated with the reasons for the proposed revocation of the*
4 *Charter. The final determination of whether to revoke the Charter shall be made at a public*
5 *hearing called for such purpose. (Emphasis added)*

6 Sixth, *WRUSD refusal to fulfill their fiduciary duty of the charter indeed the*
7 *District's entire course after it decided to get out of the charter school business was*
8 *fundamentally unfair, was a violation of its fiduciary, statutory and contractual duties and*
9 *deprived AVT of a fair opportunity to meet and resolve any problems the school may have faced.*
10 *The fundamental unfairness of WRUSD conduct is evidenced best by its letter to the parents od*
11 *ACT's students dated December 18, 1997. The letter recommends that parents transfer their*
12 *students to another school, and states WRUSD is closing the school. This letter clearly shows*
13 *that WRUSD had already made up its mind to revoke AVT's charter long before the March 18*
14 *hearing, and evidence WRUSD intent to force AVT out of business by whatever means available.*
15 *This letter was a wrongful interference by WRUSD in AVT's contract and business relationships*
16 *with its students and their parents, especially in light of WRUSD';s Notice of Claim*

17 *Seventh, WRUSD's letter to AVT's parents evidenced willful intent to make certain*
18 *AVT would be out of business and make impossible to comply with the 100 day ADM report*
19 *which caused a mass exodus of withdraws from AVT with a large lack of personnel available to*
20 *send transcripts etc. The conduct of WRUSD was an entire betrayal of the people and taxpayers*
21 *of the State of Arizona. The final issue regarding the letter is it served as a cover-up of WRUSD*
22 *embezzlement of public funding. This became easy for the District to "make money by keeping*
schools funding then shut them down.

30. By January of 1998, AVT was not capable of complying with financial reporting or 100th day ADM reporting and AVT had been mortally wounded. By January 12, 1998, the Arizona Department of Education and WRUSD wielded the final fatal blow to AVT when they continued to withhold funding and DOE informed WRUSD that they were holding funding until registration and attendance had been is filed and accepted. This was no longer possible and WRUSD knew it, bit continued to hold AVT's funding.

Conclusions of Law: The actions of WRUSD and the Department (DOE) violated ARS 15-272 (C) and Title 41-1052.03 in at least three ways: First, they failed to notify AVT of the specific violations alleged to have occurred. Second, they failed to notify AVT of its right to hearing before funds can be withheld, they did in fact terminate funding without having a hearing. The wrongful termination of public funding without adequate notice and a hearing deprived AVT, ACT, ACT's students and their parents of their civil and due process rights, interfered with AVT's ability to reach compliance and forced the school into closure consequently WRUSD and DOE interrupted and damaged the educational experience of ACT's students, caused AVT's students to lose credit, caused severe financial damaged to AVT through AVT's closure, resulted in entire loss of real and personal property rights, substantially damaged the reputation and community standing of ACT, AVT, Reed Gaddie and his wife, were total cause of bankruptcy. WRUSD owed AVT, AVT students and their parents a duty of good faith and fair dealing in carrying out the purposes and objectives of the charter and the Arizona Charter statutes ARS 15-181 and 15-272 (B) and a duty to refrain from terminating public funding and a duty to act at all

1 times in a way desgned to support and enhance ACT's efforts to provide its students with a
2 quality educational experience and refrain from hindering and damaging such efforts.
3 31. **December 28, 1997 - Corruption** over school governance was discovered,
4 funding was traced from State to WRUSD. Funding never made it to AVT.
5 32. January 5, 1998 - Teachers walk out because of being unable to make payroll.
6 (Exhibit V page BCS359 Item K) (Note: Please remember that everyone knows when an
7 employee does not get paid they become an adversary.)
8 33. JHA found ACT Governing Board Notice of Appeal (Exhibit V page BCS358
9 Item A.2)
10 34. **January 13, 1998 = JHA found ACT** Board member was **threatened** and after
11 public notice, ACT's Governing Board closed ACT
12 35. **January 1998 ACT was Burglarized and someone forced entry. Fingerprint**
13 **cards, computers, etc. were stolen**
14 Mesa Police Report #1998072657ACT List of Exhibits
15 36. **January following day - visit by WRUSD Superintendent requesting copies**
16 **of employee fingerprint cards**
17 **37. JHA found that ACT received a letter written by Manuela Perez an ACT**
18 **parent January 16, 1998(JHA Exhibit 7 page 7.6) it said quote:**
19 "As a concerned parent, I am writing about ACT High School. My sons have attended
20 Gilbert and Mesa Public Schools. They lost two years of their academics because they got
21 straight f's after many conferences with principals and counselors. I had no choice but, to put
22 them in a chatter (spelled as it was) school. My youngest son had lost interest in school.
Arizona Career and Technology has made a big difference in my son's motive to continue school

1 He is ready every morning to go to school, which before I have to struggle to made him to go to
2 school. He is getting A's and his behavior has changed a lot. My oldest son just started two
3 weeks ago, because he was in prison for DUI. He also has high hopes to graduate from ACT, he
4 talks about how he wants to change and get his high school diploma. IF this school closes down,
5 my sons and many other students will lose their self-esteem and the desire to continue school. I
6 work for Tempe Community Action Agency, as a case worker. And I pray to God that my sons
7 and young people do not have to suffer and be asking for help.
8 Pease help us, we need to keep this school open, give these young people a chance to get
9 a high school diploma.'
10 If you have any question, please do not hesitate to call me at the above number or my
11 home number is (602) 357-8817.
12 Sincerely,
13 Manuella Perez
14 38. **JHA found ACT received another letter written by Leonard Abel to WRUSD,**
15 **AZ DOE Superintendent, AZ Governor, Reed Gaddie ACT , Editor of AZ Republic (JHA**
16 **Exhibit 7 page 7.4, 7.5):**
17 **"What a sad day January 21, 1998 was for education in the State of Arizona.**
18 **This was the day that Arizona Career and Technology High School closed.** This school was
19 salvation for many students. Not every person in this world is an academic genius and this
20 school would have not only benefited the students who are, but, would have served even better
21 those who are not.
22 Perhaps the people in the "know" should have taken a little more interest in what was
happening at this school. ACTS (AVT) was trying to give all students a chance at life, not as

1 another on welfare, but, as someone who would be an asset to society. Public schools are not
2 uniting academics with industry; however, ACTS was accomplishing this in a very successful
3
4 manner. If they could continue, ACTS students would be able to support themselves, a family
5 after high school, pay their way through college and be debt free. What is wrong with this
6 concept? I personally believe it is a good one. It seems as if in todays' world, if something
7 comes along to help the young people better themselves, then it must be bad.
8 **There was a lot of student pride at this school, as a lot of them helped build this**
9 **school with their bare hands.** Of course, there were some dissidents, however, they were the
10 minority, and you can't tell me that the public schools don't have them also. The news media,
11 much like most people, only report the negative things that they hear and really don't check out
12 the true facts.
13 How do I know that the true facts never came out?? It is because my wife is a
14 volunteer at the school, I volunteer when I can and I have a 16 year old grandson that attends
15 school there. **My grandson was not doing too well at the public school and hated it, however,**
16 **since going to ACT, his grades improved from near failing to A'S & B's and wild horses**
17 **could not keep him from going to school every day. He now says he is not going back to a**
18 **public school, as it is a waste of time, as you do not learn anything.**
19 There were many programs available to the students not only academically, but, learning
20 about jobs in the business world as well. **My grandson was looking forward to an**
21 **opportunity with ADOT where he could receive his academic courses and also work with**
22 **ADOT part-time until after high school, then full time and within 6 years he would become**
an engineer. This is just one example of the opportunities that were possible for these students.

1 Of course, this is all down the tube now that someone has seen fit to put this school out of
2 business. I just hope that it was not for the greed of the dollar, as *I read in the paper that public*
3
4 *school enrollment was not increasing due to the fact that so many students had transferred to*
5 *Charter Schools.*
6 It's really a shame that all of this had to come about, mainly due to a person that was
7 fired for not doing their jobs. They called the news media and told them a lot of untruths and
8 then the news people descended like a hoard of grasshoppers on the school. As I said before, the
9 news media has blown this all out of proportion and has not reported the true facts, which is; this
10 is a good school, 90% of the students love it; the parents are happy; the business community
11 loves it; and most of the employees are happy. What more does anyone want??
12 By this letter, I am asking you as a taxpayer, a volunteer and a grandparent to **please**
13 **check into this disgraceful situation find out who is responsible for the many attacks on all**
14 **Charter Schools and hold them responsible for ruining so many young people's lives.** If it
15 be in your power, please help this school to reopen so that our young people will not be a drag on
16 society, but an asset, as after all, they are the leaders of tomorrow and will be what we make
17 them.
18 Yours truly,
19 Leonard H. Abel
20 39. **JHA found on January 21, 1998 Reed Gaddie locked the doors of ACT for**
21 **the last time.** When he turned around, ACT's students and their parents had assembled and
22 returned to campus for the last time and were standing there waiting for Reed Gaddie when he
closed AVT's doors the last time.

He loved his students and they loved him and their parents and grandparents as well. (NOTE; Please make a note that not a single complaint came from any parent of AVT.)

He could not speak for a moment then he said that "Well, you see, even Reed Gaddie has challenges in his life. Remember my friends and students that when things like these happen, people either let it overcome them and they fall into depression, or they look at the situation as a learning experience learn what can be learned, gain an understanding of mistakes that were made, find how you could improve then get up and go pursue their American Dream and do not look back." "Remember this. No-one can take your job unless they do not know how to do it as good as you do." Remember what we did here, remember I believe in you never forget I know you can do it especially when it becomes difficult. That is when you begin to see less competition." Remember to always be professional, remember your ancestors of our nation did so you could stand here today in freedom. Remember George Washington's rules of civility in all you doings and you will one day achieve your American Dream."

With tears in his eyes, Reed Gaddie glanced in their faces one last time then he challenged his students to carry the spirit of ACT on with them in their hearts. He thanked them for the pleasure of serving them and to continually strive to achieve their American Dream. He then embraced all who stood in line and said his last good-byes.

40. **There was not a dry eye on campus.** Reed Gaddie told them to never forget who they are he believed in them and gave all he had to prove it. Then the parents told him that they were not done and they were going to stand and defend him to the end. They informed him it was not over.

41. **On March 6, 1998, Greg Miles, Esq. an attorney**, who specializes in education and administrative law for the firm Udhall, Shumway Blackberry Allen and Lyons drafted a

letter to WRUSD, Az Attorney General, Az Governor, AZ Auditor General, and gave a copy to Reed Gaddie and informed him that the parents of ACT have the highest respect for Reed Gaddie.

They all witnessed Reed Gaddie sacrifice his entire future in what he believed in which was their children. They had never seen anyone do what Reed Gaddie did for their children. They were witnesses to Reed Gaddie's sacrifice for their children. They decided that they were not going to let Reed stand alone. That was why they paid Attorney Miles.

42. **On March 19 and 20, 1998, a hearing was held before Pat Delabetta who was appointed by WRUSD to act as a hearing officer. Mr. Delabetta found substantial noncompliance issues and recommended revocation and reported allegations of criminal violations to the "appropriate law enforcement authorities."**

Conclusions of law: Clear violation of ARS 15-181, ARS 15-183(R) and Title 41-272 (c) as described above

43. **On March 30, 1998 The Governing Board of WRUSD voted to accept Mr. Delabaetta's findings and recommendations and therefore revoked AVT's charter.**

Conclusions of law: Clear violation of ARS 15-181, ARS 15-183(R) and Title 41-272 (c) as described above

STOP! THIS IS WHERE MS ROWE ENDED HER INVESTIGATION OF REED GADDIE's BACKGROUND. The reason that was unfair is it deprived Reed Gaddie and the People of the State of Arizona from knowing the full truth. (See Below)

44. **JHA found it a fact that prior to this application process, and appeal, the official reason for the closure of Reed Gaddie's charter school Arizona Vocational Training (AVT) published on online on public record was due to "squabbling over governance"** which is the true reason for the closure of Reed Gaddie's school still published at the Center for Education Reform(CER) from their "List of all Closed Charter Schools and Reasons for their closure) for all the states.(Exhibit 10 pages 10.1-10.3

45. In order to make a fair and unbiased decision, will be necessary for us to first consider the fact that the evidence presented above thus far describe Reed Gaddie as two totally opposite individuals. So, it became necessary to assess the allegations at the hearing closely.

46. **JHA found that THE TWO WORST allegations of all the allegations leveled against Reed Gaddie for example are** accusations of alleged criminal fraud (Exhibit V page BCS353), and an alleged criminal conviction for drug use (Exhibit V page 354). Witnesses to these allegations testified at the revocation Hearing held by Window Rock Unified School District (WRUSD) in March of 1998. **The Hearing Officer reported these criminal fraud and drug allegations to the "proper law enforcement authorities"** (Exhibit V page 358).

47. Esq. Kim Anderson will probably not argue that the "appropriate law enforcement authorities" (Exhibit V page 358) that the "Hearing Officer was referring to was the Arizona Attorney General's Office (AAG), then. According to the typical AAC code rules of procedure, a case such as the one involving Reed Gaddie would be assigned a case number then because the allegation was criminal it would be necessary to acquire an order for an investigation from the Grand Jury. Upon approval, then the task of conducting an investigation would have been assigned to the Arizona Auditor General's Office Special Investigations unit who are a team of very skilled investigators experts in their filed and they conducted the investigation. They

conducted a very detailed investigation involving interviewing of ACT's staff, students, parents, WRUSD Superintendent, Board members, Business manager, faculty , bus drivers even Reed Gaddie which took 2 years after the WRUSD hearing. **(Timeline verified by Esq. Kim Anderson at the Hearing)** The reason for the extended time was there was a vast amount of documented evidence that needed to be reviewed, data entered and analyzed. .

48. JHA found that when the investigation was completed and the investigation findings were determined, the following government agencies took the following actions.

A. The Arizona State Department of Education reported that Arizona Vocational Training was closed due to "squabbling over governance."

B. ***No ACTION WAS EVER TAKEN TO THIS DAY AGAINST REED GADDIE by any State, County, or Municipal Law Enforcement Agencies or Courts in the State of Arizona.*** This was verified in the Board staff report.(Exhibit D pages BCS006-BCS016)

C. The Auditor General submitted the investigation results or report to the Arizona Attorney General's Office and another copy went to the Arizona State Legislature.

D. When the Legislature learned of WRUSD wrongful withholding of 100% of ACT's funding and how the students had suffered and that corruption at the sponsor level had occurred and that the Hearing was nothing but an attempt to throw off investigators from discovering where AVT's funding had gone, they passed ARS 15-183H (2 years after the hearing which forbids any sponsor from withholding any funding from charter schools with exception of 10% in cases of disciplinary action.

E. The findings of the investigation found that ACT suffered from a corrupt Governing Board member with a bad case of covetousness attempted every devious

method perceivable to deceive WRUSD, State School officials and even the witnesses at the revocation hearing that the school would be better if he took control. Thus "Squabbling over Governance" was reported as mentioned. Reed Gaddie was fully cooperative in the investigation which led to the uncovering of embezzling of public funding due to ACT by WRUSD thus corruption in the sponsorship level of charter schools which gave reason for passing of ARS 15-185H.

49. The legal issues that apply here is Reed Gaddie is innocent through his constitutional right of the "Presumption of innocence in Favor Of The Accused" clause which held in the United States v. Coffin 156 US 432 (1895) being it a fact that the Hearing only established probable cause does not prove beyond a reasonable doubt due to the allegations leveled at Reed Gaddie were in fact criminal and they were never proven in a court of law makes Reed Gaddie entirely innocent of what he is accused of, then that means the credibility of the witnesses who stood before the Hearing Officer at the WRUSD revocation has been compromised.

50. JHA found it a fact that *THE KEY ISSUE IN THIS HEARING IS: the Arizona State Board for Charter Schools Executive Director has in fact known all along that Reed Gaddie was innocent of these two criminal allegations and this was confirmed when she reviewed Reed Gaddie's criminal history* record (Rule 7-5-203.10.c) which Ms. Rowe presently has in her custody. (Criminal History Report of Reed Gaddie) That means she realized at that very moment that Reed Gaddie has had no felony convictions regarding the two criminal allegations from 15 years ago to the present day. This fact combined with the fact

1 **that the investigation proved there was no evidence to prosecute Reed Gaddie for those two**
2 **criminal allegations definitely destroyed the integrity and credibility of the witnesses from**
3 **WRUSD hearing. But it does no stop there. According to evidence, she then while knowing**
4 **Reed Gaddie was innocent entered the false information on the Board staff report (Exhibit**
5 **B pages 006-015)**

6 **51.** The Board Executive Director obviously did in fact review the information which
7 she received from Window Rock Unified School District regarding these two criminal
8 allegations. According to evidence she did not identify any criminal convictions, criminal
9 charges, criminal prosecutions, or criminal felony violations relating to the two criminal
10 allegations leveled at the Hearing held approx. 15 years ago at Window Rock Unified School
11 District otherwise she would have surely without hesitation surely added those allegations to her
12 Board staff report regarding JHA as well. (Exhibit D Pages BCS006-016) **With these facts**
13 **being established, Reed Gaddie would like to point out that the entire case in this Hearing**
14 **was being presented from the Board is based on the assumption the Reed Gaddie was**
15 **guilty. It would be an insult to our intelligence to attempt to go any further.**

16 **52. Now, we all know that, ponder this fact which is that it may be possible to**
17 **prove in a court of law that she then knowing the information was false took the false**
18 **information she entered in the Board staff report and placed a copy of that Board Staff**
19 **Report before every member of the Board with intent to influence the Board to deny JHA's**
20 **charter. (Board Meeting Feb 11, 2013.)**

21 **53. But this is not where it ends. What we have here now is a situation where**
22 **almost all the elements of criminal misrepresentation fraud exist.** JHA states that these facts
above compromise the integrity and credibility of the WRUSD witnesses and the Hearing itself

1 and evidence a history of malicious and unprofessional conduct the Board Executive executes
2 upon innocent people of this state and evidence a woman who has gained the entire power and
3 influence on every decision the board makes.

4 54. **Thus with the credibility of the WRUSD witnesses compromised from this**
5 **moment it will now be un lawful to continue this case implying it is true when the fact is an**
6 **entire team of the Special Investigations Unit of the Arizona State Auditor General proved**
7 **it untrue with evidence . The fact no action has been taken also gives weight to the**
8 **information being untrue.**

9 55. **Evidence exists which will prove that despite she knew Reed Gaddie was**
10 **innocent, she IS PRESENTLY still EXERTING EVERY MEANS AT HER DISPOSAL**
11 **TO attempt to imply Reed Gaddie was guilty in order to disqualify him as an applicant.**

12 56. **Another concern is the Board members may be biased themselves from**
13 **being exposed to her fraud.**

14 57. **JHA, and Reed Gaddie THEREFORE COMES before the Honorable**
15 **Sondra J. Vanella and seeks relief from all these falsehoods and attempts to destroy the**
16 **reputation of Reed Gaddie which Kim Anderson, Esq. and Deanna Rowe have been**
17 **attempting to force upon Reed Gaddie who was already innocent before JHA applied for**
18 **this charter and therefore:**

19 58. **JHA HUMBLY REQUESTS that HER HONOR ORDER the Board to**
20 **immediately CEASE THEIR ATTEMPT TO use information from the Window Rock**
21 **Unified School revocation hearing to imply Reed Gaddie is in any way guilty of such**
22 **allegations in any further proceedings and JHA MOTIONS TO STRIKE ALL EVIDENCE**

PERTAINING TO WRUSD REVOCATION HEARING FROM THIS MOMENT FORWARD.

59. Reed Gaddie states he has been authorized to file criminal charges for criminal fraudulent misrepresentation of JHA's charter application for her willful intent to fraudulently misrepresent JHA's charter application in countless ways in the Board staff report and her allegations of discrepancies have been disproven as well unless the Board will cease their malicious assault upon JHA and are willing to work in a respectful professional manner.

60. JHA further states that Ms. Rowe despite her 10 years as Executive Director who has mastered how to close down schools (of which no-one should make a career or be proud of) is truly unqualified to determine whether Delite Gaddie can operate a charter school because she lacks sufficient experience in education compared with Delite Gaddie and her refusal to give Delite Gaddie any consideration for her successful 35 years of experience far outweighs any deficiencies found in JHA's revised application.

61. Reed Gaddie on behalf of JHA states that JHA submitted a high quality application which met the Board's criteria with consideration given that the interview which Ms. Rowe intentionally scheduled to fail JHA with incorrect questions were invalid due to they pertained to information from JHA's supplemental application package which JHA openly admits was not aligned with the common core standards.

62. JHA requests to stand before the Board members and before the Governor of our state to expose the fact our State Charter Board is controlled entirely by one woman who is either a placement of a charter school business entity of this state or is a woman who takes pride influencing the Board to vote to whatever she recommends which places the

entire power of the Board on one individual which itself violates the Arizona Constitution.

(Analysis, Comments and Conclusions of Law of Issue)

Finally JHA has proven with evidence that:

63. JHA did in fact give a very detailed description of how their program of instruction would improve the target population

64. JHA did admit to two typo errors which should not have condemned JHA's entire Business plan,

65. JHA did in fact submit writing curriculum template samples which have quality lesson plans and student activities with exceptional objectives and high quality formative and summative assessments which did measure student mastery. JHA states that JHA utilized state mandated rubrics. JHA also states their skills in curriculum development have been were poorly assessed considering the Board has decided to condemn entire templates due to their grading scale varied slightly in point values for a question or writing assignment makes no difference the fact remaining is the student mastery was measured.

66. One of the most disturbing facts is the fact the Board has no consideration of reality in the entire application process. Otherwise the Board would have given some sort of recognition of an operator of one of the highest scoring schools and most efficient operating schools in the state of Arizona and that fact was actually swept under the rug and thrown in the trash. JHA does in fact have two very experienced and successful principals or representative who have demonstrated their quality administrative skills and ability to operate a quality charter schools combined with the fact Delite Gaddie is the founder/operator of one of the highest scoring highest academic improving and most efficient schools in the State of Arizona and she

has demonstrated the parents in that community prefer to enroll their children in a school operated by Delite Gaddie because of the success of the school.

67. JHA humbly submits these Findings of fact and Conclusions of law herein.

Comes now Reed Gaddie before Honorable Judge Sondra J. Vanella humbly apologizing for having a poor recollection of which evidence was admitted and which was not and not being experienced at all with drafting Findings of Facts and Conclusions of Law Never before in his natural life at any prior date, and with few examples to work off of the internet, Reed Gaddie Humbly requests the Honorable Judge Sondra J. Vanella will please strike, scratch or draw a line through any portion of this document which may be deemed inadmissible due to his not writing down what was and what was not admitted as evidence Therefore Reed Gaddie humbly requests that the Judge consider this document in its parts and strike any evidence or findings which were not admitted without condemning the entire document. Reed Gaddie is most grateful for this request.

On Behalf of John Hancock Academy - Reed Hancock Gaddie

With consideration given of the evidence presented it is hereby ORDERED that **the preponderance of evidence is overwhelming in favor of:**

John Hancock Academy.

Therefore it is hereby ORDERED the Arizona State Board for Charter Schools GRANT AND APPROVE JOHN HANCOCK ACADEMY a charter with no further delay.

(Check in spaces provided for approved orders.)

IT IS ORDERED that JHA's motion for the sealing of this Hearing and case record be GRANTED.

IT IS ORDERED that the Board Executive Director and any of her subordinates treat the principals of JHA with respect, and be helpfulness in their professional communications from now and in the future.

IT IS ORDERED that the Executive Director streamline JHA through the remainder of the application process including the authorization to relocate to a new location with no further scrutiny

1 IT IS ORDERED that because of Delite Gaddie meeting the Board's
2 expectations JHA be granted a minimum of 5 years operation in
3 ____ peace with no requirement for PMP's as well.
4
5 IT IS ORDERED that the Board allow JHA to open a charter school
6 _____ in 2014-2015 school year.
7
8 IN CONSIDERATION OF THE LOSSES that JHA has suffered due to
9 Being delayed and denied, IT IS ORDERED that JHA be granted
10 exemption from USFR accounting procedures and exempt from
11 ____ required bidding
12
13 This is my final Judgment this ___ day of June, 2013
14
15
16 _____
17 Honorable Judge Sondra J. Vanella
18
19
20
21
22

Copy of the foregoing Motion mailed this 14 day of June 2013 to:

DeAnne Rowe
Executive Director
Arizona State Board for Charter Schools
P.O. Box 18328
Phoenixd, AZ. 85009

Esq. Kim S. Anderson/#010548
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Honorable Judge Sondra J. Vanella
Office of Administrative Hearings
1400 West Washington Suite 101
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By _____
Reed H. Gaddie
Authorized Representative of John Hancock Academy