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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF ARIZONA

In the Matter of: **FOUNDING FATHERS ACADEMIES, INC.,** a non-profit corporation, operating **JEFFERSON ACADEMY OF ADVANCED LEARNING**, a charter school	No. 14F-FSRV-002-BCS **ARIZONA STATE BOARD FOR CHARTER SCHOOLS' NOTICE OF FILING OF TRANSCRIPT OF HEARING OF MARCH 27, 2014** (Honorable Tammy L. Eigenheer)

NOTICE is hereby given of the filing of the transcript of the testimony of the hearing held in this matter on March 27, 2014. *See* attached transcript.

Respectfully submitted this 21st day of April, 2014.

THOMAS C. HORNE
Attorney General

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

COPY of the foregoing Notice and Transcript filed electronically this 21st day of April, 2014 with:

The Office of Administrative Hearings
http:www.azoah.com

COPY of the foregoing Notice and Transcript mailed electronically this 21st day of April, 2014 to:

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IN THE OFFICE OF THE ADMINISTRATIVE HEARINGS

STATE OF ARIZONA

In the Matter of:	) No. 14-F-FSRV-002-BCS
	)
	)
FOUNDING FATHERS	)
ACADEMIES, INC., a	)
non-profit corporation,	)
operating JEFFERSON ACADEMY	)
OF ADVANCE LEARNING, a	)
charter school.	)
	)
	)

ADMINISTRATIVE HEARING

Phoenix, Arizona
March 27, 2014
8:21 a.m.

Prepared by:
ALISA SMITH, RPR
Certified Reporter No. 50712

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(ORIGINAL)

1 AN ADMINISTRATIVE HEARING was taken upon
2 oral examination by the parties through their
3 respective attorneys before ALISA SMITH, RPR, a
4 Certified Reporter in the State of Arizona, at the
5 OFFICE of ADMINISTRATIVE HEARINGS, 1400 West
6 Washington Street, Suite 101, Phoenix, Arizona, on
7 the 27th of March, 2014, commencing at 8:21 a.m. of
8 said day. Further this hearing was taken pursuant to
9 the Arizona Rules of Civil Procedure.
10
11 * * *
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1 ADMINISTRATIVE HEARING
2 * * * * *
3 ADMINISTRATIVE LAW JUDGE: We are back
4 on the record in Docket Number 14-F-FSRV-002-BCS.
5 It is March 27, 2014, at approximately 8:15 a.m.
6 Sorry. There's no clock in here.
7 Again, my name is Tammy Eigenheer, and
8 I'm the administrative law judge assigned to this
9 matter. If I could just have a quick run-through of
10 the parties' appearances.
11 MR. CONDOS: Again, Your Honor, my name
12 is Leo Condos. I'm the attorney for Founding
13 Fathers. Next to me is Kathleen Stillman, my
14 associate who will be participating in this trial as
15 well. And directly behind Kathleen is Mr. Sandy
16 Stewart, who is the president of the corporation and
17 the charter representative.
18 MS. ANDERSON: Kim Anderson, Assistant
19 Attorney General, Representing the State Board for
20 Charter Schools, and to my right is DeAnna Rowe, the
21 Executive Director of the Charter Schools. Behind
22 me is Katie Poulos, also of the Arizona State Board
23 for Charter Schools, and Deborah Sterling from the
24 Attorney General's Office.
25 ADMINISTRATIVE LAW JUDGE: Okay. So I

1 understand we have something going on this morning?
2 MS. ANDERSON: We do. We found out
3 this morning that Mr. Sarmento, who was on the stand
4 yesterday, went to the emergency room last night,
5 and he's having his appendix removed. So needless
6 to say, he will not be available today.
7 We have huddled to figure out what to
8 do from this point forward, and I did also talk with
9 other -- with the counsel, and Katie Poulos, who was
10 also involved in -- with the site visit and with
11 this case, is available to step in.
12 I mean, obviously, Mr. Sarmento is not
13 going to be in a position to return anytime --
14 probably, I'm guessing, six weeks, but that's I --
15 just a guess. I don't know. I don't know how long
16 it takes to recover from having your appendix
17 removed.
18 ADMINISTRATIVE LAW JUDGE: It's pretty
19 quick these days.
20 MS. ANDERSON: Oh, is it?
21 ADMINISTRATIVE LAW JUDGE: Yeah.
22 MS. ANDERSON: But needless to say,
23 he's not going to be available this week.
24 ADMINISTRATIVE LAW JUDGE: No.
25 MS. ANDERSON: And I have talked with

1 Mr. Condos and Ms. Stillman about Ms. Poulos
2 stepping in, which she can do. I do acknowledge
3 that she was present in the courtroom yesterday, and
4 we did exclude witnesses.
5 And I believe we -- we -- counsel is
6 all right with moving forward with Ms. Poulos.
7 MR. CONDOS: Judge, you always have to
8 be prepared for surprises when you head for trial.
9 I offered to -- if the Court would permit, to go to
10 the hospital. We can take his testimony there,
11 especially if he was under sedation.
12 However, I know that's an
13 impossibility, and, you know, I conversed with my
14 client because it is out -- out of the norm and, you
15 know, from a procedural standpoint, we could object
16 because she has been in here.
17 My client, you know, because of the --
18 sort of the uncertainty that's pending out there
19 with their children, with their teachers, has
20 decided that we will move forward and accept
21 Ms. Poulos as the other party that was at the site
22 visit and her testimony, so -- and I -- I would
23 assume she's going to be able to testify as to what
24 Mr. Sarmento testified about yesterday, too, so she
25 can be cross-examined on that.

1 I also spoke to Ms. Anderson, saying,
2 well, since we're just now -- will you need a little
3 bit of time to prepare her and, you know, always
4 willing to cooperate with fellow counsel. And it's
5 just a question of how long Kim needs -- 15, 30
6 minutes. Depending on the Court's permission, I
7 would be willing to let her work on that for a while
8 and delay the start.
9 ADMINISTRATIVE LAW JUDGE: Okay.
10 MS. ANDERSON: I think if we had just
11 about 20 minutes or so, I think we can proceed.
12 ADMINISTRATIVE LAW JUDGE: Okay. Then
13 I'll come back out about 8:45, and we will get
14 started then.
15 We'll go off the record at this time.
16 (Short recess was taken.)
17 ADMINISTRATIVE LAW JUDGE: Okay. We
18 are back on the record. And our new witness?
19 MS. ANDERSON: Yes. The Board calls
20 Katie Poulos.
21 MR. CONDOS: Your Honor, before we
22 start, I just -- I have my phone out because I'm
23 waiting for a phone call from one of the witnesses.
24 So I've got it on mute.
25 ADMINISTRATIVE LAW JUDGE: Okay.

MR. CONDOS: And so I may have to run out real quick so you don't think I'm bailing ship.

ADMINISTRATIVE LAW JUDGE: Okay.

KATHERINE POULOS,

the witness herein, having been first duly sworn by the Administrative Judge, was examined and testified as follows:

ADMINISTRATIVE LAW JUDGE: Would you please state your name, spelling it for the record?

THE WITNESS: My name is Katherine Poulos, K-a-t-h-e-r-i-n-e P-o-u-l-o-s.

ADMINISTRATIVE LAW JUDGE: Please proceed.

DIRECT EXAMINATION

BY MS. ANDERSON:

Q. Okay. Ms. Poulos, what is your -- where are you currently employed?

A. I'm currently employed by the National Association for Charter School Authorizers. Through my employment with NACSA, I am placed at the Arizona State Board for Charter Schools.

Q. And since when have you been placed at the

1 Arizona State Board for Charter Schools and in what
2 capacity?
3 A. Since September of 2013.
4 Through the National Association for Charter
5 School Authorizers, my position is a fellow, and
6 that's how I'm placed at the Arizona State Board for
7 Charter Schools.
8 Starting, I guess, at the end of last month,
9 I took the role of kind of acting interim director
10 of charter accountability, at which -- until the end
11 of this fiscal year, at which point I'll be
12 transitioning from NACSA staff to ASBSC staff.
13 Q. What are your duties in your current
14 position at the Board?
15 A. As the acting director of charter
16 accountability, I'm responsible for managing the
17 accountability team, and that team is responsible
18 for conducting periodic interval reviews, annual
19 monitoring of the charter schools, and also renewal
20 applications.
21 Q. As part of your duties, are you charged with
22 monitoring the academic performance of charter
23 schools sponsored by the Arizona State Board for
24 Charter Schools?
25 A. Yes, I am.

1 Q. As part of your duties, are you also charged
2 with evaluating a charter holder's progress toward
3 the academic performance expectations --
4 A. Yes.
5 Q. -- set forth in the charter academic frame
6 work?
7 A. Yes, I am.
8 Q. And what is your educational and
9 professional background and experience?
10 A. I have a bachelor's degree from the
11 University of North Carolina at Chapel Hill. I have
12 a JD from Vanderbilt Law School. I was a litigator
13 for two years in Los Angeles.
14 After that, I joined Teach for America,
15 which is a national organization intended to
16 identify high quality individuals and provide them
17 high quality training in education and then place
18 them in high poverty schools and high need school
19 districts.
20 I did that for two years, and I taught at a
21 middle school in Greenville, Mississippi, and I have
22 a Mississippi teaching certification through Teach
23 for America.
24 And after the completion of my two years, I
25 obtained the fellowship position with NACSA and was

1 placed at the State Board for Charter Schools.
2 Q. What is your experience in the areas of
3 curriculum, instruction, professional development,
4 and assessment?
5 A. As part of my training through Teach for
6 America, we were provided monthly professional
7 development in those areas of curriculum,
8 instruction, assessment, and, obviously, the
9 professional development was what we were provided.
10 Then those skills that I learned in each of
11 those areas I was implementing at the middle school
12 that I taught at. In addition, I was also provided
13 training and was expected to implement practices in
14 each of those areas through my -- the school that I
15 was placed at.
16 And then I was -- kind of my implementation
17 of that was monitored regularly by the Teach for
18 America staff member who was managing my work.
19 Q. Are you familiar with Jefferson Academy of
20 Advanced Learning?
21 A. Yes, I am.
22 Q. And how are you familiar with that school?
23 A. They were designated an "F" school, and as
24 part of that, the State Board for Charter Schools
25 went out and assigned them the Demonstration of

1 Sufficient Progress document and then conducted a
2 site visit.
3 I was not a member of the team, per se, but
4 I participated, so I was an observer, and in order
5 to be an observer, I was treated as a member of the
6 team.
7 And the reason for that is that my initial
8 placement at the State Board for Charter Schools was
9 to implement a few projects. And my main projects
10 were based around rule writing for the agency. In
11 order to be able to write the rules, I needed to
12 participate and understand the agency's processes,
13 policies, and procedures.
14 And so not just with this school, but I also
15 joined or observed as a de facto team member in many
16 of the Board's processes, and this was one of those
17 opportunities.
18 Q. So did you participate, then, in the -- in
19 the process in which the evaluation was conducted of
20 Jefferson Academy's demonstration of the progress
21 process?
22 A. I did participate. So, again, in order to
23 understand the policies and the processes and the
24 procedures, it was necessary for me to participate
25 in those.

1 And so I was, although not an assigned team
2 member, treated as and acted as a team member, so
3 participating in that evaluation and the discussions
4 that occurred around that.
5 Q. Did your participation in the process by
6 which Jefferson Academy demonstrated its progress
7 toward the Board's academic performance
8 expectations, did that participation include
9 participation in the evaluation of that progress?
10 A. It did, in the initial evaluation and the
11 site visit, and in the final evaluation.
12 Q. In the evaluation of Founder Fathers'
13 demonstration of its progress toward the Board's
14 academic performance standards, is a focus of that a
15 school system to create, implement, evaluate, and
16 revise curriculum aligned with Arizona's College and
17 Career Ready Standards?
18 A. Yes.
19 Q. Is the school system to create, implement,
20 evaluate, and revise curriculum aligned to the
21 Arizona College and Career Ready Standards
22 significant to a school increasing its student
23 growth and proficiency?
24 MR. CONDOS: Objection, Your Honor.
25 That's leading and really kind of testimony.

1 ADMINISTRATIVE LAW JUDGE: Can you
2 rephrase?
3 MS. ANDERSON: Sure.
4 BY MS. ANDERSON:
5 Q. What is the significance of a school system
6 to create, implement, evaluate, and revise
7 curriculum aligned with the Arizona College and
8 Career Ready Standards?
9 A. Students -- so the way that students are
10 evaluated at the end of the year is based on their
11 ability to demonstrate mastery of the standards, so
12 it's necessary to have a curriculum that teaches
13 them those standards, the skills necessary to
14 demonstrate mastery of those standards.
15 If you don't have a process in place to
16 continue to adopt, evaluate, revise, implement, then
17 you're not going to have the curriculum teaching
18 students the necessary skills to demonstrate mastery
19 of those skills.
20 And I think the piece of revising and
21 evaluating, again, that's to ensure that the
22 curriculum materials are up to date and meeting the
23 needs of your particular students.
24 Q. And what is the significance, if any, or the
25 relationship between a school's system to create,

implement, evaluate, and revise curriculum to student growth and proficiency?

A. Again, the process ensures that the curriculum materials are up to date and meeting the needs of those students so that they're learning the skills and the information necessary to demonstrate mastery of those standards, which is then reflected in their proficiency and their growth.

Q. Do instructional needs of the students differ depending on their academic performance level?

A. They do.

Q. How?

A. Students who are performing at a lower level often have gaps of information, and teachers would need to fill those gaps in. They would have to be able to identify them. They would have to have the right curriculum, resources, and materials in order to kind of provide background information that might be missing for certain students.

Q. In its demonstration of sufficient progress document, did -- what did Founding Fathers describe with regard to its process to create, implement, evaluate, and revise curriculum aligned with the Arizona College and Career Ready Standards?

1 A. With regards to their math curriculum, they
2 stated that they had recently purchased a new
3 curriculum. As far as a process or a system, they
4 didn't describe anything with regards to a process
5 or a system that they engage in around adopting or
6 revising curriculum.
7 Q. What would a process or a system that
8 creates, implements, evaluates, and revises
9 curriculum look like?
10 A. The important thing to note is with charter
11 schools it can look different, but it would
12 ultimately do the same things, which is it would
13 identify the needs of the students. It would
14 identify possible resources. It would evaluate
15 those possible resources based on what they know
16 their students' needs are.
17 It would be something that happened
18 systematically that would be based on an evaluation
19 of how well those resources are serving their
20 students based on their test scores.
21 So, you know, we kind of continually look
22 and say, "Is this being effective? Are we missing
23 some pieces? Is there something we need to fill in
24 or something new we need because it's either
25 effective or not?"

1 And so it would be that ongoing system that
2 would happen at set periods, so that it wasn't just,
3 "We've adopted it, and we're going to go with it."
4 It's looking back to make sure it's effective.
5 Q. At the site visit, did you ask Founding
6 Fathers to provide -- was Founding Fathers asked to
7 provide its process to create, implement, evaluate,
8 and revise curriculum aligned with the Arizona
9 College and Career Ready Standards?
10 A. Yes.
11 Q. Could you please refer to -- and what was it
12 that they provided?
13 A. There was a short, little description of the
14 process for selecting the math curriculum, so it was
15 kind of a little narrative of what they did or when
16 they bought the new math textbooks.
17 Q. Could you please refer to Board's Exhibit 4,
18 and what is contained in Board's Exhibit 4?
19 A. This is the narrative we received at the
20 site visit that we were told was their process for
21 choosing the math curriculum.
22 Q. And in your evaluation, does Exhibit 4
23 demonstrate a process to create, implement,
24 evaluate, and revise curriculum aligned with the
25 Arizona College and Career Ready Standards?

1 A. It does not.
2 Q. Why not?
3 A. This describes something that happened at
4 one point in time, and as I said, the system is
5 something that happens regularly. It's something
6 that's scheduled. It's planned to continue,
7 continuously occurs, so that, again, we can
8 constantly improve and identify weaknesses as we see
9 them.
10 This is just, at one point in time, we
11 looked, and we saw that we were in trouble, and so
12 this is what we did.
13 The other weakness with this is that it kind
14 of identifies that there's a weakness but not
15 necessarily what it is or shows a real analysis on
16 why they needed to change and what those things that
17 needed to be filled in were.
18 Q. Were you provided with any information from
19 Founding Fathers with regard to its reading
20 curriculum?
21 A. We were told what they use as their primary
22 reading curriculum but not anything about a process
23 to evaluate and revise.
24 Q. And what were you told that they use as
25 their reading curriculum?

A. Teach your Children to Read Well.

Q. At the site visit, were you provided with any documentation demonstrating its process for its selection, evaluation, or revision of its Teach your Children to Read Well program?

A. No.

Q. In the final evaluation, did Founding Fathers demonstrate that it has a system to create, implement, evaluate, and revise curriculum aligned with Arizona College and Career Ready Standards?

A. It did not.

Q. What is the significance of a system to monitor the integration of the Arizona College and Career Ready Standards and to student instruction?

A. The significance of that is to ensure that what is happening in the classroom is implementing the curriculum planned that the school has.

Q. Is there any significance between a system to monitor the integration of Arizona College and Career Ready Standards to student growth and proficiency?

A. Yes.

Q. And what is that?

A. If the instructional plan with the standards is not being implemented within the classroom, the

1 students aren't receiving instruction in the
2 standards that they're supposed to master, which
3 means they're not going to be able to demonstrate
4 growth or mastery of proficiency of those standards.
5 So in order to make sure that instruction is
6 happening in a classroom, an instructional leader
7 would need to monitor.
8 Q. And it's the Arizona College and Career
9 Ready Standards that has -- is the standards on
10 which students are being tested. Is that correct?
11 A. Correct.
12 Q. What are lesson plan reviews?
13 A. Lesson plan reviews are a process by which
14 the instructional leader of a school evaluates and
15 reviews, monitors the lesson planning that the
16 classroom teachers do in order to prepare their
17 daily lessons.
18 Q. What are classroom observations?
19 A. Classroom observations are time periods --
20 and it can vary -- where the instructional leader
21 comes into a teacher's classroom and evaluates their
22 instructional practices and also, again, ensures and
23 monitors the instructional plan, the curriculum plan
24 is being implemented within each classroom.
25 Q. What are formal teacher evaluations?

A. Formal teacher evaluations typically happen at the end of a semester, end of each semester, and that's the process by which the kind of summative review of the teacher's effectiveness and their quality is done by the instructional leader of the school.

Q. And is there a significance -- or if -- what is the significance of any of these items to a school's monitoring of the Arizona College and Career Ready Standards and to the student instruction?

A. Each of those are kind of pieces of evaluating and monitoring that integration, so that teacher -- the instructional leader is looking at the lesson plans to ensure they line up and match with that curriculum plan, being in the classroom to ensure that what's on the lesson plans is what's being implemented in the classroom by that teacher.

And then again, the summative review of kind of what they add over time had they been doing that consistently through the evaluation.

Q. And what is -- is there any significance with regard to these items and a school's student -- a school being able to increase its students' growth and proficiency?

1 A. Yes. So those items would ensure that,
2 again, everything is being implemented with fidelity
3 and without that effective teaching to the standards
4 are, you know, ensuring instruction of the standards
5 and in the standards, students won't be able to
6 demonstrate mastery of the standards when they're
7 evaluated on their mastery and their growth within
8 those standards.
9 Q. What did Founding Fathers demonstrate with
10 regard to lesson plan reviews?
11 A. They did not provide us anything to
12 demonstrate lesson plan reviews were occurring.
13 They did demonstrate that lesson plans were being
14 collected. We saw that in yearly lesson plans and
15 in weekly lesson plans that they gave us, but
16 nothing to indicate that they were being reviewed.
17 Based on our analysis, which was testified
18 to earlier, there wasn't a review going on. If
19 there had been, that lack of alignment with the
20 standards and the lack of alignment with the yearly
21 plan would have been identified and rectified.
22 Q. At the site visit, was Founding Fathers
23 asked to demonstrate its process for teacher
24 observation of instruction?
25 A. Yes.

1 Q. And what was provided in response to that
2 request?
3 A. What was provided was a kind of manila
4 folder of handwritten notes in which we were told we
5 would find classroom observation notes.
6 Q. Over what period of time did the handwritten
7 notes cover?
8 A. When I looked at it, I saw notes that
9 covered years. Maybe two to three years.
10 Q. And did you review the notes for the
11 monitoring of the integration of the Arizona College
12 and Career Ready Standards and to teacher
13 instruction?
14 A. I did.
15 Q. And what did you find?
16 A. Of the, I think it was maybe 50 pages of
17 handwritten notes, I found two pages -- or two
18 instances -- they were about two pages each -- where
19 I could identify that it appeared they were
20 classroom observations.
21 In those two instances of classroom
22 observations, I was not able to identify monitoring
23 of the standards. There was no discussion of the
24 standards in the notes.
25 Q. Would you please refer to Exhibit 11?

What is contained in Exhibit -- Board Exhibit 11?

A. These were the two instances out of those handwritten notes that I was able to identify classroom observations.

Q. And was it your testimony that the observations did not include reference toward whether the Arizona College and Career Ready Standard were being integrated into the teachers' instruction?

A. Yes, that was my testimony.

Q. Could you please refer to Exhibit 1E, Founding Fathers' DSP document at page 19?

The second paragraph from the bottom, the last two sentences of that paragraph states, "We are working on implementing a more thorough teacher observation to help guide teachers in more effective classroom instructional strategy. This observation tool will also be a guide for PD in correlation with student data."

What is -- do you know what the term "PD" --

A. That means --

Q. -- means?

A. -- professional development.

Q. At or following the site visit, did Founding

1 Fathers demonstrate any work that it had done on the
2 implementation of a more thorough teacher
3 observation to help guide teachers?
4 A. No.
5 Q. Did you ask -- Founding Fathers, were they
6 asked at the site visit to demonstrate its process
7 for formal teacher evaluations?
8 A. Are we talking about -- sorry --
9 observations or evaluations?
10 Q. We're talking about -- oh, observations.
11 You're right.
12 A. No, they did not provide anything.
13 Sorry. Was the question, did we ask? We
14 did ask, and, no, they did not provide anything.
15 Q. What about with regard to teacher
16 evaluations?
17 A. We did ask for evidence of teacher
18 evaluations.
19 Q. And was anything provided?
20 A. Nothing to demonstrate that teacher
21 evaluations had been done. What was provided was
22 a -- kind of on one of the professional development
23 agendas -- and it may have appeared on more than
24 one -- there was indication of their process that
25 they were going to be adopting and they were going

1 to start using.
2 And then there was kind of a PowerPoint
3 training for the teachers on what that process would
4 look like. But there was nothing to indicate that
5 that process or any process had been used to conduct
6 teacher evaluations.
7 Q. Could you please refer to Exhibit 13?
8 You had made a reference to teacher
9 agendas -- or agendas.
10 Is that what -- is that what you were
11 referencing that's contained in Exhibit 13?
12 A. So part of the Exhibit 13 in the agendas, if
13 you flip through, you can see the dates that are
14 agendas. This first one is not an agenda, but some
15 of them are.
16 So, for example, 5/19 is an agenda.
17 Q. And what -- what is the source of the
18 information in Exhibit 13?
19 A. These were items that were given to us
20 during the site visit to demonstrate kind of
21 professional development that had occurred.
22 Q. Could you please refer to page 546?
23 At the top of the page, there's a reference
24 to -- on the agenda for teacher meeting November 1
25 of "Our prior work for measuring educator

1 effectiveness, our observation instrument."
2 And then on page 547, a reference under
3 Number 2 for, again, "Our framework for measuring
4 educator effectiveness."
5 Did Jefferson Academy demonstrate that it
6 had implemented a framework for measuring educator
7 effectiveness?
8 A. It didn't demonstrate that it had
9 implemented a framework.
10 Q. Could you please refer to Exhibit 12, and
11 what is contained in Exhibit 12?
12 A. Exhibit 12 also contains documents we
13 received at the site visit. These site visits are
14 evaluation forms not for their teachers but for the
15 paraprofessionals at Jefferson Academy.
16 Q. So are these -- these are not -- are these
17 formal teacher evaluations?
18 A. These are not formal teacher evaluations.
19 They're paraprofessional evaluations.
20 Q. Is there any -- do they reference a
21 monitoring of the instruction to determine whether
22 the Arizona College and Career Ready Standards are
23 being integrated into instruction?
24 A. No. These are primarily evaluating kind of
25 interpersonal skills and relationships and maybe

1 professional -- professionalism for their
2 paraprofessionals, but it's not evaluating or
3 monitoring the integration of the standards.
4 Q. In your final evaluation, did Founding
5 Fathers, through the demonstration of sufficient
6 progress process, demonstrate that it had a system
7 in place for monitoring its teachers' integration of
8 the Arizona College and Career Ready Standards into
9 student instruction?
10 A. No.
11 Q. What is the significance of a school having
12 a comprehensive student assessment system?
13 A. It allows the school to monitor student
14 mastery of the standards throughout the year and
15 then kind of inform, adapt, supplement instruction
16 to fill in any areas that they see of trouble, gaps.
17 Q. Could you please refer to Exhibit 1E of
18 page 18?
19 In the second paragraph on this page, does
20 Founding Fathers identify its use of the AIMSweb
21 assessment?
22 A. It does.
23 Q. What is the AIMSweb assessment?
24 A. AIMSweb is a benchmarking assessment, so an
25 assessment that would be given at regular intervals

1 that should test on the standards and mastery of the
2 standards.
3 Q. Can you please refer to Exhibit 2D at
4 page 16?
5 A. 2D?
6 Q. Excuse me. 1D, 1D at page 16.
7 The fourth bullet from the bottom is,
8 "Founding Fathers is requested to have available for
9 review at the time of the site visit documentation
10 of from Friday meetings"?
11 A. Yes.
12 Q. What is the significance of requesting
13 documentation of from Friday meetings?
14 A. I believe it was written in the DSP
15 document -- I don't know exactly where -- that they
16 conducted -- the Friday meetings was their
17 opportunity to kind of evaluate their data, look at
18 their data and make analysis, and -- and use that
19 time to really analyze their data and then make
20 adaptations to their instruction based on that data
21 analysis. And so we would have been looking for
22 verification of that.
23 Q. And did you look at information from their
24 Friday meetings?
25 A. I did.

1 Q. Okay. And could you please refer back to
2 Exhibit 13?
3 And does -- does Exhibit 13 contain
4 documentation from their Friday meetings?
5 A. So this is what we were given as their
6 documentation of their Friday meetings.
7 Q. And what does Exhibit 13 demonstrate with
8 regard to their Friday meetings and any student data
9 analysis that was occurring at those meetings?
10 A. So a couple of things. I think since the
11 beginning, the first few pages talk about the
12 mathematics learning communities, and our
13 understanding was this was kind of part of that
14 Friday meeting where they were going to be analyzing
15 the data.
16 And so when looking at this document and
17 evaluating it, it kind of gives tasks that they're
18 supposed to do at those meetings and also sets kind
19 of the expectation for note-taking. Specifically on
20 page 518, it provides that template for note-taking.
21 So that was kind of one of the things that
22 we would have been looking for to document what was
23 going on at those meetings. We don't see the use of
24 that in materials that they provided us. We did not
25 see the use of that.

1 And then when we look through what they did
2 provide, we see the agenda for the meetings, but we
3 don't see any documentation that these items
4 happened at the meetings.
5 And what stood out during our evaluation was
6 that we see documentation of some other things
7 happening. So, in particular, if you look at
8 page 522, we see that the discussion on constitution
9 night happened because there's notes about it.
10 But then we see very little -- and on this
11 one in particular, we see that there was at least
12 some of the initial task work done for the MLC
13 group, because the handwritten notes that follow
14 where they set the norms and where they began
15 discussing goals, but they didn't actually get to
16 the data discussion as far as evidenced by the
17 notes, or even all of the kind of expectations for
18 what was supposed to happen at that MLC meeting.
19 And then as you follow through the notes,
20 again, we see in some cases that there's evidence of
21 what occurred at the meetings, another example,
22 page 533, where we see some note-taking.
23 But we don't see any evidence that these
24 Friday meetings were being effectively used for data
25 analysis, which is what we were looking for and what

1 we asked for.
2 Q. In referring back to Exhibit 1D at page 16,
3 the last bullet on the page, it's requesting that
4 Founding Fathers have available for review at the
5 time of the visit evidence of data analysis.
6 What is the significance of data analysis?
7 A. As we -- as I testify with regards to kind
8 of adjustments and identifying gaps, data analysis
9 and that benchmarking system AIMSweb, you should
10 take the data that you get from that and analyze it
11 to understand where those weaknesses are, where the
12 gaps are, what needs to be done, what needs to be
13 adapted within the classroom to -- to ensure student
14 mastery and student growth.
15 And so we would be looking for evidence of
16 data analysis to know that the school was doing
17 that.
18 Q. Could you please refer to Exhibit 14?
19 What is contained in Exhibit 14?
20 A. Exhibit 14 contains the documentation that
21 Jefferson Academy provided to us, or part of it, to
22 demonstrate data analysis. This -- I think the
23 document file was AIMS probes.
24 When we look at it, what we see is it's kind
25 of the data from their AIMS for their students, in

1 some cases for one year, depending on how -- what
2 grade level the students are, and in other cases,
3 over several years.
4 Q. For the purposes of this hearing, were these
5 individual student names redacted and replaced with
6 numbers?
7 A. They were.
8 Q. Please refer to Exhibit 15. What's
9 contained in Exhibit 15?
10 A. Exhibit 15 contains another piece of the
11 documentation Jefferson Academy provided to us at
12 the site visit to demonstrate their data and data
13 analysis. It really is just the AIMSweb data.
14 Q. And, again, for the purposes of this
15 hearing, were the individual student names redacted
16 and replaced with numbers?
17 A. They were.
18 Q. And are the numbers used for the individual
19 student names in both -- the same student numbers
20 used for the same names in both Exhibits 14 and 15?
21 A. Yeah. They're consistent as you go across
22 AIMSweb and then into the AIMS probes, the Excel
23 sheets.
24 Q. Are Exhibits 14 and 15 what was provided to
25 you at the site visit in response to the request for

1 student data analysis?
2 A. They were provided to us for that purpose.
3 Q. Do Exhibits 14 and 15 demonstrate student
4 data analysis?
5 A. No, they do not.
6 Q. Why not?
7 A. They are pieces of data. There's no
8 analysis here. So there's no breakdown of what this
9 data told Jefferson Academy teachers and then what
10 they knew or understanding what that data told them,
11 what they were going to do from that data. That
12 would be the data analysis pieces.
13 What does this tell me, and what am I doing
14 with it? This is just the data itself.
15 Q. In your final evaluation, did Founding
16 Fathers, through the demonstration of sufficient
17 progress process, demonstrate evidence of analysis
18 of student assessment data?
19 A. They did not.
20 Q. What is the significance of or relationship
21 between analysis of student data and instruction to
22 students?
23 A. Sorry. Can you repeat the question?
24 Q. Is there a significance -- a significance or
25 relationship between analyzing student data and then

1 instruction to students?
2 A. Yeah, there is. So in order to effectively
3 provide high quality instruction for the student and
4 to ensure the student grows and masters the
5 standards, you want to monitor the data and know how
6 effective your instruction has been. You also want
7 to -- and analyze it.
8 You want to analyze and monitor the data to
9 understand individual student weaknesses, student
10 weaknesses across a classroom, to understand, you
11 know, when students are getting the wrong answer not
12 just that the answer is wrong, but why. And to be
13 able to pinpoint certain and individual
14 misunderstandings and then be able to address those
15 back in the classroom.
16 Q. When you say "address those back in the
17 classroom," do you mean possibly needing to realign
18 or readjust student instruction based on the data?
19 A. Yeah.
20 Q. In the final evaluation, did Founding
21 Fathers, through the demonstration of the sufficient
22 progress process, demonstrate that it had readjusted
23 its instruction based on an analysis of student
24 data?
25 A. It did not.

1 Q. What's the significance of a comprehensive
2 professional development plan?
3 A. It's to ensure that teachers' weaknesses are
4 being identified and addressed with professional
5 learning opportunities and then their implementation
6 of what they've learned is or what they've learned
7 is being implemented and being implemented
8 effectively within the classroom to improve the
9 quality and effectiveness of their instruction in
10 that classroom.
11 Q. What are follow-up and monitoring strategies
12 for professional development?
13 A. Follow-up and monitoring strategies are
14 strategies that an instructional leader would use
15 to, again, identify whether those professional
16 learning opportunities and experiences are being
17 implemented within the classroom, are being
18 implemented effectively, and whether an individual
19 teacher or group of teachers needs more instruction
20 or needs more support to implement those strategies;
21 and that the information that they're learning
22 within that professional development, that was
23 provided to address weaknesses and instructional
24 practices for those teachers.
25 Q. And is there a relationship between

1 follow-up and monitoring strategies for professional
2 development and student academic growth and
3 proficiency?
4 A. Yes.
5 Q. And what is that?
6 A. The follow-up and monitoring, again, is
7 intended to ensure that what the teachers have
8 learned to address identified weaknesses is being
9 effectively implemented in the classroom to ensure
10 that, within the classroom, students are receiving
11 high quality instruction.
12 So if that monitoring and follow-up is
13 missing, there's no assurance that that -- those
14 kind of fill-in weaknesses for the teacher is
15 actually being used, and so there's no assurance
16 that teacher quality is improving and teacher
17 instruction is improving within the classroom to
18 provide students with high quality instruction which
19 would enable them to master and grow in the
20 standards.
21 Q. Did Founding Fathers demonstrate that it
22 provided professional development to its staff?
23 A. It demonstrated that there were professional
24 development agendas so that they were having
25 meetings and that there was something being

1 provided.
2 Q. Did Founding Fathers demonstrate its process
3 for determining its teachers' professional
4 development needs?
5 A. It provided surveys that the teachers filled
6 out, that they were asked to fill out, kind of, what
7 are their goals, and then what additional learning
8 opportunities they would like.
9 Beyond that, it didn't provide any evidence
10 of why they provided certain professional
11 development opportunities or why those were areas
12 they identified as needs.
13 Q. Is asking teachers in a survey to identify
14 what professional development or what learning
15 opportunities they would like, is that an effective
16 process to determine teacher learning needs?
17 A. It could be a part, but it's not the
18 effective way. So one of the things that is
19 necessary is that the instructional leader is
20 identifying teacher weaknesses and areas of growth
21 for the teachers and based on an observation of
22 their practices and where those weaknesses might be.
23 Q. In your final evaluation, did Founding
24 Fathers, through the demonstration of sufficient
25 progress process, demonstrate professional

1 development, development follow-up, and monitoring
2 strategies?
3 A. They did not.
4 Q. In your final evaluation, did Founding
5 Fathers, through the demonstration of sufficient
6 progress process, demonstrate their teachers were
7 effectively implementing in their classroom
8 professional development that had been received?
9 A. They did not.
10 Q. Can you please refer to Exhibit 2, the
11 Board's Academic Framework?
12 Page 14, beginning on page 148 is where the
13 framework's evaluation criteria are located.
14 Does the Academic Framework also identify
15 that the charter holder in the demonstration process
16 is expected to demonstrate and is evaluated on
17 evidence of the implementation of a sustained
18 improvement plan that includes -- or that evidences
19 it contributes to increased student growth in math?
20 A. Can you repeat that?
21 Q. As part of the Board's Academic Framework,
22 the evaluation criteria, the top of the table
23 there --
24 A. Um-hmm.
25 Q. -- does it also identify that the charter

1 holder is expected to provide evidence of a
2 sustained improvement plan that includes
3 implementation of a curriculum that contributes to
4 increased student growth in math?
5 A. It does.
6 Q. And, actually, it provides for the
7 requirement to provide evidence of a sustained
8 improvement plan that includes implementation of a
9 curriculum that contributes to increased student
10 growth in math and reading --
11 A. Um-hmm.
12 Q. -- and proficiency? Basically, student
13 growth -- increased student growth and proficiency
14 across all of the measures that are contained in the
15 dashboard?
16 A. Yes, it does.
17 Q. Okay. So in each of the measures, the
18 growth measures for -- for students overall and for
19 the bottom 25 percent, and then also in the
20 proficiency measures, all of the measures within the
21 proficiency indicator?
22 A. Yes, it does.
23 Q. And what is the significance of a charter
24 holder's implementation of a sustained improvement
25 plan that includes implementation of a -- in this

1 case, a curriculum or a plan for monitoring --
2 excuse me -- a plan that includes implementation of
3 a curriculum, implementation of instruction,
4 implementation of assessment, and professional
5 development, all of those items that contribute to
6 increased student growth and proficiency?
7 A. So in the context of a charter holder that's
8 been required to do a demonstration of sufficient
9 progress, that's based off of data that shows their
10 students aren't demonstrating mastery and their
11 students aren't growing effectively.
12 So in order to address those, this was
13 created with best practices around each of those
14 areas, what high quality schools that have high
15 student proficiency and growth are doing kind of
16 to -- to get those results.
17 And so we've asked charter holders who
18 aren't being effective to have an improvement plan,
19 so a way to improve that are based around those
20 areas of best practices that have been effective in
21 other schools.
22 By doing that, if they do it effectively,
23 the anticipation is, and what we're expecting to see
24 in the demonstration of sufficient progress, is that
25 student growth and proficiency is improving over

1 time as a result of the improvement plan in each of
2 those areas.
3 Q. And can a charter holder demonstrate that
4 increase in student growth and proficiency over time
5 through means other than the student AIMS testing?
6 A. Other than the student AIMS testing, yes,
7 but it's the expectation that there's data and data
8 that's reliable that would point towards there's
9 going to be improvement in the AIMS testing over
10 time.
11 Q. In terms of the -- the data that was
12 provided to you by Founding Fathers at the site
13 visit that's in Exhibit 14 and 15, did you follow
14 the academic progress of individual students through
15 the information contained in Exhibits 14 and 15?
16 A. We did.
17 Q. And why?
18 A. To identify if those students were showing
19 improvements over time.
20 Q. Would you please refer to Exhibit 14?
21 At page 548, with regard to a student --
22 okay. With regard to Student 23, what does the
23 information contained in Exhibit 14 tell us about
24 Student 23?
25 A. So, again, this was provided to us by

1 Jefferson Academy, and there's, I guess, a couple of
2 pieces of information we want to go through here.
3 So the first column, you see there's some
4 that are blank and then some that say "FAY." "FAY"
5 means full academic year student. So those are
6 students that Jefferson Academy is identifying as
7 students that they had for the full academic year.
8 First name, last name. "SPED" is an
9 indication of whether that student was identified by
10 Jefferson Academy as a special education student.
11 The grade would be the grade level that Jefferson
12 Academy is identifying them as. AIMS, our
13 understanding is those are the AIMS scale scores
14 that they provided.
15 And then right after that, the As and the Ms
16 correlate to the AIMS performance levels, so I think
17 it was privately testified that those would be --
18 can be "E" for exceeds, "M" for meets, "A" for
19 approaches, and "FFB" for falls far below.
20 The next piece of information, I'll be
21 honest, I didn't know what it was, and then the last
22 one they've identified as the growth target per
23 year. I'm not sure who that's set by.
24 So the information, you know, that they gave
25 to us and kind of what we were looking at was the

1 "FAY" designation and then the performance level.
2 Q. And if you refer to Exhibit 15 at page 571,
3 Student Number 23 appears also on page 571, and
4 Student 23 also -- if you refer to page 585,
5 Student 23 also appears on page 585.
6 What does the information contained in
7 Exhibit 15 demonstrate about Student 23 in what was
8 reading curriculum based measurement assessment?
9 A. So on page 571 -- and just to orient us all
10 to what this is, so, again, this was the AIMSweb
11 data that was given to us.
12 Page 571 identifies the data for grade
13 three, Sheena Martz's classroom, for the 2012-13
14 school year and specifically on the section of the
15 test identified as "reading curriculum based
16 measurement."
17 So with regards to Student 23 on that test,
18 the understanding is that that student was placed in
19 this kind of area of intensive. So there's three
20 levels. There's benchmark, strategic, and
21 intensive. Benchmark would be the highest
22 performing level, strategic would be kind of mid,
23 and then intensive would be the lowest performing
24 level.
25 So this shows us that in 2012-2013 at fall

1 Student 23 was identified as performing in the
2 intensive level.
3 Then if we look at page 55 -- this is
4 grade 4, so this is a year later with that same
5 student, Student 23 for the 2013-14 school year.
6 This is also the reading curriculum based
7 measurement test, and that same student is again in
8 the intensive performance level.
9 And when I look at that as compared to 548,
10 the information they gave us with regards to AIMS
11 and I look at Student 23, I see that he was
12 approaches. So -- and this is previous year's data.
13 So after 2012, he scored approaches, and we
14 know that he was in intensive. That's where he was
15 kind of leveled. And, again, at the beginning of
16 this year, he's leveled intensive.
17 So based on what we can see tracking that
18 student over time, there doesn't appear to be an
19 improvement for his performance level, and I would
20 anticipate that he would again perform at an
21 approaches level.
22 Q. Would you please refer to Exhibit 14 at
23 page 548 again?
24 With regard to Student 32 and on pages 571
25 and 585 -- excuse me -- 571 and 584 -- no, 585 --

1 I'm sorry.
2 With regard to Student 32, did you -- did
3 you look at the information with regard to
4 Student 32 on each of these pages?
5 A. We did.
6 Q. And what was your conclusion with regard to
7 Student 32 with regard to Student 32's performance
8 between years?
9 A. Yeah. And so, again, looking at the data
10 that we have, the most recent AIMS data, we see that
11 they were a full academic year student with
12 Jefferson Academy, that at the end of that full
13 academic year, they scored approaches.
14 When I look at Student Number 32 from
15 2012-2013, I see that this also was a student that
16 was in the intensive level. And then when I go to
17 585 and look at that student this school year, I
18 again see that same student in the same intensive
19 level.
20 And so my expectation is there's no
21 improvement and that student would again score
22 approaches.
23 Q. On page 548 with regard to Student 52, if we
24 again follow Student 52 to page 571 and 585, what
25 does the information contained in these exhibits

1 with regard to 52 reflect?
2 A. So, again, at 548 we look at the student and
3 identify that they were a full academic year student
4 at Jefferson Academy, that they scored approaches at
5 the end of the 2012-13 school year, that at the
6 beginning of that school year, they were at the
7 strategic level, and that, again, at the beginning
8 of this year, they are at the strategic level.
9 My expectation being that the result would
10 be the same at the end of this year, that they would
11 again be at the approach -- approaches level. There
12 would be no improvement.
13 Q. If you would refer to page 549 --
14 MS. STILLMAN: Did you say "49"?
15 MS. ANDERSON: 549.
16 MS. STILLMAN: Thank you.
17 BY MS. ANDERSON:
18 Q. With regard to -- contained in Exhibit 14,
19 with regard to Student 10, and if we follow
20 Student 10 in Exhibit 15 on pages 574 and 587, what
21 can you tell us with regard to the progress of
22 Student 10 through Exhibits 14 and 15?
23 A. So when we look at 549 and we look at
24 Student Number 10, we see that they were a full
25 academic year student and that, for fourth grade on

1 the AIMS test, they performed at a falls far below
2 level.
3 When we track them back a year to the prior
4 year AIMS, which would be the third grade, they also
5 scored a falls far below.
6 So carrying it forward in time, we would
7 hope to see improvement with that level, especially
8 when it's a student at such a low level, and what we
9 see is that there's no change. That there's falls
10 far below and falls far below.
11 Then when we look in Exhibit 15 at page 574
12 for the 2012-13 school year, we see that Student 10
13 was one of those students scoring at the intensive
14 level.
15 And when we look at the recent year, or
16 current year data of 2013-14, on 587 we, again, see
17 that student being at the intensive level. So
18 there's been no change over those two years, and we
19 would expect again to see a falls far below.
20 Q. With regard to Student 55 contained on
21 page 549 of Exhibit 14, if we follow Student 55
22 into -- what was provided by the school to you in
23 Exhibit 15, page 573 and 587, what is your
24 evaluation of the information with regard to this
25 student as contained in these two exhibits provided

1 by Founding Fathers?
2 A. So, again, on page 549, we look at
3 Student Number 55 and see that they were a full
4 academic year student, and during that year for
5 fourth grade, they scored a falls far below on their
6 AIMS test at the end of the year.
7 When I look back to the previous year, being
8 third grade, they actually scored an approaches. So
9 from third grade where they scored an approaches to
10 fourth grade where they were a full academic year
11 student at Jefferson, their performance level
12 declined from "approaches" to "falls far below."
13 When I look at the AIMSweb data, in
14 Exhibit 15 -- and specifically looking at 2012-13 --
15 on page 573, I see that that student, Student 55,
16 was scoring and was in the intensive level.
17 When I look in the current year, 2013-2014,
18 on page 587, I see that that student again is at the
19 intensive level. My expectation being that because
20 their results on AIMSweb are consistent between
21 2012-2013, I would expect to see the same result at
22 the end of the 2013-14 school year, which would be a
23 falls far below.
24 Q. If we look at Student Number 42 on page 549
25 of Exhibit 14 and we follow Student 42 through

1 Exhibit 15 at page 573 --
2 MS. STILLMAN: Student 42; correct?
3 MS. ANDERSON: Yes, Student 42.
4 MS. STILLMAN: Thank you.
5 BY MS. ANDERSON:
6 Q. -- and 587, with regard to Student 42, what
7 does the data that Founding Fathers provided to you
8 reflect with regard to Student Number 42?
9 A. So Student Number 42 was a full academic
10 year student. When you compare third grade to
11 fourth grade again, third grade was -- it was
12 Student 42; right?
13 So third grade, the student scored a falls
14 far below, and we actually see some improvement for
15 this student, so from falls far below to an
16 approaches level.
17 So in fourth grade, they're at an approaches
18 level at the end of the 2012-13 school year. So
19 when I look to Exhibit 15 at page 573, I see that
20 that Student 42 was at the strategic level.
21 When I look at the current year, 2013, I
22 again -- I'm sorry -- on page 587, I again see
23 Student 42 at the strategic level. My expectation
24 then being that the consistency between those two
25 years on the AIMSweb I look and see, I would expect

1 another approaches.
2 Q. If you would, please, on Exhibit 14,
3 page 549, refer to Student 14, and if we follow
4 Student 14 through the information contained in
5 Exhibit 15 on page 573 and 587, what does the data
6 contained in Exhibits 14 and 15 that was provided by
7 the school reflect with regard to Student 14?
8 A. With regards to Student 14, a full academic
9 year student, in third grade, which, the performance
10 level -- it's kind of further to the right -- we see
11 that they were an approaches. And then in fourth
12 grade -- looking to the left -- they were, again,
13 scoring approaches on their AIMS at the end of the
14 '12-13 school year, so no change there.
15 Then when I look to the AIMSweb for the
16 2012-13 school year on page 573, I see that
17 Student Number 14 was at the strategic level, and
18 when I, again, look at page 587 for the current
19 school year, I see that that student was also again
20 at the strategic level.
21 So my expectation being the consistency in
22 that data and lack of improvement means that they
23 would again score an approaches at the end of this
24 year.
25 Q. If you would refer to Exhibit 14 at

1 page 550, with regard to Student 30, if we follow
2 Student 30 in through Exhibit 15 at pages 575 and
3 588, what does the data contained in Exhibit 14 and
4 15 reflect with regard to Student 30?
5 A. So in Exhibit 14 at page 550, we see that
6 Student 30 was a full academic year student, and
7 that would be for the fifth grade.
8 To jump all the way back to third grade so
9 that we can track this student, we see that in third
10 grade, this student's performance level was an A,
11 approaches. In fourth grade, we don't have a
12 performance level to compare that to, but in fifth
13 grade we do, and in fifth grade, they were a falls
14 far below.
15 So the comparison of third grade to fifth
16 grade indicates that there was a decline in the
17 level of performance.
18 When we look at the 2012-13 AIMSweb data for
19 Student 30 on page 575, we see Student 30 identified
20 in the strategic level. When we look at page 588
21 for the 2013-14 school year, we again see
22 Student Number 30 at the strategic level.
23 Q. And so what does the data then contained in
24 Exhibit 14 and 15 with regard to Student 30 reflect?
25 A. So it reflects, again, when you look at

1 tracking that student from 2013 to '14 with the
2 AIMSweb, that there's been no change, and that I
3 would then again expect the same result that we
4 received in fifth grade at the end of the year on
5 AIMS, which was falls far below, to be consistent
6 and again be a falls far below at the end of the
7 2013-14 school year.
8 Q. If you would please refer to Exhibit 14 at
9 page 550 with regard to Student 28, and if we follow
10 Student 28 in Exhibit 15, on page 575 and 588, what
11 does the data that was provided in Exhibits 14 and
12 15 reflect with regard to Student 28?
13 A. Looking at Exhibit 14 on page 550, with
14 regards to Student 28, we see that Student 28 was a
15 full academic year student. That -- to go in
16 chronological order, in third grade, that student
17 scored at the approaches level, in fourth grade,
18 that student scored at the approaches level, and in
19 fifth grade, that student's performance level
20 declined to falls far below.
21 If we look at Exhibit 15 with regards to
22 Student Number 28 on page 575, we see that student
23 identified at the intensive level for the 2012-13
24 school year. On page 588, we see no change. That
25 student again identified at the intensive level.

1 Based on that consistency, I would expect to
2 see this student at the end of this school year
3 receiving the same performance level of falls far
4 below.
5 Q. If you refer to Exhibit 14 at page 550 with
6 regard to Student 45, which is toward the top of the
7 page, and if we follow Student 45 through Exhibit 15
8 at pages 575 and 588, what does the data in
9 Exhibit 14 and 15 reflect with regard to Student 45?
10 A. So with regards to Student 45, looking at
11 page 550, I see that that student was a full
12 academic year student and, again, tracking from
13 third grade to fifth grade.
14 In third grade, I see that Student 45 was
15 scoring at the approaches level. In fourth grade,
16 Student 45 was scoring at the approaches level. And
17 then in fifth grade, Student 45's performance level
18 had declined from "approaches" to "falls far below."
19 When I look at Exhibit 15 at the AIMSweb
20 data, on page 575, I see that during 2012-2013, that
21 student appearing under the strategic level, Student
22 45. And then when I go to page 588 for the 2013-14
23 school year, I see that student again appearing at
24 the strategic level meaning no change.
25 So I would expect the results at the end of

1 sixth grade to be the same as at the end of fifth
2 grade, being falls far below.
3 Q. If we look at Student 37 on page 550, we
4 follow Student 37 through Exhibit 15 on page 576 and
5 588, what does the data in Exhibit 14 and 15 reflect
6 with regard to Student 37?
7 A. On page 550, looking at Student 37, we see
8 that in third grade, Student 37 -- I'm making sure I
9 track this correctly -- scored at the falls far
10 below level. In fourth grade, Student 37 scored at
11 the meets level. And then in fifth grade, Student
12 37 declined, from fourth grade, back to the falls
13 far below level.
14 In Exhibit 15 at page 576, I see that for
15 the school year 2012-13, Student 37 was at the
16 intensive level. And on page 588 for the 2013-14
17 school year, there's no change in that. Student 37
18 is again identified at the intensive level.
19 The consistency in the data indicating that
20 there's likely to be no change, and Student 37 would
21 again score at the falls far below level.
22 Q. With regard to Student 51 on page 550 of
23 Exhibit 14, if we follow -- if we follow Exhibit 51
24 through Exhibit 15 on page 576 -- excuse me --
25 Student 51 on 576 and 588, what does the data

1 contained in Exhibits 14 and 15 reflect with regards
2 to Student 51?
3 A. Student 51 on page 550, Exhibit 14, is
4 identified as a full academic year student. In
5 third grade Student 51 was identified as performing
6 at the approaches level. We do not have data
7 regarding fourth grade. We can see again at fifth
8 grade, at the end of the 2012-13 school year,
9 Student 51 was still performing at the approaches
10 level; no improvement.
11 When I look at Exhibit 15 on page 576 for
12 the 2012-13 school year, we see that Student 51 was
13 identified at the strategic level. On page 588 for
14 2013-14, we again see no change. Student 51 is
15 identified at the strategic level.
16 Based on this I would expect the same
17 results: Approaches.
18 Q. When we look at Student 61 on page 550 of
19 Exhibit 14 and we follow Student 61 through
20 Exhibit 15, at page 575 and 588, with regard to --
21 what does the data in Exhibits 14 and 15 reflect
22 with regard to Student 61?
23 A. With regards to Student 61 in Exhibit 14 at
24 page 550, I see Student 61 was identified as a full
25 academic year student. I do not see information

1 regarding third grade or fourth grade for this
2 student, but I do see, at the end of the 2012-13
3 school year, Student 61 scored at the approaches
4 level.
5 When I look at page 575 in Exhibit 15, I see
6 Student 61 identified at the strategic level. When
7 I look at the current school year's AIMSweb data,
8 2013-14 on page 588, I again see Student 61
9 identified at the strategic level.
10 My expectation being, based on no
11 improvement, that that student would again score at
12 the approaches level.
13 Q. If we look at Student 58 on page 550 of
14 Exhibit 14 and we follow Student 58 into Exhibit 15
15 on page 577 and 589, what does the data in
16 Exhibits 14 and 15 reflect with regard to
17 Student 58?
18 A. With regards to Student 58 in Exhibit 14 at
19 page 550, I see Student 58 is identified as a full
20 academic year student. Tracking back from fourth
21 grade through sixth grade, we see that in fourth
22 grade, Student 58 scored at the approaches level.
23 In fifth grade, Student 58 scored at the approaches
24 level. In sixth grade, Student 58's performance
25 level declined to falls far below.

1 When I look at Exhibit 15 on page 577, I see
2 that for the 2012-13 school year, Student 58 was
3 scoring at the benchmark level. When I look at
4 page 589 for the 2013-14, I see Student 58 has
5 actually declined from the benchmark level the prior
6 year to the strategic level in the current year.
7 Based on that information, I would expect
8 that Student 58 will not improve from falls far
9 below.
10 Q. If you would please refer to page -- the
11 same page in Exhibit 14, page 550 with regard to
12 Student 40, if we follow Student 40 through the
13 Exhibit 15 at page 577 and 589, what does the data
14 in Exhibit 14 and 15 reflect with regard to
15 Student 40?
16 A. Student 40 on page 550 was a full academic
17 year student. In fourth grade, Student 40 scored
18 falls far below. In fifth grade, approaches, so
19 there was improvement. And then in sixth grade,
20 approaches. So between those two years, no
21 improvement.
22 Student 40, if I look at the AIMSweb for
23 2012-13 on page 577, I see Student 40 at the
24 strategic level. When I look at page 589 for the
25 2013-14 school year, I see Student 40 again at the

1 strategic level, so no change in that level.
2 My anticipation being that there likely will
3 be no change in the performance at the end of the
4 year, and Student 40 would again score approaches.
5 Q. If you could please refer to page 556.
6 These are all students that we're discussing with
7 regard to reading. Is that right?
8 A. That is correct.
9 Q. Let's identify at the top of each exhibit
10 where it says which scores they are, so I should
11 have identified that when I was going through them.
12 But if you look at 550, it says "reading scores,"
13 and we discussed that on the AIMSweb.
14 If you refer to page 556 of Exhibit 14, it
15 indicates that it was Ms. Tate's class math.
16 And if we look at Student 29 on page 556 and
17 we follow Student 59 [sic] into Exhibit 15 -- excuse
18 me -- Exhibit -- Student 29 into Exhibit 15 on
19 page 593 and 606, what does the data that was
20 provided in both Exhibits 14 and 15 demonstrate with
21 regard to Student 29?
22 A. Student 29 on page 556 in regards to math
23 was a full academic year student for third grade,
24 and their performance level on the AIMS at the end
25 of third grade was falls far below.

1 When we look at page 593, we see this is for
2 the third grade class, so this was prior to the
3 third grade AIMS test. This was the 2012-2013
4 school year. We're looking for Student 29. We see
5 that Student 29 at the winter was at the strategic
6 level.
7 For the 2013-14 school year on page 606, we
8 see that, at the fall, Student 29 was at the
9 intensive level, so the level has gone down one on
10 the AIMSweb.
11 Based on that information, I would not
12 expect that Student 29 will improve from the falls
13 far below at the end of third grade.
14 Q. And if we look at the same page 556, if we
15 look at Student 23 and we follow Student 23 until
16 Exhibit 15 on pages 593 and 606, what does the data
17 contained in Exhibit 14 and 15 with regard to
18 Student 23 reflect?
19 A. On page 556 in Exhibit 14, I see Student 23
20 is not identified as a full academic year student
21 for the 2012-13 school year for that third grade
22 test. They did score approaches on the test at the
23 end of that third grade year.
24 When I look at their AIMSweb for 2012-2013
25 on page 593, I see that Student 23 is identified at

1 the strategic level. And then for 2013-14, the
2 current school year, I see Student 23 is actually
3 identified at the intensive level, so there's been a
4 decline there.
5 Based on that, I wouldn't expect that
6 Student 23 would improve from approaches at the end
7 of their third grade year.
8 Q. With regard to Student 32 on page 556, if
9 you follow Student 32 in Exhibit 15 on page 616 and
10 631, what does the data contained in Exhibit 14 and
11 15 reflect with regard to Student 32?
12 A. So Student 32 on 556 is identified as a full
13 academic year student in Exhibit 14. That student,
14 at the end of the third grade year, scored at the
15 falls far below level.
16 Page 616 in Exhibit 15 -- because we just
17 jumped pages, I want to orient us to this page,
18 which is the math computation test. The previous
19 pages we were on were the mathematics concepts and
20 applications. So both of them are testing
21 mathematic skills. They're just testing different
22 mathematic skills.
23 With this student -- Student 32; right?
24 Q. Um-hmm.
25 A. With Student 32, in their math computation

on page 616, for the 2012-13 school year, I see this student was at the intensive level.

On page 631 for the 2013-14 school year with regards to those math computation skills, the student is again identified at the intensive level.

Q. So if we -- if we also look, student -- Student Number 32 also appears in two additional places in Exhibit 15, at page 593 and 606.

What does the data in Exhibits 14 and 15 reflect with regard to Student 32?

A. So going to those other two instances where they appear on page 593 and 606, we see Student 32 appearing for math concepts and applications for the 2012-13 school year at the intensive level.

And on page 606, the mathematics concepts and applications for the 2013-14 school year, I, again, see that student at the same level, at the intensive level.

All four of those pages of AIMSweb data showing me no change or improvement, and my expectation being that there would be no change for Student 32. And at the end of the current academic year, they would again score falls far below.

Q. If we look at page 556 in Exhibit 14 with regards to Student 52, if we follow Student 52 into

1 Exhibit 15 on page 616 and 631, what does the data
2 in Exhibit 14 and 15 reflect with regard to
3 Student 52?
4 A. Exhibit 14 on page 556 shows that Student 52
5 was identified as a full academic year student for
6 third grade, and at the end of third grade, their
7 score was approaches on the AIMS.
8 When I look at the AIMSweb benchmarking data
9 on page 616 for math computation for the 2012-13
10 school year, I see that student was identified at
11 the strategic level -- Student 52 at the strategic
12 level.
13 And on page 631, I, again, see that that
14 student is identified at the strategic level for the
15 2013-14 school year.
16 So I see no change between school years for
17 that student based on math computation skills.
18 Would you like me to go to the math concepts
19 and applications?
20 Q. Yes, please.
21 A. So on concepts and applications, I see that
22 that student, Student 52, for the 2012-13 year was,
23 again, identified at the strategic level. And --
24 I'm sorry. That was on page 593.
25 And then for the 2013-14 school year on

1 page 606, I, again, see that student identified at
2 the strategic level.
3 Based on all of those four pages, I don't
4 see any improvement and would expect that
5 Student 52 -- that's who we're talking about;
6 right? -- would maintain that performance level of
7 "approaches."
8 MR. CONDOS: Your Honor --
9 ADMINISTRATIVE LAW JUDGE: Yes.
10 MR. CONDOS: -- would this be a good
11 time to take a break?
12 ADMINISTRATIVE LAW JUDGE: Could be.
13 We will go off the record and be back
14 in about 15 minutes.
15 (Short recess was taken.)
16 ADMINISTRATIVE LAW JUDGE: We are back
17 on the record. Please proceed.
18 MS. ANDERSON: Thank you, Your Honor.
19 BY MS. ANDERSON:
20 Q. With regard to the process that you followed
21 and you testified to students for reading, following
22 the students through Exhibits 14 and 15 that were
23 provided to you from the school, and you're
24 beginning to do that process for math, did you, for
25 math, follow the same process that you did for the

1 students in reading, follow those students from year
2 to year through Exhibits 14 and 15?
3 A. Yes, I did.
4 Q. Okay. And for what number of students was
5 there information contained in both Exhibits 14 and
6 15 that you were able to follow the students for?
7 A. Approximately, 68, or I think that may have
8 the number, but somewhere between 60 and 70
9 students.
10 Q. What did you find with regard to this
11 process that you followed for -- overall for math?
12 A. Overall, you know -- it may be harder for me
13 to break it out by subject, but as a lump sum, does
14 that work?
15 Ultimately, what I found -- rather -- I went
16 through it student by student in count, but,
17 ultimately, we went through it. And for
18 approximately two-thirds of the students, there were
19 either declines in that AIMSweb data or they were
20 not -- there were no improvements in the AIMSweb
21 data, and they were at a level of falls far below or
22 approaches.
23 So over 60 percent of the students, there
24 was no evidence to indicate that, based on the data
25 they gave us, that there would be improvements in

1 the scores and those scores were scores that put
2 them at a level of does not meet for, approximately,
3 two-thirds, or over 60 percent.
4 My finding, then, the inverse is that for
5 one-third, there were either maintaining at a level
6 that would be meets or there was some indication in
7 the AIMS -- or there was some indication in the
8 AIMSweb data that there may have been improvements
9 over the two years.
10 Q. And why did you conduct the exercise that
11 you conducted with following these 68 students
12 through Exhibits 14 and 15?
13 A. We did that because there was no data
14 analysis provided to us, and so to understand
15 whether -- what the data they gave us did
16 demonstrate improvement, we did what we could to
17 look through that data and understand it and
18 understand what it was telling us as far as their
19 performance.
20 The students that we specifically looked at,
21 we looked at because there was two years of data
22 that we could track them across.
23 Q. Were your findings with regard to the
24 students that you were able to track through
25 Exhibits 14 and 15, with regard to these students'

1 performance in those two exhibits, was their
2 performance consistent with the performance of
3 Jefferson Academy students on -- as reflected on the
4 dashboard, which is Exhibit 3?
5 A. So based on this data -- and, for example,
6 if we take it to a percent passing and we look at
7 reading, for the 2013 school year, which was the
8 data we had, as I said, approximately, one-third was
9 at a level where they had scored meets or exceeds,
10 and -- or showed some sort of improvement within
11 that AIMSweb data over the two years, so consistent
12 with this, which is saying 38 percent were
13 proficient.
14 To me, that -- there's no evidence to
15 indicate that it doesn't align. It seems to align
16 with that one-third number versus the two-thirds
17 that were either scoring at an inappropriate
18 level -- or, sorry -- at the -- a approaches or
19 falls far below level and either maintain that or
20 not -- or declining within that AIMSweb data.
21 Those numbers -- there's no evidence they
22 don't match up, so to me, that's consistent with the
23 information we have on the dashboard.
24 Q. In the final evaluation of the Founding
25 Fathers through the demonstration of progress

1 process, did they demonstrate that they were making
2 sufficient progress toward the Board's academic
3 performance expectations?
4 A. Based on the information we received in the
5 narrative with regards to the four areas of
6 systematic processes we were looking for --
7 curriculum, instruction, assessment, professional
8 development -- and then the evidence of those, the
9 effectiveness of whatever they had in place based on
10 the data, they did not demonstrate sufficient
11 progress towards the Board's academic performance
12 expectations.
13 Q. Through the demonstration of progress
14 process, what did you find with regard to Founding
15 Fathers' demonstration as to its own -- what it was
16 able to demonstrate with regard to its curriculum
17 instruction, student assessment and professional
18 development results, those resulting in a trajectory
19 to put them on track for meeting the Board's
20 academic performance expectations for this school
21 year?
22 A. Based on the information we received through
23 that process with regards to systems and whether
24 those systems were in place, and then the data to
25 show whether those systems were effective or not,

1 and especially based in the data, that showed very
2 little improvement or growth.
3 And looking at the old dashboard and what we
4 would expect or what there's evidence to support,
5 there was no evidence to support that that
6 dashboard, at the end of this academic year, would
7 provide results that were any different than the
8 results at the end of last year.
9 Q. Okay.
10 MS. ANDERSON: No further questions,
11 Your Honor.
12 ADMINISTRATIVE LAW JUDGE: Before we
13 start cross-examination, just as a technical issue,
14 you indicated that you believe she would have --
15 she's willing to take credit for the testimony
16 offered yesterday?
17 MR. CONDOS: I believe that's --
18 ADMINISTRATIVE LAW JUDGE: That you
19 would cross-examine on that?
20 MR. CONDOS: Yes.
21 ADMINISTRATIVE LAW JUDGE: Okay. Then
22 just for the record, you were present for Mr.
23 Sarmento's testimony yesterday; correct?
24 THE WITNESS: Yes, ma'am. I was.
25 ADMINISTRATIVE LAW JUDGE: And was

there anything in that testimony that you disagree with, that you think was in error, or that you would have changed?

THE WITNESS: No, ma'am, I don't. As part of my responsibilities working as the manager of that team, I've been communicating with Steve and been, you know, participating in his preparation.

ADMINISTRATIVE LAW JUDGE: Okay. So had you been asked to testify yesterday, you would have testified substantially to the same information?

THE WITNESS: Yes, ma'am.

ADMINISTRATIVE LAW JUDGE: Okay. Then cross-examination.

MR. CONDOS: Ms. Stillman is going to handle the cross-examination.

ADMINISTRATIVE LAW JUDGE: Okay.

CROSS-EXAMINATION

BY MS. STILLMAN:

Q. Is it Poulos?

A. Poulos.

Q. Poulos, sorry. I will work on that, Ms. Poulos.

In your background information, you said

1 that you were a teacher in Mississippi.
2 What type of school in Mississippi did you
3 teach at?
4 A. I taught at a middle school in a high
5 poverty community. I would say 100 percent. It was
6 certainly above 75, and -- 100 percent of our
7 students qualified for free and reduced lunch.
8 Q. All right. Did you have special education
9 students in your classroom?
10 A. I did.
11 Q. What percentage of your students would you
12 say qualified for special education during the time
13 you were a teacher there?
14 A. So it depended on the classroom, so I had
15 one classroom that, as I recall, was probably
16 approximately 50 percent, which is maybe not
17 appropriate, but that -- that was the level.
18 Q. All right. What was the rating of that
19 school?
20 A. The rating of that school? Since the
21 systems are different, I think it's hard to equate
22 what the rating of that school was.
23 MS. ANDERSON: Objection, Your Honor.
24 Given that information, objection based on
25 relevance.

1 MS. STILLMAN: Well, we're talking
2 about a school with a large special education
3 population, which is very conducive to the same
4 population of students that Jefferson Academy has.
5 And she has an experience with that, and this goes
6 to the rating of the school.
7 MS. ANDERSON: In terms of the basis on
8 which that school -- that state rates its school is
9 no -- there's no testimony that it's -- that it's
10 the same or -- either through the state
11 accountability system or through any kind of a
12 system that's similar to that which is used by the
13 Charter Board.
14 ADMINISTRATIVE LAW JUDGE: Just as
15 background information, you can answer the question
16 if you know.
17 THE WITNESS: You know, so I don't --
18 I -- honestly, I do not know. I know what they are
19 this year, but I do not know what they were in
20 previous years.
21 BY MS. STILLMAN:
22 Q. When did you become familiar with Jefferson
23 Academy?
24 A. I became familiar with Jefferson Academy
25 when they were designated as an "F" school and the

1 demonstration of sufficient progress was submitted
2 and the site visit was planned, so at that time when
3 I was planning on writing rules for the process.
4 Q. And how many school site visits did you do
5 that were similar to the Jefferson Academy prior to
6 the site visit that you went on?
7 A. As far as the failing school visits, we had
8 been on one, and I did go on all of the failing
9 school visits.
10 Q. So you had one other visit prior to
11 Jefferson Academy as --
12 A. With regards to the failing school visits,
13 but I had gone on other school visits as part of,
14 again, it was experiential opportunities in order to
15 be able to write rules for the Board.
16 Q. And at that time, your slant was that you
17 were going to be working on rule -- rule formation
18 rather than evaluation. Isn't that correct?
19 You said that your -- your focus at that
20 point was -- was --
21 A. The primary purpose of my -- my
22 participation was the rule writing experiences. At
23 that time, there was also talk of whether I would be
24 taking the position of director of charter
25 accountability because Martha Morgan had started

1 discussing her retirement.
2 Q. On the DSP that was submitted, who performed
3 the evaluation, taking the information that was
4 given and making a determination as to whether or
5 not it met the board's expectations?
6 A. The whole team participated in those
7 discussions, so everyone who was involved in the
8 site visits had read the initial -- had read the
9 initial submission, had taken part in conversations
10 with regards to that initial evaluation, had gone on
11 the site visit, had taken part in discussions about
12 what we saw and obtained at the site visit, and took
13 part in discussions about what that final evaluation
14 would be.
15 So we were all involved in discussions about
16 that. The ultimate written product was created by
17 Martha Morgan.
18 Q. As you're looking at the results, does
19 special -- does the number of special education
20 students that the school serves, is that taken into
21 consideration when you are looking at the data?
22 A. The number of special education students are
23 broken out in that dashboard data, in the subgroup.
24 Q. -- proficiency strictly from an AIMS score
25 proficiency level?

1 A. No. Because that measure is there, when we
2 evaluate each criteria -- curriculum, instruction,
3 assessment, and professional development -- we look
4 for ways in which those areas are addressed.
5 Any -- so the subgroup is addressed within
6 each of those areas, so we do expect to see, and
7 within that measure, look for curriculum with
8 regards to special education students,
9 instruction -- monitoring of instruction with
10 regards to special education students for all four
11 categories.
12 Q. In working with special education students,
13 how do they obtain the label of being a special
14 education student?
15 A. There's a process mandated by law.
16 Q. Every state -- let me make it a little bit
17 more specific of a question, then. It's a pretty
18 long process.
19 What qualification makes a student a special
20 education student?
21 A. Again, there's a world of special education
22 categories, and so it would be to fit within those
23 categories, but they're all very different.
24 Q. All right. The College and Career Ready
25 Standards are set up to demonstrate what they

1 believe is necessary to be mastered in order to move
2 to the next level. Is that correct?
3 A. The College and Career Ready Standards are
4 based at each grade level.
5 Q. Right.
6 So you would say that you need to meet the
7 standard at grade level three to be adequately
8 prepared to move on to level four?
9 A. To be able to master the level four
10 standards, you would need the level three standards,
11 or there would need to be additional instructional
12 materials to fill in -- those gaps filled in during
13 the grade four level.
14 Q. Right.
15 So to teach a child at a fourth grade level,
16 if they do not have mastery of a third grade level,
17 what would you expect for the student to be able to
18 perform at that fourth grade level if they have not
19 yet been able to achieve the third grade level.
20 A. Then I fill in the gaps. So my instruction
21 would have to include my fourth grade material, as
22 well as any materials needed to fill in those gaps
23 that they didn't master at lower levels.
24 Q. When the teacher is creating their yearly
25 plan set out with the standards and then they create

1 their weekly plan, Mr. Sarmento yesterday went over
2 the fact that they didn't match up because, here's
3 the yearly plan, and it says during this week, we
4 will be working on Standard RI52, for example. Then
5 we look at week -- that same week in our weekly
6 plans, and we don't see that same standard matched
7 up.
8 If the student has not met mastery of those
9 things before, this is that fill-in-the-gap part
10 that you're talking about?
11 A. Not changing your yearly plan because the
12 result of that, you know, if you say, oh, got to
13 stop, then you wouldn't progress forward.
14 So what I'm saying is, when you're filling
15 in the gaps, what you're having to do is -- often,
16 they refer it to as spiral in. At the same time, in
17 addition to your plan, spiral in those areas where
18 there may have been deficiencies and kind of match
19 up and meet and readdress. But it's done in the
20 context of continuing, because you can't stop on the
21 plan.
22 And there -- and there may be minor
23 adjustments, but it wouldn't be substantially huge
24 gaps or where you were a month behind or several
25 weeks behind. Otherwise, you would be very far

behind and wouldn't be able to make progress.

Q. Right.

Except for, if everything you're teaching the students are behind -- you know, when you're talking about a special education student, qualification is typically two grade levels below.

If you're continuing to teach at a level that's two grade levels above where a student is with the expectation that somehow filling the gap here and there is going to bring them up to grade level, you're then testifying that that would be a reasonable expectation, that you would continue on that path, we're going to trudge along regardless and expect that student to be able to somehow keep up and understand when they don't understand the underlying concepts to begin with?

A. Can you rephrase that for a question?

Q. Sure.

A. I kind of lost everything you just said.

Q. Sure.

Well, when a -- a special education student is usually a discrepancy of two grade levels.

A. And I'm not sure I agree with that. I mean, special education isn't based on grade levels behind. It's based on their disability.

1 Q. Right.
2 It's where they're expected to -- where we
3 would expect them to perform and that they are
4 performing significantly below that.
5 So if the student hasn't mastered the lower
6 level skill but we continue to press the higher
7 level skill, you're saying that -- that we should
8 continue to always keep on that path regardless of
9 whether or not they have the underlying skill?
10 A. I can speak in the foundation of my
11 instruction when I was teaching eighth grade
12 pre-algebra. And I had a curriculum map and lesson
13 plan, and I was required to follow those, and I did
14 have students with substantial gaps who were in
15 grade levels behind.
16 What I had to do was address the
17 deficiencies that were causing them not to be able
18 to understand my grade level material and -- and
19 continue with my grade level material.
20 Q. So during class, a student that reads at a
21 third grade level that's in a fifth grade classroom
22 conceivably cannot read that fifth grade level
23 material, but you're going to have them sit and look
24 at it and conceivably not understand it because
25 they're only able to read at a third grade level.

1 How are you addressing that in the
2 classroom?
3 A. Again, I'm identifying where the -- where I
4 can see the gaps and where I can see the
5 misunderstanding and doing my job to address that.
6 In the context of the standard, I can't jump back
7 three grade levels. I wouldn't be doing my job if I
8 did.
9 Q. But if you're not teaching that individual,
10 you're teaching a plan --
11 A. I'm teaching that individual.
12 Q. -- an ideal plan -- if we have an ideal
13 classroom that can keep up with that pace, that's a
14 wonderful plan. But if we have a population of
15 students that cannot keep up with that plan, the
16 frustration sets in. They can't keep up with that
17 plan, so we're going to stick to that plan
18 regardless of my individuals that are sitting in my
19 classroom.
20 Is that what you're saying?
21 A. No, that's not what I'm saying.
22 Q. So how will you address those students and
23 the students -- the students that are at those
24 levels at the same time, that are at the standard
25 level?

1 So if you have your student that is -- the
2 student you want sitting in your classroom, that --
3 you know, that fifth grade student at fifth grade
4 level that's ready to meet and listen to all of
5 those standards that you have set before you, and
6 you have your student that's two to three years
7 behind in grade level, how -- what are you doing in
8 your classroom to meet the needs of both of those
9 students?
10 A. There's a variety of strategies. Those are
11 often taught in professional development, and I
12 certainly received instruction -- professional
13 development instruction on instructional strategies
14 that you can use with students at different levels.
15 Some of the -- you know, there's also the
16 use of paraprofessionals. There's also the use of
17 more independent work for some students and more
18 scaffolded work for other students.
19 But there's certainly a variety of
20 strategies that you would use to teach your grade
21 level standard and fill in gaps.
22 Q. On the lesson plans that are provided, is
23 the expectation that a full narrative should be
24 provided in each box of the lesson plan in order to
25 delineate what's happening in the lesson?

1 A. I think there's a variety of ways of doing
2 lesson plans. What -- so I don't know that we
3 necessarily said, "We have to see X, Y, and Z," when
4 we look at a lesson plan.
5 What we were looking for is the indication
6 that they were aligned with the standards with
7 regards to instructional strategies, with regards to
8 material, with regards to level of rigor, so there's
9 a variety of ways to do that.
10 Q. So as a teacher, if -- if you did something
11 in your classroom, it was written on your lesson
12 plan?
13 A. Yes. My lesson plans were much more
14 substantial than those lesson plans. I had to write
15 every minute. I had to write exactly what was going
16 to be on the board. I had to provide a lot of
17 information.
18 Q. So if you were asking questions and you were
19 having group discussions, you never did anything to
20 alter from that? You stuck exactly to that plan?
21 The plan wasn't a scaffold; the plan for you was
22 written, practically word for word, as to what you
23 were doing in class?
24 A. There -- there were adjustments, certainly,
25 but you could walk into my classroom and would have

1 known what was going on based on the lesson plan.
2 You would have known what to expect,
3 including small groups, because that -- those
4 instructional strategies to -- to address small
5 groups or students that had certain gaps would have
6 been -- and the expectation was that those were
7 identified on my lesson plans.
8 Q. But someone would walk into your class and
9 could observe that?
10 A. And they would know what to observe based on
11 my lesson plans.
12 Q. Right.
13 So you got the lesson plans on your site
14 visit, but my understanding from your testimony
15 yesterday was that no classroom observations were
16 made to determine whether what was on the lesson
17 plan was -- was, in fact, happening in class?
18 A. Our process does not involve -- so the
19 process for the DSP is a process that involves
20 meeting with the leadership team. And, again, that
21 can be whoever those -- the school or the charter
22 representative chooses that group of people to be.
23 And, honestly, it can be as large as the charter
24 representative chooses that group to be.
25 Q. So the process is a -- simply a

1 straightforward data collection, data of all sorts.
2 There's -- it's not an interactive process that is
3 looking to determine -- that is looking to help the
4 school?
5 You're strictly coming in on a -- on a
6 data-driven task. Is that correct?
7 A. Our process -- the site visit process is to
8 meet with the leadership team to verify the
9 information they've provided in the demonstration of
10 sufficient progress document, which we refer to
11 sometimes in shorthand as the "narrative," to obtain
12 additional information and documentation to meet --
13 that they -- that the charter holder wishes to
14 provide in order to meet the criteria, especially
15 within those areas identified as weaknesses in the
16 initial evaluation.
17 Q. So, again, the -- what you're doing is not
18 providing -- you're not serving as a resource for,
19 "Here are the sorts of things you should provide"?
20 You are simply saying, "Provide me with
21 information," and it is up to them to decide if --
22 if they have something that they -- I mean, they
23 can't read your mind to know what you want from them
24 as far as specific evidence. But, yet, they're
25 not --

1 A. So there's a conversation where we ask,
2 "What can you show us with regards to your system to
3 implement -- to adopt, implement, evaluate, and
4 revise curriculum? Do you have these specific
5 items? Based on the items listed out and the
6 criteria, is there anything else you have? Is there
7 anything else you want to show us? You stated X, Y,
8 Z in your demonstration for sufficient progress. Do
9 you have evidence of that? Can you show us that?"
10 So it's not just we sit there and say, "What
11 are you going to give us?" It's a conversation.
12 Q. And in that conversation, if you were asked,
13 "What" -- "What evidence do you want" -- I mean, a
14 school has lots of things that they are doing.
15 If they say, "What evidence" -- "What can I
16 show you to prove this," was there a conversation
17 back of, "Here are examples of the sorts of things
18 you can provide"?
19 A. So there are examples of the sorts of things
20 you can provide in the criteria. The reason we
21 don't say, "You have to provide X, Y, and Z," is
22 because charter holders have the autonomy to do
23 things in the way it works for them that they can
24 document to us.
25 And so the conversation is, "What do you

1 have? What do you have that you want to show us
2 with regards to your evaluation and revision of
3 curriculum? What is it that you do? What can you
4 show us?"
5 Q. So if you could turn to Board's Exhibit G,
6 page 78 -- Exhibit G, page 78 -- listed, I believe,
7 on the left is the evidence that was requested by
8 the Board?
9 A. That was specifically requested.
10 Q. That was specifically requested. And on the
11 right in each one of those -- next to each of those
12 bullet points are one or more things that were
13 provided in response to the request made; correct?
14 A. And the reason these were specifically
15 requested is because these were specifically
16 identified by the charter holder in the
17 demonstration of sufficient progress document.
18 So that's why we specifically listed them
19 out and specifically asked for them. And, yes,
20 these are the things that they gave us to show
21 those.
22 Q. And then if you turn to page 80 and 81, it
23 again shows -- well, it shows each of the areas
24 that -- I guess it just shows SGP and the high
25 school graduation, that further information was

1 requested and, again, in the evidence provided
2 section, there is something listed in each of those
3 sections?
4 A. Yes.
5 Q. So once a school has provided evidence,
6 they're looking at this checklist and seeing that
7 they have provided evidence in each of the areas
8 that was requested, but there's not an opportunity
9 for -- well, they're a little bit at the mercy of
10 whether you believe this information is sufficient
11 or not.
12 They're not given an opportunity to -- if
13 you say, "This isn't sufficient," to then provide
14 additional information?
15 A. Because we're very clear in the site visit,
16 "Anything -- everything you want to show us with
17 regard -- is there anything else?" I always say,
18 "Is there anything else you want to show me?"
19 Q. But how am I supposed to know what
20 "anything" is. If I feel like I've given you -- as
21 a charter representative, I say, "Look. I've given
22 you something for math curriculum. I've given you
23 something for monitoring instruction. I've given
24 you something that addresses assessment. I've given
25 you something in each of those areas."

1 How am I supposed to know, subjective level,
2 as to whether you believe that this is sufficient or
3 not sufficient? Who is making --
4 A. The criteria. The criteria tells you we're
5 looking for documentation of a system to create,
6 implement, evaluate, and revise curriculum. And so
7 we say to you, "What do you want to provide us?
8 What can you provide us with regards to what you do
9 in each of those areas?"
10 Q. Well, except for if I feel that I've given
11 you a system, but you don't think it's a system, but
12 there's a -- you know, there's a gap there between
13 your expectation of what a system is. I have a
14 system that I have in place, the charter holder.
15 You know, they have a system in place. They've
16 given you documentation of that, but then you don't
17 view that as a system.
18 And there's a gap there between your
19 expectation -- you know, they expect they've given
20 you a system. You're asking for a system. Each of
21 you on your own end feels that you have done that.
22 Is there any way to bridge that gap in
23 communication as far as, you know -- to come to an
24 agreement of, "No, this isn't a system"? And are
25 they given an opportunity after they're told, "This

1 was not a system"?
2 A. We're evaluating what they've given us.
3 We're evaluating what they have and what they think
4 is a system. We are evaluating what they think they
5 have in place for curriculum.
6 And that's whether they've demonstrated
7 progress or not. Whether they've demonstrated that
8 system or not is what they show us.
9 Q. If you could turn to Exhibit 2, page 148, is
10 this what you are basing -- well, what we're looking
11 at here is in the -- in the framework, the rubric --
12 is this the rubric that has been created to help
13 schools determine what would be submitted as part of
14 their DSP?
15 A. Yeah. This is the rubric that the DSP,
16 demonstration of sufficient progress document, and
17 all the information we gather at the site visit is
18 evaluated based upon.
19 Q. Okay. So it's based on this that you're
20 making -- that you're evaluating or determining
21 whether or not they've made sufficient progress. Is
22 that correct?
23 A. Yeah.
24 Q. Okay. So if we read the -- in the not
25 acceptable, the approaches for curriculum here on

1 page 148, it says that the narrative describes a
2 fragmented approach that the school uses to create,
3 implement, evaluate, and revise school curriculum
4 aligned with Arizona Academic Standards and may
5 be -- may be evidenced by curriculum alignment,
6 curriculum maps, pacing guides, instructional
7 material adoptions, committee work, and data review
8 teams. The approach lacks cohesiveness or alignment
9 with other school improvement efforts. The data or
10 analysis included provides limited support. Is that
11 correct?
12 A. That's correct.
13 Q. And then in the meets, the narrative
14 describes a system to create, implement, evaluate,
15 and revise curriculum, including supplemental
16 curriculum, aligned with the Arizona academic
17 standards evidenced by curriculum alignment,
18 curriculum maps, pacing guides, instructional
19 material adoptions, committee work, data review
20 teams and clearly define and measurable
21 implementation across the school. The data analysis
22 included provides support for the narrative. Is
23 that correct?
24 A. That's correct.
25 Q. So who is making a determination as to

1 whether it falls into the -- in this case, I'm just
2 going down the middle point there -- as whether we
3 are acceptable or not acceptable, whether they meet
4 or approach, or to which category? Who makes that
5 determination?
6 A. The staff members --
7 Q. As a cohesive group?
8 A. -- at the State Board for Charter Schools.
9 They have a discussion, they work together, and come
10 to a consensus on this. And then the lead staff
11 member writes the -- the final report or final
12 evaluation.
13 Q. So in here it gives -- in both of those, it
14 gives a fairly similar list of things that would be
15 shown.
16 A. There's -- that could be evidence, but
17 there's certainly differences within those two
18 categories.
19 Q. Right.
20 It does reference, obviously, the Arizona
21 academic standards versus the college and career
22 standards, which we are being held to at this point?
23 A. This is an old version, but, yes, it does.
24 And at the time, the standards were the same. It's
25 a different name.

1 Q. But as far as for a charter holder, this is
2 the only thing they're given to guide them in making
3 a determination about what type of evidence they
4 should provide?
5 A. The -- the academic performance framework
6 guidance document is what they are told to access to
7 determine what to provide, and they're specifically
8 pointed to this appendix.
9 Q. And then ultimately someone is making a
10 determination.
11 Are you weighing the information to put it
12 in meets or approaches, or how -- you know, it seems
13 a little bit of subjective. There's not a checklist
14 of, "These are the things that make you meet. These
15 are the things that make you fall into the
16 approaches category"? Some type of formal analysis
17 that --
18 A. And there is a formal analysis to determine
19 whether it's a system or a fragmented approach.
20 Whether it's clearly defined and it has clearly
21 defined and measurable implementation across the
22 school versus whether it lacks cohesiveness and
23 alignment.
24 And then, of course, the ultimate piece
25 being whether the data demonstrates effectiveness

through improved performance.

Q. The ultimate goal is student improvement. Is that -- demonstration of student improvement?

A. The ultimate goal is to demonstrate sufficient progress towards the Board's academic performance expectations, which is two years of meeting on the dashboard.

Q. And the purpose for the performance framework guidance is to establish a means of determining that. Is that --

A. I'm sorry. I'm not understanding.

Q. If you turn to the same exhibit, page 107, if you could read that second paragraph?

A. "Charter holders have the autonomy to select and implement programs of instruction that align with their philosophical and methodological ideology and operational structure consistent with State and federal law and the charter contract.

"The purpose of the Academic Performance Framework" -- quote, unquote, Academic Framework -- "is to communicate the State Board for Charter Schools for academic expectations for ensuring that all charter holders in its portfolio are providing a learning environment where measurable improvement in pupil achievement can be demonstrated.

1 "The Academic Framework focuses purposefully
2 on quantitative academic outcomes as a basis for
3 analysis and to be used in high stakes decisions."
4 Q. So part of the purpose of the framework is
5 to make sure that a learning environment is being
6 provided where there's measurable improvement by
7 students?
8 A. Measurable quantitative academic outcomes,
9 yes.
10 Q. But it saws "measurable improvement in pupil
11 achievement." That's what it says?
12 A. And the next sentence.
13 Q. You had said toward the beginning of your
14 testimony that one of the primary things in helping
15 determine -- or one of the primary reasons for
16 revising and evaluating what you're doing is to make
17 sure that you're meeting the needs of your
18 particular students. Isn't that correct?
19 A. Yes.
20 Q. So meeting those individual needs of the
21 students that are sitting in your classroom is one
22 of the most important indicators -- right? -- that
23 you are -- that you are revising and evaluating?
24 A. The curriculum.
25 Q. Right.

1 A. So yes.
2 Q. So as a teacher, evidence of meeting
3 those -- those -- the needs of each of those
4 individual students would help demonstrates that you
5 are revising and --
6 A. I think it's important to distinguish
7 between the instruction and the curriculum. And
8 when you're talking about evaluating and revising,
9 we're talking about the curriculum system.
10 So that's kind of the big picture across the
11 school. And that's the one that's aligned to the
12 Common Core standards, and there should be materials
13 in that that meet the needs of your students.
14 There's different textbook publishers.
15 There's different materials. There's a lot of
16 opportunities to create curriculum, which is
17 something that we did at our school rather than
18 using a text.
19 But, ultimately, they're always based in the
20 standards at grade level.
21 Q. But how do we assess that with students that
22 aren't at grade level? I mean, you're wanting
23 everyone to be at grade level, which is a great
24 ideal. However, when you're dealing with a
25 population that's not at grade level --

A. That's the supplemental resources piece of that curriculum.

Q. So it's safe -- "safe" isn't the right word.

So we would assume that a teacher is going to have more than one possible system in place in order to help meet those needs and fill in those gaps as you're saying?

A. There's a primary curriculum, and there's supplemental, so those are two tracks that work at the same time, but there's not one instead of the other.

Q. Right.

It also addresses why a teacher would be using more than one curriculum in the classroom, because they're having to address the needs of the particular students, in order to meet the needs of their particular students?

A. Yeah. There would be the primary curriculum and the supplement.

Q. All right. You have been asked what it looks like when you're identifying the needs -- I believe that the teachers evaluate the resources based on the needs, and then you said that you were -- that you needed something systematically that was in place when we're talking about revising

1 curriculum, when we're looking at the curriculum and
2 we're revising it.
3 What you're looking for -- she asked what
4 that looks like, but I'm not sure that I got an
5 answer as to what it would look like to have a
6 system in place on revision.
7 Does that mean that they needed -- they
8 would need to show you a calendar that every month
9 says, "We're going to look at the curriculum and
10 revise"?
11 What would -- what would it look like for
12 proof that there is a system in place? What -- what
13 would that look like?
14 A. Again, the challenge is we don't prescribe
15 something that has to be done exactly in a certain
16 way because charter holders have the autonomy. What
17 we're looking for is that there's something that
18 does that thing.
19 And so, you know, the evidence of something
20 that -- that systematically and regularly checks on
21 the effectiveness of their curriculum and then makes
22 revisions to where they see there are weaknesses
23 within that -- the curriculum that they're using.
24 Whether it's a certain strand -- or, sorry -- a
25 certain -- a certain standard, a certain standard

1 that's just kind of missing from what they're
2 teaching and where that needs to be input, but some
3 identification that's done on a regular process.
4 It's a process. It's regular.
5 Q. So stating that it's done regularly, if they
6 made the statement that it was -- that it was
7 happening, that -- that verbal statement wasn't
8 enough? They needed a --
9 A. We are looking for documentation and
10 evidence. That is something that we look for, and
11 that's why we do the site visits -- part of the
12 reason that we do the site visits.
13 Q. For the lesson plans, a number of the
14 questions Ms. Anderson referred to whether the
15 formal -- whether there are teacher observations
16 that addressed the standards, that evaluated whether
17 or not the teachers were addressing the standards.
18 Where does it say that teacher evaluations
19 require standards being addressed?
20 A. So in the instruction criteria on page 149,
21 what it states is that the narrative describes a
22 system to monitor the integration of Arizona
23 standards into instruction and evaluate the
24 instructional practices of the teachers, evidenced
25 by lesson plan reviews, formal teacher evaluations,

1 informal classroom observations, standards
2 checklist, data review teams, and standard based
3 assessments. The system provides for some analysis
4 and feedback to further develop the system. The
5 data analysis included provides support for the
6 narrative.
7 So what we are looking for there is evidence
8 that the integration -- that the instructional
9 leaders of the school are monitoring integration of
10 the standards into instruction.
11 One way to do that is lesson plan reviews or
12 one -- yeah, one way to do that is lesson plan
13 reviews. Another piece of that would be something
14 where we verify that the instruction is standard --
15 standards aligned in the classroom.
16 One way to do that is observations. We
17 didn't see where Jefferson Academy provided us any
18 evidence that that was occurring. We didn't see it
19 in the observations. We didn't see lesson plan
20 reviews.
21 Q. Right.
22 But it was specifically addressing whether
23 evaluations had -- you know, whether the evaluation
24 tool -- whether it was -- part of the evaluation was
25 whether the standards were there. However, this

1 isn't saying that the standards have to be on the
2 observation tool?
3 A. No, it doesn't.
4 Q. You're saying it's one way, but then it was
5 made to sound like that was a requirement as part of
6 that question.
7 On the -- and this was again on the
8 paraprofessional evaluations. It said there was no
9 integration of standards on the paraprofessional
10 evaluations, but it doesn't say here that the
11 paraprofessional evaluations require -- requires
12 integration of the standards.
13 The evaluation does not require that;
14 correct?
15 A. This criteria does not say anything about
16 paraprofessional evaluations.
17 Q. In the notes that were taken during the
18 meetings -- and I think I need to find where it's
19 referenced.
20 A. It's Exhibit 13.
21 Q. Exhibit 13, thank you.
22 From looking at these, I don't see that we
23 know whose notes these are.
24 Do you have any knowledge as to --
25 A. This was what was provided to us as evidence

1 of their Friday meetings.
2 Q. And you pointed out there were notes on
3 several of these, so because there were notes, this
4 obviously happened?
5 A. The parts that there's notes on.
6 Q. Right.
7 And so if there are no notes, the assumption
8 made is there was nothing that happened?
9 A. There's no evidence that anything did
10 happen.
11 Q. So the expectation is that every teacher
12 would need to write a narrative -- like they're
13 given an outline, and they should be writing a
14 narrative during the meeting, and then that's what
15 would be provided?
16 A. They provided that to us. Our expectation
17 is that there's evidence. That's -- we asked for
18 evidence of the data analysis. This is what we were
19 given.
20 Q. But without being there, if -- if they're
21 giving you an agenda that tells you what's going to
22 be -- you're basically saying, "We don't believe
23 you. Here's your agenda, but we don't believe that
24 you did any of this, because" --
25 A. We're saying that there's no evidence of the

1 data analysis. This didn't provide me evidence of
2 the data analysis, and this didn't provide me data
3 analysis.
4 Q. So if they saying they're looking at student
5 data --
6 A. That's a statement, but I didn't see
7 evidence.
8 Q. So, again, you would need a running record,
9 an audio track? That's what you would need to
10 verify that they actually did what they said they
11 were going to do?
12 A. I think there's other ways to provide
13 evidence, but they didn't provide us evidence.
14 Q. What other ways?
15 A. The data analysis. So, you know, there
16 could be the running records of the minutes. There
17 could be the data analysis. There could be other
18 artifacts that show, "This is what it showed us, and
19 this is what we did as a result." There could be
20 something, but I didn't see evidence of it.
21 Q. You said professional development was being
22 provided?
23 A. I said they showed us agendas to indicate
24 that that's what they were providing.
25 Q. Right.

1 And that surveys were given to determine the
2 needs of the teachers?
3 A. Surveys were given to the teachers and
4 provided to us.
5 Q. To help make an assessment of what the
6 teacher needs might be?
7 A. What they would like -- what they would like
8 as additional learning opportunities I believe is
9 what it said.
10 Q. You said that they must have a leader that's
11 identifying weaknesses and addressing those, but
12 that you didn't see that being implemented in the
13 professional development. Is that correct?
14 A. We didn't see evidence to demonstrate that
15 there was -- yeah, we didn't see evidence to
16 demonstrate that.
17 Q. The agenda -- if the agenda focuses -- I
18 mean, the agenda doesn't just come out of thin air.
19 They create the agenda -- the leadership creates
20 that agenda to address the things that need to be
21 taught.
22 A. Possibly.
23 Q. But, otherwise, they just randomly choose
24 things to put on the agenda, you think?
25 A. I think it's a distinct possibility. You

1 know, because the thing is we were looking for
2 evidence of a plan that was based on identified
3 needs.
4 We have evidence of the professional
5 development that's given. That's not a plan, and
6 it's not necessarily based on identified needs. It
7 could be, but it may not be. We were looking for
8 evidence that it is.
9 Q. So you need a specific document that says,
10 "Here are the needs," and then arrows? I mean, what
11 does that look like? You just said that the -- that
12 they gave you the agendas. They did the surveys,
13 but you're trying to say it's a possibility that
14 they randomly chose things to talk about?
15 A. Anything's a possibility.
16 Q. And those agendas aren't evidence of things
17 that needed to be addressed?
18 A. I don't know -- the evidence here, this --
19 this agenda, all I know is it's the agenda. I don't
20 know why this was created, and I didn't see evidence
21 that it was created based on identified needs.
22 Q. Did you -- were you -- did you have any
23 evidence that suggested it wasn't based on teacher
24 needs?
25 A. No. This is all the evidence I was given.

1 Q. All right. Time to track back through our
2 students.
3 MR. CONDOS: It's lunchtime.
4 MS. STILLMAN: Is it lunchtime?
5 ADMINISTRATIVE LAW JUDGE: Yeah. We're
6 coming up on that, so it seems like a good place to
7 stop, so we will break for lunch.
8 We'll go off the record at this time.
9 (Lunch recess was taken.)
10 ADMINISTRATIVE LAW JUDGE: We're back
11 on the record, and we were doing cross-examination.
12 MS. STILLMAN: All right. Thank you.
13 BY MS. STILLMAN:
14 Q. Before I get into the students, I just want
15 to touch real quickly, just confirming, the SGP is
16 based on the AIMS -- the AIMS scores are used as a
17 means of tracking the SGP in the dashboard?
18 A. The student growth percentile is based on
19 data that comes from the AIMS test administrations.
20 Q. Right.
21 And the performance is also -- the
22 performance proficiency is also based on the State
23 average of the AIMS scores?
24 A. Proficiency is based on the student's
25 performance on the AIMS assessment. Is that the

1 question?
2 Q. Yes, yes. Thank you.
3 And then of course the grade that is given,
4 the A through F grade is again determined based on
5 the AIMS -- the use of the AIMS scoring data?
6 A. In part. I believe grad rate goes into
7 that, which is directly not from the AIMS assessment
8 data.
9 Q. The graduation rate goes into the A to F
10 letter grade?
11 MS. ANDERSON: If you don't know --
12 THE WITNESS: I believe so, but I -- I
13 can't speak to the exact formula.
14 BY MS. STILLMAN:
15 Q. All right. And the AIMS test is -- is an
16 assessment, and it is given once a year; correct?
17 A. Yes. That's -- well, not entirely.
18 Q. Oh, in elementary. I'm sorry.
19 [indiscernible cross-talk]
20 Q. I apologize. K through eight -- or three
21 through eight.
22 ADMINISTRATIVE LAW JUDGE: Just one at
23 a time. So let's --
24 MS. STILLMAN: How about if I restate
25 it?

1 ADMINISTRATIVE LAW JUDGE: Let's do
2 that.
3 BY MS. STILLMAN:
4 Q. In grades three through eight, the AIMS
5 assessment is given one time per year?
6 A. That is correct.
7 Q. And then at the high school level, starting
8 in 10th grade, it's given spring of the sophomore
9 year and then twice a year after that?
10 A. That's correct. There's administration in
11 the spring and in the fall.
12 Q. Okay. And that test takes one to two days,
13 approximately?
14 A. I can't answer exactly that because I have
15 not been in the testing program.
16 Q. Right.
17 But the proficiency is all based on that --
18 that little pocket of time?
19 Basically, we're basing everything on AIMS.
20 The AIMS score is our -- is our primary tool of
21 measurement, and that is based on a -- let's say at
22 the most, a week-long assessment?
23 MS. ANDERSON: Objection. Asked and
24 answered, the basis for the proficiency rating.
25 ADMINISTRATIVE LAW JUDGE: For the

1 proficiency, yes, she --
2 MS. STILLMAN: Okay.
3 BY MS. STILLMAN:
4 Q. All right. So we'll turn our attention to
5 the students. You will be in and out of 14 and 15
6 again.
7 The first student that you looked at in
8 Number 14, page 548, was Student 23, and that
9 student, according to the third column, was a
10 special education student. Is that correct?
11 A. I'm sorry. Student 23?
12 Q. Twenty-three, um-hmm.
13 A. Yes. That student is identified with a "Y"
14 in the "Special Education" column.
15 Q. All right. If we turn to 571 -- again,
16 we're starting out with reading -- so in that
17 2'12-2'13 year, Student 23 showed -- was in the
18 intensive program as you -- in the intensive area as
19 you've pointed out.
20 What was the score assessed for that
21 student?
22 A. The score for that student was a zero.
23 Q. The score assessment is zero, okay.
24 And then if we look at 585, you pointed out
25 that, again, in fourth grade, they were showing in

1 the intensive, but what was the score for the
2 student at this time?
3 A. I'm sorry. This is Student 23?
4 Q. Yes, still Student --
5 A. So according to this, the fall score was,
6 for Student 23, a 14.
7 Q. A 14.
8 So the student was a zero one year, and the
9 following year at a grade level above -- so now
10 they've moved to grade level four -- they're
11 starting at a 14 rather than a zero.
12 Would you say that that represents growth
13 from a zero to a 14?
14 A. I wouldn't. I would be happy to explain
15 why.
16 Q. Why is that not growth?
17 A. When you look at the initial scores -- and
18 so right after the score, it says "fall target" --
19 the target is 77 based on third grade scores, but
20 for fourth grade, the target is 105.
21 So each year -- and this is consistent also
22 with AIMS. Each year those cut scores go higher
23 based on the grade level. So even if you scored,
24 let's say -- just picking a number -- 25 in third
25 grade, that 25 wouldn't be equal to 25 at fourth

1 grade because the cut scores actually increase each
2 year.
3 Q. With a special education student, are you
4 expecting them to have the same growth rate as a
5 general education student?
6 A. I don't know that I can answer that
7 question. Again, because there are different levels
8 of special education. There's different categories.
9 And so I don't know that I would be able to make a
10 blanket statement about that.
11 Q. But we're lumping all the special education
12 students together when we're doing our assessments
13 with the AIMS.
14 In your -- in your use of the -- in your use
15 of the -- you know, on the dashboard, you're lumping
16 all the special education students together in one
17 category despite whether or not they have a more
18 severe or less severe --
19 A. So I would say that for some special
20 education students, they may have a growth equal.
21 For some, they may not. You know, again, it's kind
22 of averaged out within when you lump them all
23 together, but . . .
24 Q. All right. The next student is Student 15.
25 I'm sorry. That was -- Number 32, I believe, is the

1 next student.
2 And Number 32 was, according on page 548,
3 the initial one, is listed as a special education
4 student?
5 A. That is correct.
6 Q. And when we -- the score on the reading
7 assessment for Student 32 during the '12-13 year is
8 a seven?
9 A. That's correct.
10 MS. ANDERSON: I'm sorry. What pages
11 are you on?
12 MS. STILLMAN: I'm sorry. I was on
13 page 571 and then flipping to 585.
14 BY MS. STILLMAN:
15 Q. And then on 585 is the subsequent year,
16 which showed a starting point of 12 instead of a
17 starting point of 7; correct?
18 So the score for the '13-14 school year is a
19 12?
20 A. That's correct.
21 Q. When you did these assessments, because they
22 stayed -- I mean, your whole criteria was, well,
23 they stayed in the intensive, therefore there's no
24 growth, and therefore there's no hope of growth.
25 You know, you made, you know, kind of a blanket

1 statement of expectation. You would expect no
2 growth on the AIMS test if there was no growth here.
3 Did you do that analysis as to how close
4 they were to being out of intensive versus -- I
5 mean, intensive is a range just like strategic is a
6 range and benchmark is a range.
7 So are you looking at how close they are to
8 being outside of that?
9 A. No. We didn't kind of do the subtraction of
10 what's the difference this year versus what's the
11 difference next year, no.
12 Q. Okay. The next student is Student 52, again
13 on page 548, and that student was not listed as a
14 special education student?
15 A. That's correct.
16 Q. That student on page 571 showed a starting
17 score of 44?
18 A. That's correct.
19 Q. And then the following year, on 585, that
20 student showed a score of 79?
21 A. That's correct.
22 Q. So is there growth there?
23 A. Again, I would say, for the same reasons
24 that I testified previously, because of the -- the
25 increase in that cut score, no.

1 Q. But you would have to do an actual
2 percentage on each of those in order -- I mean,
3 lumping them in there based on just the fact they
4 stayed in the strategic range does not go to whether
5 or not the growth -- you would have to do a
6 percentage to determine whether or not that
7 percentage increased or not; correct?
8 A. I don't know that I would necessarily have
9 to do that.
10 Q. You can just make the assumption that,
11 because they're staying in the same category, they,
12 therefore, have made no growth?
13 A. When I looked at the scores and saw that
14 difference in the cutoff, though I didn't do the
15 exact subtraction problem, I saw that the growth
16 wasn't substantial enough to move them. And the
17 other thing that we were looking for was movement.
18 Q. But, ultimately, as we -- you talked about
19 with the standards, it's about whether they're
20 making improvement.
21 You're saying in order to make improvement,
22 it has to be significant, so they have to jump a
23 proficiency level in order to be making improvement?
24 Is that what you're saying?
25 A. We were looking for evidence that

1 demonstrated that they were making progress towards
2 the Board's standards in that dashboard.
3 Q. Right.
4 And the standards -- the purpose of the
5 standards is to make sure that they're making growth
6 based on the policy --
7 A. And again --
8 Q. -- of the Framework?
9 A. -- we were looking towards -- growth towards
10 the standards set by the Board.
11 Q. Right.
12 But you're saying they have to move a
13 proficiency in order to -- for that to be -- to
14 demonstrate -- so they have to jump a proficiency
15 level in order to be able to demonstrate they're
16 making growth?
17 MS. ANDERSON: Objection. Asked and
18 answered.
19 ADMINISTRATIVE LAW JUDGE: I'm not sure
20 I got a clear answer on that.
21 THE WITNESS: We were looking for
22 evidence that they were making growth towards the
23 expectations. We were looking for evidence of
24 growth with regards to proficiency in one area but
25 also growth in the other -- the amount of growth

1 that's -- that each student is increasing.
2 So one of the things that we're looking
3 for is a demonstration that the amount of growth
4 they had last year compared to the amount of growth
5 they're showing this year, this year is greater.
6 The amount of proficiency that they're
7 showing last year as compared to the amount of
8 proficiency this year is increasing. Not just with
9 within the year but between those two years, that
10 it's increasing. That's what we were looking for
11 evidence of.
12 ADMINISTRATIVE LAW JUDGE: So the
13 question was, did they need to move up a level --
14 THE WITNESS: That was one --
15 ADMINISTRATIVE LAW JUDGE: -- to
16 demonstrate that?
17 THE WITNESS: -- thing that we were
18 looking for. That was one thing that we were
19 looking for.
20 MS. STILLMAN: Okay. Thank you.
21 BY MS. STILLMAN:
22 Q. On page 549 I believe is the next student,
23 Student 10, general education student. Is that
24 correct?
25 A. Oh, sorry. Yes.

1 Q. And then that student is on page 574,
2 started off with a score of zero. Is that correct?
3 A. That is correct.
4 Q. And then when you turn to 587 is the
5 corresponding next level up, where they're starting
6 with a score of 25 this year?
7 A. That's correct.
8 Q. Student 55, back on 549, was labeled as a --
9 identified -- I'm sorry -- as a special education
10 student. Is that correct?
11 A. That's correct.
12 Q. And then the last one might have pages to
13 flip to.
14 MS. ANDERSON: I'm sorry. What's the
15 one we're looking at?
16 MS. STILLMAN: Student 55.
17 ADMINISTRATIVE LAW JUDGE: Page 573.
18 MS. STILLMAN: Thank you.
19 ADMINISTRATIVE LAW JUDGE: Um-hmm.
20 BY MS. STILLMAN:
21 Q. So Student 55 during the 2012-13 had a
22 starting score of zero?
23 A. That's correct.
24 Q. And then the following year, a starting
25 score of 49?

A. That's correct.

Q. Student 42 --

ADMINISTRATIVE LAW JUDGE: Okay. We've already done that. So unless you have additional questions -- I mean, I have all these numbers, so you're just kind of walking through the same information again, other than identifying them as SPED or not.

MS. STILLMAN: Right.

All right. I don't have any further questions, Your Honor.

ADMINISTRATIVE LAW JUDGE: Okay. Redirect?

MS. ANDERSON: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MS. ANDERSON:

Q. If you would please refer to Exhibit 2 at page 148.

Within the Board's Academic Performance Framework, within the evaluation criteria for curriculum, it's stating that the evaluation will be based on the provision of evidence of a sustained improvement plan that includes the implementation of a curriculum that contributes to increased student

growth in math and reading. Is that correct?
A. That's correct.
Q. And is it for -- again, for in each of those measures on the dashboard in which the school score does not meet or falls far below or is not rated?
A. That's correct.
Q. And as indicated in the criteria, what meets the Board's criteria is for the school -- for this area of curriculum, for the school to describe a system to create, implement, evaluate, and revise curriculum, etc., through the rest of that information contained in the Framework.
Is that a -- is that correct?
A. That is correct.
Q. And so Founding Fathers first in response provided you with a DSP document. Is that right?
A. That's correct.
Q. Then next what was in the process was setting a site visit. Is that correct?
A. That is correct.
Q. And as indicated by page 16 of Exhibit D, there were certain items, that based on the representations made in the DSP, were requested to be provided at the site visit. Is that right?
A. That's correct.

1 Q. And, specifically, the purpose of the site
2 visit states that, on the site visit, we will
3 confirm the information in the DSP document;
4 correct? On page 16, the third paragraph.
5 A. Third paragraph. Yes, that is correct.
6 Q. And it's further indicated on page 16, "For
7 areas that were deemed not acceptable on the initial
8 evaluation, the charter holder may provide
9 additional evidence that demonstrates the school is
10 making sufficient process towards meeting the
11 board's accessed expectations"; correct?
12 A. That is correct.
13 Q. And in using the criteria, the evaluation
14 criteria contained within the Framework, that's --
15 is that what was used to evaluate what it was that
16 Founding Fathers submitted to the Board staff in the
17 DSP document and at the site visit and within 48
18 hours following the site visit?
19 A. Yes, this is the criteria that was used.
20 Q. And following the receipt of those
21 documents, did you -- did Board staff conduct a
22 review and evaluation of those documents?
23 A. Yes.
24 Q. Was the purpose of the review and the
25 evaluation of the documents to determine whether

1 those documents, as part of the school's
2 demonstration, did what it said it needed to do in
3 the criteria?
4 For example, for curriculum, that they
5 described a system to create, evaluate, implement,
6 and revise curriculum, et cetera?
7 A. Yes.
8 Q. And we went through, in testimony yesterday
9 and today, what your and Mr. Sarmento's results of
10 your review and evaluation of those documents were,
11 didn't we?
12 A. Yes, we did.
13 Q. And was it your conclusion, that based on
14 this entire process by which the school had the
15 opportunity to demonstrate that it was making
16 sufficient progress and using the criteria under the
17 Board's Academic Framework, is it your testimony --
18 what was your testimony as to whether the school did
19 or did not demonstrate that it was making sufficient
20 progress toward meeting the Board's academic
21 criteria?
22 MR. CONDOS: Objection. Asked and
23 answered.
24 ADMINISTRATIVE LAW JUDGE: You can
25 answer.

1 THE WITNESS: Based on the evaluation,
2 the testimony was that the systems described and
3 evidenced and the data demonstrated that -- that it
4 did not demonstrate that Founding Fathers was making
5 sufficient progress.
6 MS. ANDERSON: I have no further
7 questions.
8 ADMINISTRATIVE LAW JUDGE: Just a
9 couple. Sorry.
10
11 EXAMINATION
12 BY ADMINISTRATIVE LAW JUDGE:
13 Q. There was a question earlier as to what
14 qualifies as "SPED."
15 Is that just students with an IEP, or is it
16 also students with a 504 plan or a combination, or
17 do you know?
18 A. I don't -- I will say I do not know the
19 answer to that.
20 Q. Okay.
21 A. I do know students that are SPED students do
22 have IEPs, and I do know that there are 504 plans
23 also. I'm not sure if they are mutually exclusive
24 or not.
25 Q. You don't know --

1 MS. ANDERSON: Objection, Your Honor.
2 MR. CONDOS: Did you hear me?
3 MS. ANDERSON: Yeah. You're mumbling.
4 MR. CONDOS: I'm sorry. I'm sorry.
5 BY ADMINISTRATIVE LAW JUDGE:
6 Q. So you don't know if -- students who don't
7 have an IEP but have a 504 plan, you don't know if
8 they're included in the SPED population?
9 A. I would have to admit that, yes.
10 Q. Okay. I don't know if it was ever really
11 clarified on Exhibit 3. This isn't a calculation
12 that someone within the Board staff actually does
13 this, and so I'm assuming it's an automated program?
14 A. We do not do this by hand, no.
15 Q. Okay. And so this information just comes to
16 you in this -- and -- I mean, it's collected to --
17 to put it all together in this way --
18 A. It --
19 Q. -- as far as --
20 A. There's an automated process that even puts
21 it in this format.
22 Q. Okay. So the AIMS scores come in, and it's
23 just automatically calculated for each school?
24 A. We -- yes. It is calculated. It's not
25 automatically calculated like it's -- it's not the

1 same as AIMS scores.
2 Q. Right.
3 A. There are calculations done with the AIMS
4 data, yes.
5 Q. Right.
6 But the AIMS data goes into some kind of
7 database --
8 A. Right.
9 Q. -- and calculations are conducted with that
10 data to come up with these numbers?
11 A. Right.
12 Q. Okay. Going back to the students -- and if
13 you will just believe me when I tell you. You don't
14 need to flip to the pages -- but, for example,
15 Student 10 in the first scoring got a zero, and the
16 cut score on that was 105.
17 A. Right.
18 Q. And then second, it was a 25 out of 114.
19 A. Um-hmm.
20 Q. So with the cut score increasing by 9 and
21 the student's score increasing 25, would you say
22 that there was some growth there above what was
23 expected in the grade?
24 A. I would say there was some growth. I
25 wouldn't say it was expected within the -- beyond

1 what was expected within the grade.
2 Q. I mean, obviously, I'm not saying that they
3 achieved grade level --
4 A. Right.
5 Q. -- but that if the difference between year
6 one to year two was 9 points, and they increased
7 their score by 25 points --
8 A. Um-hmm.
9 Q. -- that's more than what was set forth as a
10 standard of the cut score?
11 A. So, I mean, are you just asking about the
12 subtraction problem?
13 Q. Yes.
14 A. Yes.
15 Q. And, similarly, Student 55 went from zero
16 out of 105 to 49 out of 114.
17 So, clearly, that 49 is more than the 9?
18 A. More than the subtraction, yes.
19 Q. Okay. Dealing with the issue of SPED
20 students in a general ed classroom, are there -- you
21 mentioned the different strategies to deal with
22 that, including paraprofessionals, supplemental
23 work.
24 Is there a point where it would not be
25 appropriate to have a student that was so far behind

in a general ed classroom, that it would disrupt the education of other students?

A. There are certainly environments where there are self-contained classrooms where SPED students are taken out of the general education environment and put in a self-contained environment.

Do I -- sorry. Can you rephrase your question or restate it?

Q. If the student is so far behind and has to receive all this additional instruction to try to fill in those gaps, is there a point -- or would it be appropriate at some point to remove that student from the general ed classroom so as not to interfere with the education of a general ed student?

A. I have a hard time answering that question, just because I think there's legal issues to it. I mean, I think that that's part of the determination in the IEP, and then also ends up being, I think, litigated out in lawsuits with regards to that. So that's why I have a hard time answering that question.

I guess I certainly know of instances where students are taken out of the general education population.

Q. Okay. And do you know for this school what

1 the percentage of SPED students are?
2 A. We have looked at that. I believe it was in
3 the 20 percent.
4 ADMINISTRATIVE LAW JUDGE: Okay. Any
5 questions based on my questions?
6 MS. ANDERSON: No.
7 MS. STILLMAN: No, Your Honor. Thanks.
8 ADMINISTRATIVE LAW JUDGE: Okay. You
9 may be excused. Thank you.
10 MS. STILLMAN: I did think of
11 something.
12 ADMINISTRATIVE LAW JUDGE: Oh, okay.
13 Sorry. I'll remind you you're still under oath.
14 MS. STILLMAN: Only one.
15
16 RECROSS-EXAMINATION
17 BY MS. STILLMAN:
18 Q. And I know you did a great job pulling out
19 the cut scores. I did -- just wanted to point out,
20 if I could do one of the -- bring up just one of the
21 math students because it is -- does show a yearly
22 progression, versus having to go year to year.
23 Maybe if we even just look at Student 29,
24 which was page 556. That way, we're dealing with
25 the same --

A. I'm sorry. Which page is that?

Q. The initial student information is on page 556 was Student 29, and then -- so the math, then, is on page 593.

A. 593?

Q. 593, and only so that you can -- since we're talking about the same -- you know, comparing within the same testing, the student went from a one to a three to a six over the course of fall, winter, and spring.

Would you agree with that?

A. I'm sorry.

Q. Page 593.

A. Can you tell me which student that is?

Q. Sure, of course. Student 29.

A. Twenty-nine. That is correct. From a one to a three to a six within the 2012-13 school year.

Q. Right.

So would you agree that that's showing that there's growth happening over the course of the year?

A. Within that school year -- within the school year of 2012-13 where we already saw was the school year that resulted in the F grade. And I will state that the data within the school year, we are looking

for growth because we are looking for improvement or demonstrating sufficient progress towards the Board's academic performance expectations.

What we would be looking for is to see that in the year where they're demonstrating, that the growth that's happening within that school year is greater than the growth that happened within prior school years, if that makes sense.

Q. I was just asking if you would agree that there is growth shown here?

A. Yes.

MS. STILLMAN: All right. I won't do any -- I won't bring up any more students. I just wanted to point that out.

Thank you, Your Honor.

ADMINISTRATIVE LAW JUDGE: Thank you.

Any other witnesses?

MS. ANDERSON: No, Your Honor.

ADMINISTRATIVE LAW JUDGE: Okay. Your first witness.

MR. CONDOS: I'll call Kami Tate.

We have a person here from the school and came back from Show Low who will not be a witness. I just wanted to make sure that it's okay for her to sit here.

1 ADMINISTRATIVE LAW JUDGE: If she wants
2 to.
3 I'm sorry. Ms. Tate?
4 THE WITNESS: Yes.
5 ADMINISTRATIVE LAW JUDGE: Okay.
6
7 KAMILA TATE,
8 the witness herein, having been first duly sworn by
9 the Administrative Law Judge, was examined and
10 testified as follows:
11 ADMINISTRATIVE LAW JUDGE: Would you
12 please state your name, spelling it for the record?
13 THE WITNESS: Kamila, K-a-m-i-l-a, last
14 name is Kanoell, K-a-n-o-e-l-l, hyphen Tate,
15 T-a-t-e.
16 ADMINISTRATIVE LAW JUDGE: Please
17 proceed.
18
19 DIRECT EXAMINATION
20 BY MR. CONDOS:
21 Q. Okay. Now, is it okay if I call you Kami?
22 A. Absolutely. I prefer that.
23 Q. All right. Kami, are you employed at
24 Founding Fathers?
25 A. Yes, I am.

Q. Okay. And what is your position there?
A. Well, I hold lots of positions. Currently right now, I'm the professional development specialist, curriculum specialist, and I go into the classrooms and work with the students.
Q. And what kind of educational background do you have?
A. I have a bachelor's and then I have a teaching certificate, as well as a master's.
Q. What was your major for your bachelor's?
A. Elementary education, K-8.
Q. Okay. Have you taken any further courses in the educational field?
A. Absolutely. I just completed my Intel math class and received six more credits in mathematics, because my emphasis in my bachelor's was in math and so I went on and saw this opportunity to advance my learning and kind of keep current with my content knowledge in math. And so I took the class and went on to -- I think the credits came from Ottawa University.
Q. I'm going to -- you've got a book there. If you could look at what's marked as Exhibit U.
MS. STILLMAN: The white one, I believe.

1 THE WITNESS: Okay.
2 MR. CONDOS: Which I believe has been
3 stipulated into evidence by agreement.
4 ADMINISTRATIVE LAW JUDGE: Yes.
5 BY MR. CONDOS:
6 Q. Is that representative of your Certificate
7 of Completion -- first of all, is the Certificate of
8 Completion of Completion for Arizona Leads Principal
9 Institute?
10 A. Um-hmm.
11 Q. What --
12 A. Oh, I don't see that.
13 ADMINISTRATIVE LAW JUDGE: Are you on
14 U?
15 THE WITNESS: Okay. Just regular U,
16 not double U?
17 ADMINISTRATIVE LAW JUDGE: Regular.
18 THE WITNESS: Now I'm on -- with you.
19 Uh-huh.
20 BY MR. CONDOS:
21 Q. That's obviously a certificate for a course
22 that you finished during this year?
23 A. Um-hmm.
24 Q. What was -- what information did you learn
25 or -- from that Arizona Leads?

1 A. I learned a lot. It kind of just taught us
2 how to be an educational leader, kind of
3 expectations, which has been -- it was good for me
4 because my coach explained to me a lot of times when
5 tests would say we needed the helicopter view, and
6 we need to zoom in as -- as leaders, I almost zoomed
7 in too much, and they almost needed me to zoom out a
8 little bit.
9 Because I had been a teacher for so long and
10 had a lot of content knowledge, that I almost had
11 too much knowledge is what my coach said. So he
12 said, "Sometimes, Kami, zoom out and look at the big
13 picture instead of the smaller picture," because I
14 would expect a lot from the teachers as he was
15 coaching me, he thought.
16 Q. And have you taken what you learned through
17 the Arizona Leads Principal Institute back to
18 Founding Fathers and implemented any of that new
19 knowledge?
20 A. Yes, I have.
21 Q. How have you done that?
22 A. More so in the evidence and keeping more
23 records so that I had some hard evidence, versus
24 just my feelings or my opinions.
25 I'm keeping more records, tracking more

1 things, sending things by e-mail versus just talking
2 to somebody, so that I have record that I did
3 communicate with them. And it's evidence for me and
4 the person I was communicating with.
5 Another thing that it taught me was how to
6 look at the data and drill down into it and break
7 it -- more evaluate it and break it into components,
8 more specific components.
9 Q. Now, if we flip to the next page, we've got
10 a North- -- Northern Arizona University certificate
11 with respect to the math -- RTI math science
12 partnership program. And that shows that you have
13 completed that course of study.
14 What did that involve?
15 A. That actually involved us going to class.
16 We had two NAU professors. We would participate in
17 class. We had to read books. We had to read
18 articles. It taught us how to look at students'
19 work samples and break it down into specific skills
20 that he or she may be lacking, instead of just right
21 or wrong answers.
22 So it would help me know if a student, for
23 example, in seventh and eighth grade was evaluating
24 algebraic expressions, I could drill down by the
25 evidence of their work and see, "Oh, my goodness.

1 They don't know their multiplication facts," or,
2 "Oh, they don't even know how to do long division,
3 and that's where we're struggling."
4 Q. And did anybody else from Founding Fathers
5 go to that training?
6 A. Yes.
7 Q. How many people went?
8 A. Well, Mr. Stewart went, Mrs. Stewart went,
9 Ms. Reidhead attended, Mrs. Martz attended,
10 Mrs. Duncan, Mrs. Pettit, Mrs. Torrez, all -- all of
11 our K-5 teachers.
12 Q. Okay.
13 A. As well as seven and eight, that's correct.
14 Q. And they participated in the same course
15 and, you know, basically the -- the knowledge that
16 they received, was that similar to the knowledge
17 that you just expressed to the administrative law
18 judge that you learned?
19 A. Um-hmm.
20 Q. Okay.
21 A. We all had the same expectations. We took a
22 pre and post test. They came in and did formal
23 observation. The only thing that I was frustrated
24 with in the program was that there was no feedback
25 on those observations. It went to the state.

1 Q. And so have the people that attended at K-8,
2 the teachers there, have they implemented any of the
3 items that were learned at this particular seminar
4 back to Founding Fathers?
5 MS. ANDERSON: Objection. Calls for
6 speculation.
7 BY MR. CONDOS:
8 Q. Well --
9 ADMINISTRATIVE LAW JUDGE: You can
10 answer if you know.
11 THE WITNESS: From what I see in the
12 students' work samples and their portfolio, yes,
13 because they're able to take their knowledge, and
14 they actually have student work that they look at to
15 see what skills the student is deficient in, and
16 they're using that in their strategic intervention.
17 BY MR. CONDOS:
18 Q. Now, you stated on the leadership course
19 that you took, one of the factors that you learned
20 was more paper, more documentation?
21 A. Yes.
22 Q. Prior to your attending that class, did you
23 do similar observations and similar feedback with
24 the teachers with respect to the students and the
25 effect of their education and the progress of their

education?
A. Yes.
Q. Okay. In those cases, though, you didn't formally document what was discussed or whatever?
MS. ANDERSON: Objection. Leading.
THE WITNESS: No.
ADMINISTRATIVE LAW JUDGE: Can you rephrase?
BY MR. CONDOS:
Q. Did you -- in those dates, did you document everything that you talked to them about or they talked to you about?
A. No, I did not.
Q. How did you retain so that you could have follow-up with the teachers to see if what you guys had talked about was --
MS. ANDERSON: Objection. Leading.
MR. CONDOS: I haven't finished yet, but it wasn't going to be leading. It started off with a "how," so let me -- let me just rephrase the question, then.
BY MR. CONDOS:
Q. How did you do things -- how did you retain what you had discussed with the various teachers before you started writing everything down?

1 A. Well, I usually retained it in a notebook,
2 in like a personal notebook, like my portfolio, like
3 I just kept -- I take a lot of notes, and I would
4 take the notes, but I wouldn't necessarily show
5 them, "These are the notes that I took from this.
6 Now let's sign them," and now I do.
7 "Okay. Did you get the same thing out of
8 this meeting that I got?" And then I make them sign
9 the note, stating that they got the same thing out
10 of the meeting that I got.
11 And sometimes I go back to those notes on
12 multiple occasions now because the teacher says,
13 "Well, I thought you said this, and you're thinking
14 this. Let's discuss it." So there's a lot more
15 discourse going on.
16 Q. So those two courses helped you and the
17 school provide better -- did those courses help you
18 provide better evidence, as the State has been
19 talking about, of what you are all doing?
20 A. Yes.
21 Q. Okay. Now, the third document there is
22 another seminar through the Ottawa University that I
23 believe you spoke about earlier, talking about math
24 numbers and operations.
25 What -- what did that consist of?

A. That aligned with the Intel math class. You had the option to purchase Ottawa credits if you would like to hold you -- I felt like it held me accountable.

I would take the class really serious if I received a grade for it. I would want to achieve the best. I would want to do all the work that was expected of me if I knew a grade was attached. So I chose to purchase the -- the credits.

Q. And the grade that shows there is an A --

A. That is correct.

Q. -- for both?

A. That is correct.

Q. Now, the next page down is from Navajo County ESA, and it also talks about Intel math MLC work.

What did that consist of?

A. That consisted of meeting with a team of teachers to talk about different sounding boards, different questions, different discussion questions. We set goals for ourselves and reached to achieve those goals.

And then we also had to do a book study. Create a scope and sequence, submit it to the Navajo County, and then we would receive this if we

1 provided them evidence thereof. So we had to
2 provide them notes from our meetings as well.
3 Q. Okay. So there actually were some notes
4 from the meetings?
5 A. That is correct. We had to provide them
6 notes.
7 Q. Now, also from -- the next page is also
8 another one from the Navajo County that dealt with
9 facilitation of the MLC work?
10 A. That's correct. Pretty much what ended up
11 happening in the Intel math class is they felt like
12 certain people took leadership roles in the math
13 class.
14 And one of the teachers complained because
15 she felt like there was more expectation for those
16 that chose to be leaders, but nobody asked us to be
17 leaders. We just kind of stepped up and started
18 communicating with the -- the professors, the
19 facilitator that got the whole program going.
20 And that teacher said, "You know what?
21 We're providing you the evidence. We're having to
22 type the notes. We're having to make sure that the
23 meetings are being held. We're communicating with
24 you guys on a regular basis. And I feel like it's a
25 lot of hours," she said, "extra hours, and we're all

1 getting the same credits." And so they picked those
2 who were leaders and gave us an extra 20 credit
3 hours.
4 Q. Okay. And these two courses, did you take
5 what you had learned from them back to Founding
6 Fathers?
7 A. Yes.
8 Q. And did you implement those ideas into the
9 educational program there?
10 A. Absolutely. As a matter of fact, when I --
11 even though I was a teacher when we first started
12 the program, kind of moved into administration, I
13 still did my formal observations back in a
14 classroom.
15 I went back into the classroom and continued
16 to let them observe me, and -- in a kindergarten
17 classroom. And I showed them the paper that I was
18 going to be using, how I was breaking that bigger
19 concept down into smaller concepts because, of
20 course, I learned to do a more activity-based, I
21 guess, lesson versus, say, teach on the stage.
22 So during my activities, there were certain
23 things that I was looking for and my questions that
24 I was probing for, certain kids were going to be
25 able to go into a deeper level and extend their

1 thinking. But I wanted to be able to track it, so I
2 provided her evidence of how I was going to track
3 all the different --
4 Q. Okay.
5 A. -- thinking skills.
6 Q. And that evidence, did you keep --
7 personally keep any copies of those documents that
8 you gave to the providers of these seminars?
9 A. Did I keep evidence?
10 Q. Yeah.
11 A. I will have to doublecheck. I kept evidence
12 of that particular lesson.
13 Q. And that was in -- was that in your own
14 personal files, or did that end up going into the
15 school files?
16 A. That would have gone probably -- honestly,
17 that all had to go to Navajo County, so I would have
18 to doublecheck. We scanned and e-mailed everything
19 to them. I personally don't have a scanner, so I
20 probably could keep -- somebody probably has
21 records.
22 I just don't scan anything. I either
23 provide it to Mr. Stewart or Megan Stewart, and they
24 scan everything and send it off for me.
25 Q. The next one is a certificate for the K-12

1 academic standards.
2 I'm assuming that's the newest standards,
3 the College and Career Standards?
4 A. Arizona, yes.
5 Q. So tell the hearing judge what that took --
6 dealt with, because it looks like it was over a
7 four-day period.
8 A. Uh-huh. And it was actually a reading, how
9 to read. And Mr. Stewart sent all of our teachers
10 to different -- some took close reading -- depending
11 on what grade level you were teaching, you went to
12 either the close reading or you went to this. It
13 was kind of principles of reading standards.
14 And ours was a four-day seminar, about eight
15 hours each day, and it just taught us how to break
16 down those standards. And it gave us some kind of
17 strategies even to work with the students to probe
18 for information from them. Not necessarily stage on
19 the stage, but just a -- kind of some ideas for
20 rhyming games, how -- they were trying to teach you
21 how you could quickly implement -- within 15
22 minutes, how quick your repetitions could be and how
23 much more could happen in those 15 minutes.
24 Q. Okay. And did the -- the other teachers who
25 went to other seminars -- first of all, did you come

1 back to the school and share what you had learned
2 with the other teachers and the staff there?
3 A. Yes. We all came back together, and we
4 did -- each one of us kind of did a little
5 presentation on what we learned at the meeting.
6 And we actually used -- they made us go out
7 and find students. Even though it was summer, they
8 said, "Can you go out and find a student?" They
9 challenged us to go find students to practice those
10 testing strategies with them, to kind of give us
11 some ideas of how to work with them, and followed up
12 with the results that we found with those students
13 and made us write a plan for how we would work with
14 those students.
15 Q. Okay.
16 A. And we do tutoring in the summer, so it was
17 easy for us to find students.
18 Q. Now, when you share what you've learned at a
19 specific seminar, how do you do that?
20 Well, first of all -- let me -- let me
21 rephrase.
22 The school has changed its scheduling as far
23 as providing the appropriate number of days for
24 instruction, so is it true that they are now a
25 four-day school?

A. Yes.

Q. Okay. And on the fifth day, Friday, is that a vacation day, or do you do anything specifically for the school on that day?

A. We do specific things for the school. There's an expectation for our teachers. It depends. It's anywhere from two Fridays to three Fridays a month.

We do have -- I might even have that evidence of the meetings that are -- our schedule on me, but we have a schedule that the teachers were given at the beginning of the year to plan accordingly and not schedule doctors' appointments on that Friday so that we can meet. That is a time that's expected, a contracted day.

Q. And at those meetings, do you -- we've seen some exhibits with respect to agendas.

A. Correct.

Q. Do you usually have an agenda for every meeting?

A. Yes, we do.

Q. And do you follow that agenda --

A. Yes.

Q. -- as a general rule?

A. Yes, we do.

1 Q. Okay.
2 A. I mean, we'll modify and adjust accordingly
3 if a question comes up, but we'll write it down and
4 try to table it until the next meeting.
5 Q. Now, do the people that are -- first of all,
6 I think the hearing judge needs to find out.
7 How many people work at Founding Fathers?
8 A. Well, for teachers' meetings, we only expect
9 our certified employees, and then we have some of
10 our instructional aids, like two, and then some of
11 the specialists are expected to be there.
12 Q. How many certified employees do you have --
13 teachers, in other words?
14 A. I have seven teachers, but I'm a certified
15 employee as well.
16 Q. Okay. And you have some paraprofessionals
17 as well?
18 A. That is correct.
19 Q. Okay. So at seven, I would assume there's a
20 lot of conversations back and forth, collegial
21 conversations about the students, about practices.
22 Would I be correct?
23 A. That is correct.
24 Q. Okay. Now, at these Friday meetings, is it
25 like one or two people that gets up and relays

1 whatever we're teaching at that particular time, or
2 how many people do the teaching, or what's done at
3 those as a general rule?
4 A. As a general rule, we now this year have set
5 out -- set up norms and standards. We expect all
6 cell phones off. And we created them actually as a
7 staff.
8 We came together to create those norms and
9 standards, which I learned in the Principal's
10 Institute, that if you tend to follow those norms
11 and standards, we're going to hold each other more
12 accountable.
13 And it's not a big brother looking in on me.
14 It's not Mr. Stewart saying to put it away. It's
15 not myself saying to put it away. It's holding each
16 other and ourselves accountable to those norms and
17 standards. So we created them. We post them at the
18 meetings so that everyone knows what their
19 expectations are.
20 And then we start with the agenda, something
21 is information. If it's going to be informational,
22 it's logged as information, meaning that somebody is
23 going to be disseminating that information to you,
24 and it's for you to gather.
25 Then if there's something open for

1 discussion, we know that we're going to discuss it,
2 and it's going to be discussed as a group. And that
3 discussion will be looked at, but a decision won't
4 necessarily be made in the meeting because a
5 discussion can mean that it could be overruled by
6 Mr. Stewart, Mrs. Stewart. They have the final say
7 in what's going to happen in that, or there's an
8 action piece, meaning that the action means that
9 we're going to make a decision today. As a group,
10 we're going to put this information out there, and
11 whatever action we decide as a group, we all have to
12 deal with because we decided it as a group, and
13 Mr. Stewart and Mrs. Stewart cannot override that
14 decision.
15 Q. Okay.
16 A. That's something new we implemented this
17 year.
18 Q. And those action items that you talked
19 about, are they with respect to enhancing the
20 learning environment of the students?
21 A. Correct.
22 Q. Okay. Now, do the teachers bring notebooks
23 or take notes during those sessions?
24 A. Yes. Some teachers take a ton of notes
25 because that's the way that they learn, and others

1 take outline notes.
2 Q. Now, those notes, are they kept by the
3 teacher, or do -- is there some process that the
4 school gets all those notes?
5 A. The teachers keep those notes. I try to jot
6 down notes, and we have actually called in somebody
7 this year to take notes. And she takes my notes,
8 and she takes my notes and puts them together. And
9 now we have an agenda, and we have notes behind the
10 agenda.
11 And then if a teacher so happens to get
12 permission to not be at the meeting, she can go to
13 that notebook and get evidence of the meeting.
14 If there was something handed out, if there
15 was a schedule handed out, if there's something new
16 that she needs to be told about, there's the
17 information there.
18 Q. Okay. Now, prior to the formalization of
19 this process of holding onto paper, the State Board
20 didn't think that these meetings were -- you know,
21 at least raised a question as to whether or not
22 these meeting were actually taking place.
23 Were these meetings taking place on a
24 regular basis before December of '13?
25 A. Absolutely, they were. We weren't tracking

it. We were guilty of not keeping the evidence thereof.

Q. All right. But the teachers had their own means of keeping their track so that you weren't supposed to --

A. Absolutely. Have the teachers took notes.

Q. Now --

A. And we would reference those notes if something came up.

Q. Okay. And in a seven, eight-person educational plane, would it be true that teachers would run into each other as their day progressed and have some feedback about any incidents or any concerns they may have had between each other or directly to you?

MS. ANDERSON: Objection. Leading.

MR. CONDOS: Let me rephrase it.

BY MR. CONDOS:

Q. If a teacher -- because this is a small school, did teachers regularly communicate with you or with themselves with respect to issues, if you know?

MS. ANDERSON: Objection. Objection. Leading. Adding "do you know" at the end doesn't negate that it's a leading question.

1 ADMINISTRATIVE LAW JUDGE: You can
2 answer if you know.
3 THE WITNESS: Can I ask for
4 clarification? You said seven, eight. Are you
5 talking K-8?
6 BY MS. ANDERSON:
7 Q. K-8.
8 A. Okay. I heard "seven, eight." I don't know
9 if anybody else heard that.
10 Yes. We're a small school, so we will
11 communicate with one another. Teachers will come in
12 and ask questions. I was guilty of not writing it
13 down.
14 Q. Would -- not only questions, but did -- were
15 you faced with issues that teachers may have come up
16 to you with a specific student or a group of
17 students?
18 A. Oh, I was faced with it continuously. If
19 they had an issue with a student, they would talk to
20 each other or come to me, and we would discuss some
21 ideas to work on, to strategize.
22 Sometimes I would actually go in the
23 classroom and work with that student so I would have
24 a better idea of what was happening and provide
25 feedback.

1 Q. So you went into classrooms, worked with
2 specific students, along with the teacher?
3 A. That's correct. I would actually have to
4 take over classrooms if we lost a teacher, so I
5 would go into that classroom and have to take over
6 the program, get systems in place until we found a
7 teacher as well. But I will go in and work with the
8 teacher.
9 Q. Okay. Now, so the hearing judge can
10 understand the students of the school, we have
11 roughly 165, at least that's shown.
12 Tell -- tell the hearing judge the makeup of
13 the students that you have at Founding Fathers.
14 A. When I started in 2008, I found real quickly
15 that we tend to have a lot of the special ed
16 population. And then I noticed kind of around 2009,
17 '10, we took in even a bigger influx from -- I
18 noticed that the pediatrician in our community was
19 referring to us. He was openly referring to us
20 because we gained some students that he was aware
21 of.
22 And he noticed that we were making
23 improvements with the students. They wanted to go
24 to school. Their self-esteem had changed, as well
25 as they were actually participating in a school

1 setting and showing up and wanting to be there.
2 And so he started referring to us, so we
3 started to gain an even bigger influx of special
4 education students.
5 Q. And the pediatrician at that time was Dr. --
6 A. Dr. Barela was the pediatrician at that time
7 in our community. He owned his own private
8 practice.
9 Q. And did he --
10 A. He sold it to Summit Healthcare. Summit
11 Healthcare bought it from him, and he then --
12 Dr. Bennett was working with him at the time before
13 Summit bought it, but then Dr. Bennett went on as a
14 Summit employee. And she as well -- we gained
15 students from her as well because she's seen that
16 we've made a difference with her students.
17 Q. Now, with respect to the first doctor, he
18 had personal experience with the school. Is that
19 right?
20 A. That is correct. He had a very personal
21 attachment. I just didn't know how detailed I could
22 be with that. I want to respect privacy of the
23 students that go there.
24 Q. Without going into any detail, were his --
25 were they grandchildren?

1 A. That is correct.
2 Q. Did they have challenges?
3 A. Yes, they did.
4 Q. And Founding Fathers helped those kids?
5 A. Yes, they did.
6 Q. And that kind of led to him believing in the
7 school?
8 A. That is correct.
9 MS. ANDERSON: Objection. Leading.
10 BY MR. CONDOS:
11 Q. Now -- and that increase, you said -- did
12 you say, was that 2010, somewhere in there?
13 A. Well, we -- I would say we gained his --
14 MS. ANDERSON: Your Honor, it appears
15 the witness is testifying from some notes.
16 THE WITNESS: Oh, I'm sorry. I just
17 wrote down when -- my notes of my own. Am I allowed
18 to do that? Nobody gave me any idea to write these
19 notes. I just was writing down teachers, dates.
20 MS. ANDERSON: Unless the
21 information -- unless the -- counsel can establish
22 foundation for those, I object to their use.
23 BY MR. CONDOS:
24 Q. The paper that you have there, you prepared
25 it. Is that right?

1 A. Yeah.
2 Q. Okay. And does it assist you in remembering
3 certain matters?
4 A. For me, I just wrote down dates of when I
5 started this morning.
6 Q. And will that assist you in providing the
7 testimony that you are giving here today?
8 A. Well, for dates, it does for me.
9 Q. So it helps refresh your memory and
10 recollection?
11 A. Yes. Kind of -- I was just out there this
12 morning jotting notes.
13 MR. CONDOS: Judge, I think that --
14 ADMINISTRATIVE LAW JUDGE: That's fine.
15 You can refer to the notes during your testimony.
16 BY MR. CONDOS:
17 Q. Now --
18 ADMINISTRATIVE LAW JUDGE: Why don't --
19 THE WITNESS: Does she want to look at
20 them? I will be happy to share them with you.
21 ADMINISTRATIVE LAW JUDGE: Why don't we
22 take a short recess so that everyone can cool off a
23 little bit?
24 We will go off the record at this time
25 and come back in about ten minutes.

(Short recess was taken.)

ADMINISTRATIVE LAW JUDGE: Okay. We're back on the record. Let's continue.

BY MR. CONDOS:

Q. Okay. Kami, if you look down to what we've marked there as Exhibit V, can you explain what that letter is?

A. Yes. That was a letter that was written for me by my coach, Bruce Baker, who works for -- well, he's with Arizona Leads. And he actually comes up every month and does a site visit, as well as he meets with me when I'm down for my principal training, so he wrote me this letter.

Q. Okay. And that's -- that was the teacher that you had for the --

A. He was my coach, that is correct.

Q. And what was the purpose for this letter?

A. He kind of just -- actually, just wrote it for me. He felt like I needed a boost, I guess. He -- I was questioning whether or not education was for me one day just as we drilled down, and I said, "Oh, my gosh. It's so much work."

And he said, "Have fun. Enjoy it." And he said, "Kami, I feel like you need to realize you're doing a great job." And next thing I know, he wrote

1 me this letter and sent it to me by e-mail.
2 Q. Now, if you turn over now to Exhibit W, who
3 is Jeffrey Hovermill?
4 A. Jeffrey is one of the professors from NAU.
5 He was part of our Intel math class. He always was
6 the -- one of the professors that came to the class
7 to -- he was a facilitator.
8 Q. Is this an e-mail that you received from
9 him?
10 A. It was.
11 Q. Okay.
12 A. I wasn't able to make the very last class
13 because my son was actually in the State
14 championship game, and I wasn't about to miss it,
15 but I communicated with him, so that they understood
16 that I felt it was very important for them to still
17 receive all my information and the data that I could
18 provide to them.
19 So I did all my -- I e-mailed them and asked
20 them what I could do to still stay current with my
21 class. And he said, "You gave us everything.
22 Thanks for the data." And he had -- he wanted it
23 entered into a spreadsheet, so he was going to ask
24 me to do that, but then he e-mailed me back and
25 said, "Oh, you sent it all, so Ranny (phonetic) went

1 ahead and did it for you," but that he wanted to
2 meet with me this summer because he felt like -- he
3 wants me to write in an educational math journal.
4 Q. Okay. He talks about writing up the work
5 that you've been doing with the teachers.
6 What work is he talking about?
7 A. We have been working at looking at our math.
8 Our math scores, we were really struggling with
9 them. So we talked about, how can we break this
10 down into depth of knowledge, and start with
11 imitating, duplicating, and repeating but continuing
12 to extend their thinking so that we can reach all
13 learners and go into that extended thinking where
14 students will create.
15 So we took and we created a rubric so that
16 the student comes in. We have a knowledge of where
17 they're at. And certain students have to start with
18 imitating, duplicating, and repeating information to
19 us. And then we go to the next level where they
20 actually have to understand, and then the next level
21 where they apply their knowledge.
22 And then they do some analysis within the
23 State standards. We took the State standards and
24 broke it down, and then we did evaluation. So we
25 created activities for the students to do hands-on

1 things.
2 Q. Okay. And he wants to take this work and
3 publish it in a mathematics teachers journal?
4 A. Yes.
5 Q. Okay.
6 A. I was trying -- at one of the meetings, he
7 was facilitating, and they -- a lot of math
8 instructors think that teachers come with a lot of
9 content knowledge in mathematics.
10 And sometimes when you're up teaching math,
11 you have to have some benchmarks to enter in with.
12 And I was trying to explain to him, not all
13 educators are mathematicians. You guys get the
14 benchmarks to enter in with those numbers. Not all
15 teachers understand that.
16 And so I was -- said, "Can I just get up and
17 give a little demonstration?" And he's like, "Yeah,
18 sure." So I got out some manipulative and started
19 asking some questions to teachers. And he really
20 got the picture. "Oh, my gosh. You're correct.
21 Not all teachers understand this. They aren't
22 mathematicians."
23 I said, "So I want you guys to understand
24 that when you're communicating with us, you have to
25 realize that the teachers don't come with that prior

1 knowledge always."
2 Q. Okay.
3 MR. CONDOS: Now, Your Honor, I would
4 offer Exhibits V, W, and X -- V and W. We haven't
5 gotten to X yet?
6 ADMINISTRATIVE LAW JUDGE: V was
7 stipulated.
8 Any objection to W?
9 MS. ANDERSON: No, Your Honor.
10 ADMINISTRATIVE LAW JUDGE: Exhibit W is
11 admitted.
12 BY MR. CONDOS:
13 Q. Now, do the students -- new students that
14 come to your school that are not special ed, are
15 they at grade level?
16 A. Not -- no, not all of them. We do an
17 entrance exam, and the majority of them are testing
18 below grade level.
19 Q. How do you decide what grades to -- or
20 classes to put them in?
21 A. They have to meet with our executive
22 director. More -- well, not with Mr. Stewart. They
23 meet with Mrs. Stewart, and she does like an intake
24 on them. She communicates with -- she makes them
25 show up with their parents, and she talks to the

1 students as well. Even if they're in kindergarten,
2 they have to come in and meet with her.
3 Q. Now -- and your classes there at Founding
4 Fathers, do they include special education, as well
5 as traditional students in the same classroom?
6 A. That's correct.
7 Q. How does that work?
8 A. We have all students in one classroom, so
9 it's a full inclusion. They will go out to special
10 services for pullouts for OT, PT, and speech.
11 Q. Okay. How severe are your special ed
12 students?
13 A. Oh, they're on a range of the spectrum.
14 Q. What would you say the ones with the highest
15 needs would be?
16 A. Well, we have some students that have CP,
17 and so they struggle with even walking.
18 Q. Cerebral palsy?
19 A. Um-hmm.
20 Q. And they're in your traditional school
21 there?
22 A. That is correct.
23 Q. And how do you integrate those students into
24 a regular classroom and regular curriculum learning
25 process?

1 A. Well, we do an -- we do an intake with them
2 and decide whether or not they're -- I mean, they're
3 fit for the program.
4 We always make the parents and the students
5 come look at our school to make sure that we're the
6 right fit for them. And we want the student there
7 so that they can feel comfortable because it has to
8 be a joint decision.
9 We can't -- they have to be a partnership
10 with us, so we have to be all on the same page. So
11 we explain our rules, our policies, and our
12 procedures so that the parent and the student
13 understands what they are.
14 So if the parent feels like we can be
15 successful with that particular child, then we
16 integrate them into the regular education program,
17 and they're just in our normal classroom.
18 Q. Now, when -- special education students have
19 to take AIMS as well?
20 A. That's correct.
21 Q. Okay. When the -- your special ed students
22 take the AIMS, on the average, how do they score?
23 A. Falls far below.
24 Q. And is falls far below what they were
25 scoring before they came to the school?

1 MS. ANDERSON: Objection. Calls for
2 speculation.
3 THE WITNESS: That particular --
4 ADMINISTRATIVE LAW JUDGE: If you know
5 the answer.
6 THE WITNESS: I would say -- I would
7 say yes. I haven't drilled down into -- a lot of
8 them come in in kindergarten. That particular -- I
9 mean, the ones that I'm -- that particular one that
10 I'm thinking of.
11 BY MR. CONDOS:
12 Q. And does Founding Fathers help those
13 children with the special education? In the
14 learning process, do they achieve better after
15 they've been with Founding Fathers for a while?
16 A. Yes.
17 Q. Okay. And how do you -- how do you
18 determine that?
19 A. Well, this year, it's determined by -- we've
20 drilled down deeper into our data and found that,
21 for example, one particular student that I'm
22 thinking of, it didn't matter if she was reading a
23 first grade probe, a second grade probe, a third
24 grade probe, a fourth grade, her fluency was still
25 about the same, so her speed was an issue.

1 So we went ahead and put her on the fourth
2 grade probe because she was reading it about the
3 same, so we were making the same growth with that
4 particular child. And it didn't benefit us to put
5 her down in the first or second grade probe. We put
6 her in the fourth grade probe because she's still
7 showing us the same score.
8 She's only reading so many words per minute,
9 and we were struggling with getting her past that.
10 So as a team, we discussed it, and we came up with,
11 "Well, let's see. What can she read? If there's
12 something that she can read faster," because we
13 can't expect her to read the 200 words a minute in
14 fourth grade. It's our goal. We're shooting for
15 it. We've set it.
16 And so it was advised to us -- as a team, we
17 kind of discussed it -- and we created a passage for
18 her that was fluent -- like that she knew. It was
19 familiar to her.
20 So we talked about her name, her
21 parents, her siblings, and created a passage for her
22 that she was familiar with to see how many words a
23 minute could she read with a familiar passage.
24 Because, obviously, a familiar passage and an
25 unfamiliar one are going to be a different -- it's a

1 cold read versus something she's familiar with.
2 And so it kind of gave us a target of,
3 let's pass her to the next fluency when she meets
4 this target.
5 Q. And who participates in this team that works
6 on the detail of the students' education plan?
7 A. All of us. All of the teachers and -- as
8 well as we have a reading specialist that attends
9 that particular decision. And this year, we have
10 Michael Maloney participating in that decision as
11 well --
12 Q. Okay.
13 A. -- who is the author of Teach Your Children
14 to Read Well.
15 Q. And, unfortunately, when those discussions
16 take place, there's no documentation as to the
17 specifics? It's just -- is it -- you know, how does
18 a teacher know what she's supposed to do?
19 A. We do take documentation this year. We're
20 recording and coming up with those strategies and
21 documenting it and then following up with, is the --
22 what is the goal that -- what was the target that
23 that student hit -- because Michael Maloney
24 suggested that we do that -- and her target goal was
25 set, and we noticed that she could meet then on her

1 targets based upon an idea that he gave us, a
2 strategy.
3 Q. When you talk about strategies, I want you
4 to refer to Exhibit X, if you would, please.
5 A. Yes.
6 Q. There's a series of documents in -- in that
7 group with X.
8 Can you explain to us what those are?
9 A. Yes. Through my principal training, we had
10 to kind of -- we kind of looked at, "What do you
11 think your struggles are at your school?" And I
12 chose to pick culture as a struggle at our school.
13 Q. Pick what? I'm sorry?
14 A. Culture.
15 Q. Okay.
16 A. We needed to change our culture at our
17 school, and that was an entrance point that I
18 picked.
19 Q. All right. Let me interrupt you for a
20 second.
21 What kind of culture was at the school that
22 you felt needed to be changed?
23 A. Well, when I started to look at the data and
24 started -- I put in, "What is their attendance
25 record? How is that affecting the student, because

1 can we rule out attendance from being a factor?"
2 And as I started to look at some of these
3 students, I noticed that if they're not in school,
4 they're being deprived of educational time,
5 educational learning time.
6 And we need to come up with a plan so that
7 the students are in school and are there and are
8 being held accountable, because we can't lose that
9 time with those students.
10 And as my teachers want extra help and want
11 extra aids in the classroom to help them with those
12 students, I started looking at, "Well, what is their
13 attendance here, and let's talk how can we get them
14 here in school and what can we do to change our
15 culture?"
16 And so we created an attendance policy, and
17 we decided that we would model for the teachers how
18 to hold that expectation to the parents and the
19 students as well to be in school.
20 And so we created an attendance contract,
21 and I talked to this particular parent and said,
22 "Well, what's going on?" And I explained to her
23 that, "If your student is missing school, it's
24 hindering their academic achievement, and my
25 teachers want extra help for this student, but what

1 are you going to do to help get the student here at
2 school so that they can learn?"
3 And so we met with each parent and showed
4 them, if they were absent, what -- early outs or
5 tardies even affect your student's ability to learn.
6 And we discussed it, and then we came up
7 with contracts, and the parents have to sign them, I
8 sign them, and the attendance secretary signs them
9 as well.
10 Q. And is that like the first three, four
11 pages?
12 A. That is correct.
13 Q. Okay. And how has that worked out?
14 A. Well, with one -- this particular child --
15 let me just doublecheck. I'm just making sure
16 family one just has the one child before I speak.
17 Yes, family one is just one particular student.
18 He was -- his attendance has increased
19 tremendously. I told her if he was going to miss
20 school, she had to provide me documentation that he
21 went to a doctor, if it warranted a doctor's
22 appointment, and that she had to communicate with
23 me. She couldn't just call anybody and say that the
24 child was going to be gone from school.
25 She's taken it extremely serious, and she --

1 as you can see, his attendance has not been a
2 problem since we met. And she was having trouble
3 getting him to school because -- here's how it
4 started.
5 She came in one day to pick up the child
6 from school, and she wanted to pick him up because
7 they were getting cable TV. She wanted to pick him
8 up 30 minutes early.
9 And I said, "I'm sorry. That's not going to
10 happen."
11 She said, "Well, why not? The cable guy's
12 coming."
13 I said, "Well, I'll be happy to keep him
14 here until 5:30. Is cable more important than your
15 child's education?"
16 And she said, "No. Thank you." And she
17 turned around and she walked out. She did show up
18 at 3:30 to pick up her child when school was out, so
19 she got the message.
20 And then I said, "Well, I need to meet with
21 you because I've looked at your child's attendance
22 and there's a problem." And so we met, and sure
23 enough, when we met, guess what the problem was.
24 The child was watching TV until late at night and
25 wouldn't get up, and when he would get up in the

1 morning, he'd turn on the TV.
2 And so I just told her "Well, obviously,
3 cable TV has been a problem for your family. What's
4 your plan to fix this?" And she almost needed
5 coaching herself.
6 She said, "Well, he wants to watch TV. What
7 am I going to do?"
8 I said, "Make it a reward. Don't allow him
9 to just sit and watch TV. He can earn TV if he does
10 the things that he needs to do, but preventing him
11 from getting to school on time is not okay." I
12 said, "It sounds like TV is a problem in your house,
13 and if you need me to show up in the morning to get
14 your child out the door to school, I'll be happy to
15 or I can call CPA or I can call the police. Which
16 would you like at your house?"
17 She said, "I would like neither. Sounds
18 like a plan." And since then, he's been at school.
19 She takes it very seriously. As a matter of fact,
20 she just got a full-time job at night, and she
21 called the other day and she said, "Oh, we have a
22 meeting" -- she works at Summit Hospital now. "We
23 have a meeting. It's going to be running late. I
24 need to pick him up early."
25 I said, "That's okay. Let me go find out

1 from his teacher if she can -- she's going to be
2 here late for tutoring. I'm sure that she'll be
3 happy to keep him."
4 So I went and talked to the teacher. The
5 teacher was happy, and guess what? He was picked up
6 still at 3:30. So I don't think she really had a
7 meeting.
8 Q. So as part of your learning environment at
9 Founding Fathers, it appears that you're also doing
10 some parenting and assisting in the home model as
11 well?
12 A. That is correct. We're trying to take our
13 system and create systems for the child to then
14 implement into their house. Instead of us
15 implementing their system into our school, we're
16 creating the system for them to take out into the
17 community.
18 Q. How is your -- you know, we've got the
19 documentation here with one child, but how has this
20 attendance contract program worked out as a whole
21 for the school?
22 A. It's been great. We had another family we
23 met with. All three children are special needs
24 students.
25 MS. ANDERSON: Objection, Your Honor.

1 Exceeds the scope of the question.
2 ADMINISTRATIVE LAW JUDGE: Just answer
3 the questions that are asked of you.
4 THE WITNESS: Oh.
5 BY MR. CONDOS:
6 Q. Okay. And do you believe that the
7 attendance and appropriate attendance is an integral
8 part of a proper learning environment?
9 A. Absolutely. That's -- I think it's a huge
10 part of it. Students missing out on educational
11 learning time, it's going to hinder their ability to
12 increase their learning. Their learner outcomes
13 aren't going to be as great if they're not there.
14 Q. Okay.
15 MR. CONDOS: Your Honor, at this time,
16 we would offer --
17 BY MR. CONDOS:
18 Q. Well, first of all, Exhibit Y is another
19 example of -- only this one has -- family two also
20 has one child?
21 A. Family two should have three.
22 Q. Exhibit Y, that's another one of the
23 contracts and illustration that attendance has
24 increased?
25 MS. ANDERSON: Objection. Leading.

1 BY MR. CONDOS:
2 Q. What is Exhibit Y?
3 A. Exhibit Y is three children in the family --
4 Q. Okay. I'm sorry.
5 A. -- from what I can see.
6 Q. And has this attendance contract had an
7 effect on the students that were involved here?
8 A. Yes, it has. We actually had them have
9 perfect attendance. They received an attendance
10 award. And they -- the student shared with me
11 himself the very next day that they had created a
12 plan at home to set their alarms, and mom and dad
13 even had to plan to set their alarms for 30 minutes
14 earlier, and he just volunteered that to me.
15 MR. CONDOS: Your Honor, we would offer
16 X and Y.
17 ADMINISTRATIVE LAW JUDGE: Any
18 objection?
19 MS. ANDERSON: Objection with regard to
20 foundation. There's been no foundation laid as to
21 when these attendance contracts were --
22 THE WITNESS: There was a date on mine
23 on the first one.
24 MS. ANDERSON: Is the date 12/5?
25 THE WITNESS: That is correct.

MS. ANDERSON: With regard to the second one, I don't see a date.

THE WITNESS: It was around Christmastime. There was -- there should have been a date on it. I don't see child one. There's child one. It was around December as well.

ADMINISTRATIVE LAW JUDGE: Of 2013?

THE WITNESS: That is correct.

MS. ANDERSON: With that foundation, Your Honor, I have no objection.

ADMINISTRATIVE LAW JUDGE: Exhibit X and Y are admitted.

BY MR. CONDOS:

Q. Kami, if I could turn your attention to Exhibit Z, can you explain what -- and identify this document -- these documents?

A. Yes. These are AIMSweb scores, benchmark scores, for winter, spring, and fall.

Q. Is this for an individual student or for the group?

A. It's for the group.

Q. Okay.

A. AIMSweb defaults.

Q. All right. And were these prepared as part of the normal process of checking or assessing

1 students?
2 A. Yes.
3 Q. Okay. And do you use this in your
4 educational program in some way?
5 A. Yes, we do.
6 Q. How?
7 A. They are the benchmarks that we give at
8 fall, winter, and spring. We give a math comp, a
9 math cap, and a fluency.
10 Q. And can you explain --
11 MR. CONDOS: Your Honor, we would offer
12 Exhibit Z at this time.
13 ADMINISTRATIVE LAW JUDGE: Any
14 objection?
15 MS. ANDERSON: Objection on the basis
16 of foundation. It's indicated that -- she's stating
17 it's contained -- because there's several pages to
18 this exhibit, I don't understand what she's saying
19 is contained in it.
20 THE WITNESS: There are defaults for
21 caps and comps and reading fluency. They're just
22 the target scores that are set by AIMSweb, so Tier 1
23 students, Tier 2, Tier 3. And then cap starts with
24 second grade and goes through 12th grade. Comp
25 actually is going to do first grade through 12th.

1 And same with reading fluency, first grade through
2 12th.
3 MR. CONDOS: I will recover it.
4 ADMINISTRATIVE LAW JUDGE: So these
5 are -- these are those cut --
6 THE WITNESS: They're the cut scores,
7 that is correct, that determine how they fall within
8 Tier 1, Tier 2, and Tier 3.
9 ADMINISTRATIVE LAW JUDGE: Okay. Just
10 one moment.
11 So are you still -- okay.
12 THE WITNESS: I don't know what -- I
13 don't know what --
14 ADMINISTRATIVE LAW JUDGE: Let me
15 just -- if you will look at Exhibit 15 in the other
16 book.
17 THE WITNESS: Yes.
18 ADMINISTRATIVE LAW JUDGE: So go to
19 page 575, for example. That's reading for fifth
20 grade, so looking at --
21 THE WITNESS: If you look at the winter
22 because this would be --
23 ADMINISTRATIVE LAW JUDGE: Fall.
24 THE WITNESS: -- fall, okay.
25 ADMINISTRATIVE LAW JUDGE: But where it

1 says, "Reached fall target of 114," that is the cut
2 score for -- to be in Tier 1 of the fifth grade
3 reading based on what's on page 134 in that book.
4 Is that -- am I reading that correctly?
5 THE WITNESS: Yeah. That would be the
6 target score, so it's not showing that here on the
7 reading. Oh, I'm looking at math counts. I'm
8 sorry.
9 Yes, that is correct.
10 ADMINISTRATIVE LAW JUDGE: Okay.
11 THE WITNESS: That is correct. They
12 match, yes. I'm sorry. I was looking at the
13 wrong -- I was looking at comps. Yes, that's what
14 we're using it for, so then we can see why a student
15 was in the Tier 2. It's the criteria for those
16 tiers.
17 ADMINISTRATIVE LAW JUDGE: Okay. Does
18 that --
19 MS. ANDERSON: Thank you, Your Honor.
20 THE WITNESS: It was the criterias for
21 the different tiers at each grade level.
22 MS. ANDERSON: I thought you're
23 talking --
24 THE WITNESS: Oh, I'm talking -- I just
25 thought -- were you asking me?

1 MS. ANDERSON: I'm satisfied with that.
2 ADMINISTRATIVE LAW JUDGE: Okay. Then
3 Exhibit Z is admitted.
4 BY MR. CONDOS:
5 Q. Kami, I should have asked probably these
6 questions earlier instead of offering it to submit,
7 but what is -- what is Tier 1?
8 As they're set out here, we have performance
9 detail. We've got Tier 1, Tier 2, and Tier 3.
10 A. Tier 1 and Tier 3, yeah.
11 Tier -- Tier 1 are -- all students are going
12 to receive the core curriculum, which is Tier 1
13 curriculum.
14 Tier 2 is the next level where students are
15 going to receive extra help, and it may be specific
16 skills.
17 And then Tier 3, we do a strategic
18 intervention where we look at, "What are they
19 deficient in, and what do we need to help them to
20 achieve? Because Tier 1 and Tier 2 aren't working,
21 so now they're Tier 3 students. We need to provide
22 them additional support. What support strategies
23 are we going to provide them so that they can be
24 successful and get out of Tier 3?"
25 Our goal is to move them out of Tier 3.

1 Q. Okay. And are these for students that are
2 having difficulties or all the students around?
3 A. Well, the cut score is for all the students
4 because every student is benchmark tested.
5 Q. Okay. So I see --
6 A. And they're all -- they're all benchmarked
7 at grade level.
8 Q. Okay.
9 A. They're given a grade level probe.
10 Q. So if you have students that aren't at grade
11 level, how would you deal with those?
12 A. If they don't hit the cut score at grade
13 level? Well, we have to do -- we come up with a
14 plan, and we have to find, where is their
15 deficiency?
16 Like for math, what is causing them from
17 being successful on meeting that criteria? Even for
18 reading, why are they not meeting that many words
19 per minute? What's slowing them down? What's
20 prohibiting them?
21 Sometimes it's that -- on AIMSweb, it's a
22 cold read every time. So we do progress monitoring.
23 If they're in Tier 3, they're progress monitored on
24 a weekly basis. So we progress monitor them every
25 week to hit targets so that we can see that, "Here's

1 where your target is. Here's where we're
2 performing." And then we work with that student on
3 whatever it is that they're deficient on.
4 We model read to them. We might have --
5 hold an expectation where they do some peer reading
6 so that they can hear fluencies of -- fluency of
7 other students within their classroom.
8 The teacher is going to shorten the passage
9 at first and just maybe have them do two lines at a
10 time so that they can become more fluent in their
11 reading.
12 Q. So is this part of the -- the package or
13 elements of assisting a student to increase his
14 abilities as far as scores of the AIMS?
15 A. Yes.
16 Q. And does each teacher have access to these
17 records?
18 A. Oh, absolutely.
19 Q. And is this the same type of records that
20 they use in implementing whatever needs to be done
21 for the students in their class?
22 A. That is correct.
23 Q. Okay.
24 A. They're keeping track of it. Each one of
25 them has a binder that they're keeping track of

1 their weekly probes or biweekly, depending on
2 different students.
3 Q. Were you present in March of 2013 when
4 Ms. Rowe and the staff group came to the school?
5 A. Yes.
6 Q. Okay.
7 A. I spoke -- yes.
8 Q. And you were present in the meeting with
9 them, with her?
10 A. Oh, absolutely. I probably did a lot of the
11 meeting with Ms. Rowe.
12 Q. Now, did -- I think you kind of mumbled that
13 you did a lot of the stuff with them.
14 Did you assist her with whatever items that
15 she needed or asked for?
16 A. When she was up there, it was hard to get
17 the records, but, yes --
18 Q. Okay.
19 A. -- I tried to provide her with whatever I
20 could get my hands on.
21 Q. Did you show her the various classes? I
22 believe she was up for two days.
23 A. Yes, she was.
24 Q. Okay. And what was her reaction to the
25 various classes, or did she -- did she express a

1 reaction?
2 A. Not so much with me. She communicated with
3 me. She thanked me for showing her around. I
4 showed her kind of the plans that I created, what I
5 did for my classroom. But, more or less, she told
6 me she wasn't concerned with me. She wanted to see
7 the whole school in action.
8 Q. Okay. And did she have an opportunity to
9 see the whole school in action?
10 A. She went into other classrooms, that is
11 correct.
12 Q. Did you get any feedback, or did the school
13 get any feedback that you know of following that
14 visit?
15 A. Not that I know of.
16 Q. Any negative feedback?
17 A. By -- she didn't communicate with me
18 personally, no.
19 Q. That's fine.
20 Now, were you also present in November when
21 the second team came up?
22 A. Yes, I was.
23 Q. Okay. And I believe that team has our
24 gentleman who unfortunately had appendicitis last
25 night and Martha Morgan, who is retired now, and I

1 believe Julie who is now in Europe.
2 A. There was somebody --
3 MS. STILLMAN: Lisa.
4 BY MR. CONDOS:
5 Q. Lisa. I'm sorry. Lisa.
6 A. Okay.
7 Q. And also Ms. Poulos back in the back there.
8 A. Yes, she was present.
9 Q. All right. Where -- where was -- where did
10 the -- that group meet?
11 A. In my office.
12 Q. Okay. Who all was present on behalf of the
13 school?
14 A. Just Mr. Stewart and myself at our school,
15 and then they went up to the other campus and I
16 think spoke to Mr. Reidhead and maybe Mrs. Stewart
17 and Mr. Stewart. I wasn't in attendance at the
18 other building.
19 Q. And do -- do you remember if there was
20 anything that they asked for from the school?
21 A. Yeah. They asked for some specific things.
22 Q. Okay. And did you provide whatever they
23 asked for?
24 A. Yes. I tried to provide what they asked
25 for, that is correct.

1 Q. Okay. Did -- after they -- they received
2 that, did they look at anything that you had
3 provided them and ask any questions with respect to
4 additional information or deficiency?
5 A. Not that I can recall. I -- I submitted --
6 anything that they asked for, I handed to
7 Mr. Stewart and Megan Stewart, and then they scanned
8 it and e-mailed it.
9 Q. Okay. Did -- did you offer to take them to
10 see the classrooms at that time?
11 A. They didn't ask to see the classrooms, and I
12 guess we didn't ever leave my office.
13 Q. Okay. How long were they there?
14 A. I would say at least four hours.
15 Q. Okay.
16 A. At least three to four in my office.
17 Q. Was -- do you remember any conversations
18 about any of the curriculum or any of the testing or
19 assessments that they had?
20 A. They did ask us about assessments, and I
21 provided AIMSweb at that time because I had those in
22 a file.
23 Q. Okay. Did you explain AIMSweb to them as
24 you've just now explained it to the Court?
25 A. No. There really wasn't room for

1 discussion. We -- I provided them the AIMSweb
2 scores, the target scores, and there was -- we
3 really didn't have any discussion about them, no.
4 So they would have -- the only thing I would
5 have provided them was the actual target scores and
6 whether or not there was checks next to them if they
7 met their target scores. And then it would say if
8 they needed strategic intervention, intense
9 intervention.
10 Q. Okay. I'm going to refer you to I believe
11 the black book again --
12 A. Okay.
13 Q. -- to Exhibit G. At the bottom of the page
14 is 0078, the first page.
15 A. Sorry. What did you say?
16 Q. 0078.
17 ADMINISTRATIVE LAW JUDGE: All the way
18 in the beginning, Exhibit 1-G.
19 BY MR. CONDOS:
20 Q. I'm sorry. It's Exhibit 1-G. I apologize.
21 A. That's okay.
22 Yes.
23 Q. Okay. The list on the left were items that
24 had been requested to be present at the meeting, and
25 the list on the right are items that the school

1 provided.
2 It says that they were provided sample ILP
3 forms from K-8 to 9-12.
4 Do you remember if that was there?
5 A. Did we provide them samples of ILP?
6 Q. Uh-huh, yes.
7 A. We did not provide them that day. We
8 scanned and sent them.
9 Q. You sent them afterwards?
10 A. Yes.
11 Q. And the sampling of completed plans for
12 specific students, did you provide those?
13 A. Student goal sheets? I can't remember if
14 I -- I provided them, yes, but I don't remember if I
15 provided them that day or if we scanned and e-mailed
16 them.
17 Q. If you could just -- to make things move a
18 little quicker, just take a look at this right
19 column on all three of those pages --
20 A. Uh-huh.
21 Q. -- or at least the -- yeah, all three of
22 those pages, and if there's anything there that you
23 don't think was provided by the school, let me know.
24 A. So the right side, we provided them?
25 Q. Yes.

1 A. Personally, I'm not for sure. The reading
2 probes, yeah, we would have provided those -- that's
3 for line 12. Sorry. Yearly lesson plan, yes.
4 On the curriculum where the pacing guides
5 were broken down into nine-week segments and for
6 grades seven and eight, and they're stating that
7 they're not aligned to the Arizona College and
8 Career Readiness Standards and math standards, there
9 was an issue with that, because when we provided
10 that, there was an issue at Pearson where at their
11 warehouse -- I spoke to them -- and they had CDs
12 and -- that were provided for lesson plans, and they
13 were aligned to the Arizona -- the old Arizona State
14 standard.
15 And we have the common core books. We're
16 using the common core books. We're using all the
17 curriculum.
18 The lesson plan that we needed to use was
19 actually -- we got the wrong disk, and -- and
20 AIMS -- the lady at Pearson apologized. They didn't
21 have any current disks.
22 But since then, we have corrected that. We
23 do have SuccessNet. We -- we actually purchased
24 that so that we can go online and do -- pull the
25 Arizona College and Career Ready Standards and

1 implement them into the lesson plan.
2 But we were using them, the College and
3 Career Readiness Standards, because we were using
4 those books that were common core aligned.
5 Q. Now, the - you know, one of the reasons that
6 we're here today is that the State after -- the
7 State Board of Charter Schools after looking at all
8 of our material doesn't believe that we have
9 documented or provided appropriate evidence to show
10 that the school is moving forward to assist these
11 students in increasing their learning ability.
12 There's no question -- I mean, did we
13 have -- did you provide all the paperwork that you
14 had at that time?
15 A. We did.
16 Q. Okay. Did you inform them of any of
17 these -- information that you've told us here about
18 the, you know, meeting the groups, the leadership
19 information that we've talked about, the steps and
20 the assessments and the reassessments --
21 MS. ANDERSON: Objection. Leading.
22 MR. CONDOS: It would be nice to finish
23 a question sometimes, but that's okay. I'll
24 rephrase it.
25 ///

1 BY MR. CONDOS:
2 Q. Did you verbally talk to them about some of
3 the deficiencies that were there?
4 A. Yes.
5 Q. Okay. Did they -- did they ask the question
6 about deficiency, or did you volunteer it?
7 A. I would say that they asked questions, and
8 then if we didn't have it, I was honest with them
9 and said, "I'm sorry. I don't have that."
10 Q. Did you inform them of what you did have and
11 what you were doing?
12 A. Yes.
13 Q. Okay.
14 A. I told them that I was taking the principal
15 training, the leadership class, the Intel classes.
16 I provided them that evidence.
17 Q. Okay. And did you tell them about the
18 Friday meetings and what was taking place in those?
19 A. Yes.
20 Q. Did the -- one of the issues -- well, first
21 of all, going back to that visit, after they left,
22 did you receive any contact from them as to any
23 deficiencies that they found to supplement -- for
24 you to supplement?
25 A. Not to me personally, no.

Q. Okay. Did the school, to the best of your knowledge, receive anything from the State Board of Education -- the State Board of Charter Schools with respect to what was provided to them --

A. No.

Q. -- or requests for additional information?

A. Not that I'm aware of.

Q. Okay. If -- one of the questions that came up was looking at a number of the students that was in the ratings and the scores and going out for two or three years.

One of the students that had, I believe, followed a bit was Student 58. And --

A. I'm like, I don't have anything for Student 58.

Q. You don't have that?

A. I'm like, I don't have anything for student 58. Sorry.

Q. If you look at -- they're -- they're Exhibit Number -- okay -- Exhibit Number 14 on page 550 at the bottom.

A. In the black book?

Q. In the black book. I'm sorry.

MS. ANDERSON: I'm sorry. What page number?

1 MR. CONDOS: 550.
2 THE WITNESS: Okay. Oh, wait a minute.
3 Fifteen?
4 BY MR. CONDOS:
5 Q. Fifty -- five zero -- five five zero.
6 ADMINISTRATIVE LAW JUDGE: Exhibit 14.
7 THE WITNESS: Fourteen, thank you. Oh,
8 so this way?
9 ADMINISTRATIVE LAW JUDGE: No. You
10 were in the right --
11 THE WITNESS: I was on the right place?
12 MR. CONDOS: No, you were right, yeah.
13 Towards the back.
14 THE WITNESS: Okay. I got it.
15 ADMINISTRATIVE LAW JUDGE: And at the
16 bottom of the page, 550.
17 THE WITNESS: I got it. Got it.
18 BY MR. CONDOS:
19 Q. And you see there towards the bottom there,
20 that number 58 at the top of that bottom list?
21 A. Uh-huh, um-hmm.
22 Q. Okay. For further purposes, you know, we
23 had to take all the names out, and so we gave them a
24 number.
25 This -- this girl, I believe, was in the

1 second grade -- sixth grade, and it has grades,
2 basically, from the fourth, fifth, and sixth with
3 not a lot of increase between the fourth grade and
4 the sixth grade. Only an increase of roughly five.
5 But then they took that child and referred
6 to the AIMS testing, if you look -- go back to
7 Exhibit 15 on page 577 -- well, let me -- let me
8 save some time.
9 I think the judge remembers what was
10 testified to that, but it showed some -- some lack
11 of increase and stable -- just -- just some lack of
12 progress on that particular child.
13 I -- if I show you a list of who the child
14 might be of 58, would that --
15 MR. CONDOS: Your Honor, may I
16 approach?
17 ADMINISTRATIVE LAW JUDGE: Yes.
18 MR. CONDOS: Okay.
19 THE WITNESS: Well, if I'm looking at
20 58, 124, and her target was 156.
21 BY MR. CONDOS:
22 Q. This is the person we're talking about
23 that's Number 58.
24 A. Okay.
25 Q. Do you know that child?

1 A. Yes, I do.
2 Q. Okay. Does that child have any special
3 circumstances that affect her schooling?
4 A. Absolutely.
5 Q. Okay. What kind of circumstances are those?
6 A. That child is now in sixth grade. We have
7 been working with that child for several years, and
8 she has -- in our discussions and in our team
9 meetings, we have talked a lot about this child,
10 what's going on, what's happening? And we have
11 actually requested to do some further testing on her
12 through special services, through our special
13 education department.
14 We went to do a meeting with mom to talk
15 about the fact that what we're -- the strategies
16 we've been trying to provide the child and could we
17 do further testing.
18 Mom met us at that meeting, took home
19 paperwork for testing, and as it started to question
20 her about the child, things before birth, those kind
21 of things, she called us back and said she did not
22 want further testing done. She opted out.
23 She said, "I don't want to give you any of
24 this information. I'm not interested in it," and
25 would not let us proceed on testing for this child.

1 Q. And what was the purpose of that additional
2 testing? To get some sort of classification?
3 A. Oh, we were going to try and see if we -- if
4 she qualified for special services, special ed, yes.
5 Q. Now, can you proceed with testing and trying
6 to classify her as a special education student
7 without the mother's approval?
8 A. Absolutely not. That's what we need. We
9 need mom's approval to do further testing on her.
10 Q. Have you made some modifications with her?
11 A. Yes. We've done -- she's actually receiving
12 tutoring. We're working with that child. I
13 actually have been -- I actually have worked with
14 that child personally myself in the last couple of
15 weeks just because I'm up at the junior high quite a
16 bit right now in the classroom.
17 And she's one of the particular students
18 I've chosen to work with. As I drilled down into
19 her caps and comps, I thought, "Something's not
20 right here."
21 So I asked to see her tests. "Can I see her
22 work? Can I see her work samples?" And I noticed
23 that she was struggling with her multiplication
24 facts. She does not have them memorized. She --
25 And so I set her up a plan. "Let's get

1 these memorized. Let's see what we can do." We're
2 playing games with her. She fills out
3 multiplication charts. We do some that have blanks
4 in it. And she has to fill in, as well as create
5 one from wrote memory. And she now knows most of
6 her facts.
7 So then I started drilling down into what
8 was happening, and she was having a hard time with
9 double digit multiplication, and so I started
10 showing her some procedures.
11 I showed her using different colored markers
12 and pencils, and how she could use one color for the
13 top number and then divide the second number in to
14 using two colors, so I provided her a strategy to
15 teach her, when we're working with -- and it's this
16 number, as we multiply it times our ones and times
17 our tens, we keep it in that color.
18 And then we switch to the other, put our
19 zero placeholder, and then use that one for our
20 second one, and then we have to add it.
21 And she started to get it. And then I
22 worked on long division with her, and she started to
23 get it. And she said, "What's going on?"
24 I -- I -- and I said, "Well, I just taught
25 you a procedure to do something. This is something

1 you have to know."
2 And she was pretty shocked when I got
3 through with her, and she shared -- on her own, she
4 said, "Well, Mrs. Tate, you know my mom doesn't" --
5 "my mom dropped out of school about the age that I
6 am."
7 And I said, "Why?"
8 She said, "Because I am" -- "because she
9 couldn't do math," she said, "And how" -- "how can I
10 do math?"
11 And I said, "Well, I just think it's because
12 you're going to prove to your mom that you can do
13 this. It's hard work, but you're going to do it.
14 You're not going to give up, and we can be different
15 than our parents, and we can be somebody. And I
16 believe in you, and I think you can do it."
17 And so I followed up with her a couple days
18 later, and she had actually retained that
19 information. And I just continue to prep -- say,
20 "Good job. Way to go."
21 But I'm in the junior high right now because
22 I -- that's where I'm at.
23 Q. And did you relay that to the six junior
24 high teachers that you had made that breakthrough?
25 A. Oh, yeah. She actually witnessed it. She

1 was sitting there -- the student was actually
2 working at table time with her, and I just happened
3 to sit down and started working with her a well.
4 Q. And is that procedure going to be developed
5 with her to continue to try to progress in the
6 mathematics area?
7 A. Absolutely.
8 Q. Okay.
9 A. I modeled to the teacher how I broke it down
10 and found where the deficiency was.
11 Q. The --
12 MR. CONDOS: I think I'll close. I
13 don't have any further questions at this point.
14 ADMINISTRATIVE LAW JUDGE: Okay.
15 Before we get to cross, yesterday you mentioned you
16 had some witnesses that would only be available this
17 afternoon, and it's 3:40 right now. Did you --
18 MR. CONDOS: Depending on how long
19 cross is, we have a short witness who came. If we
20 could take him out of order, that would be great.
21 ADMINISTRATIVE LAW JUDGE: Do you
22 believe cross is going to take . . .
23 MS. ANDERSON: Maybe fifteen minutes.
24 MR. CONDOS: Ten minutes? Perfect.
25 ADMINISTRATIVE LAW JUDGE: Then we'll

1 do that.
2 MS. ANDERSON: I think I said, "15."
3 ADMINISTRATIVE LAW JUDGE: She said,
4 "15."
5 MR. CONDOS: All right.
6 ADMINISTRATIVE LAW JUDGE: Nice try.
7 CROSS-EXAMINATION
8 BY MS. ANDERSON:
9 Q. With regard to -- if you could turn to
10 Exhibit U --
11 A. Um-hmm. In this book or this book?
12 ADMINISTRATIVE LAW JUDGE: The white
13 book.
14 BY MS. ANDERSON:
15 Q. One has letters and one has numbers. Of
16 course the one has both.
17 A. Yeah. I'm like, wait a minute. I think one
18 has both. Yes, I am.
19 Q. And that was -- when you referred to the
20 Principal Institute, that's what you're referring
21 to? Your participation of what's in Exhibit U at
22 page 110 that's re- -- what's called the Principal
23 Institute?
24 A. That is correct.
25 Q. Okay. And how often is the Principal

1 Institute -- this is something that's offered
2 through -- is it through the Arizona Department of
3 Education?
4 A. We actually -- it's through AZ Leads, and I
5 don't know if they're affiliated with the Arizona
6 Department of Education, but it's held in the
7 Arizona Department of Education building, and I
8 think it is part of their program. There was a
9 grant, if I am correct, and grant monies helped pay
10 for Arizona Leads.
11 Q. Is the Principal Institute something that's
12 offered on a yearly basis?
13 A. Yes. But not every principal -- once you
14 take it, you can choose to take it again.
15 Q. I mean, they --
16 A. They offer it yearly, if I'm correct.
17 Q. So my question is, this is -- this program
18 is something that --
19 A. Other principals --
20 Q. Let me finish.
21 ADMINISTRATIVE LAW JUDGE: Let her
22 finish the question.
23 BY MS. ANDERSON:
24 Q. Because the court reporter can't take both
25 of us talking at the same time.

1 So the Principal Institute is something that
2 would have been offered last year, as far as you
3 know?
4 A. That is correct.
5 Q. And the year before, as far as you know?
6 A. As far as I know.
7 Q. So it's your understanding it's offered on a
8 yearly basis?
9 A. Yes.
10 Q. It indicates 2013-2014, but when was it that
11 you completed the total of the 56 professional
12 development hours reflected on this certificate?
13 A. I just completed it March -- just like
14 March 9th, I want to say. It was a Thursday. I'm
15 sorry if I can't be that specific, but it was
16 just -- probably the second week in March.
17 Q. Okay. Of this year?
18 A. Of this year, that is correct.
19 Q. And it was at the -- I believe it was your
20 testimony that it was at the Principal Institute
21 that you learned the significance of evidencing what
22 you do. Is that right?
23 A. That is correct.
24 Q. You also talked about the Friday meetings
25 and that there's different portions of the meeting,

1 an information portion and an action portion.
2 And you also mentioned about developing
3 norms and standards, one of them being keeping your
4 cell phones off.
5 Is that something that was a problem in the
6 meetings?
7 A. I don't think it was a problem. I think
8 that we just hadn't developed norms and standards,
9 and it was a good thing to develop so that we were
10 all on the same page.
11 I don't see it as being a problem, not
12 necessarily.
13 Q. Okay. But you did -- you did reference
14 about you not -- then not having to have you or
15 Mr. Stewart tell the teacher to put the phone away?
16 A. Well, just because sometimes it's the -- I
17 just using that as an example. There's that big
18 brother mentality, and I just think, as teachers,
19 it's an expectation. It's just good teaching
20 practice.
21 So a lot of times when we think about a big
22 brother watching us, I don't want them ever thinking
23 it's about us holding them accountable. They need
24 to hold themselves accountable to anything, any
25 standard, any norm. I want to train them that

1 there's norms and standards.
2 Q. But that was one of the norms that you
3 identified for the meetings is to make sure parties
4 had their phones turned off?
5 A. That is correct. I did mention that. I
6 used it as an example --
7 Q. Thank you. You've answered my question.
8 In the information portion of the meetings,
9 are there materials that are provided to the meeting
10 participants?
11 A. Yes.
12 Q. Is this different from prior practice at the
13 meetings?
14 A. No. I'm just -- I just --
15 Q. Thank you. You've answered my question.
16 A. Okay.
17 Q. So in terms of the meetings of having
18 different -- the information portion, the action
19 piece, and you said materials being provided at the
20 information portion of the meetings, that's been
21 going on for some time?
22 A. That is correct.
23 Q. When did you initiate or when was the
24 initiation of having a note-taker at the meetings?
25 A. Well, we actually had the practice in the

1 past, and then I -- I think what happened was we got
2 in a new secretary that just had not been trained to
3 take notes, and so they hadn't been kept. And so
4 then we reimplemented it.
5 Q. So you had -- just so I can clarify. You --
6 there had been a note-taker for the meetings
7 previously?
8 A. Yeah. I had always --
9 Q. For what period of time?
10 A. I would say that there was notes that were
11 taken probably -- we were best about doing it in
12 the -- can I look at my timeline?
13 Q. Sure --
14 A. Sorry.
15 Q. -- if it will help you to remember.
16 A. Like 2010-2011.
17 Q. So you had a --
18 A. And even '11. Yeah, 2009-'10 school year
19 and 2010-'11.
20 Q. These meetings we're talking about, were
21 they the professional development meetings?
22 A. They're -- yeah. They're our weekly
23 meetings that we hold.
24 Q. Okay. The Friday meetings --
25 A. Um-hmm.

1 Q. -- at which professional development is
2 provided.
3 And you said that there had been notes taken
4 at these meetings in 2010 and 2011?
5 A. I felt like there -- I mean, I don't have
6 the evidence thereof, but I -- there was no notes
7 that were taken because we all -- we all write
8 notes.
9 Q. And so there would have been notes taken
10 throughout these professional development --
11 A. There were notes taken, yes.
12 Q. Okay. Since 2010?
13 A. Yes.
14 Q. If you would please refer to Exhibit W --
15 A. Um-hmm.
16 Q. -- it references data into a spreadsheet.
17 What was that data?
18 A. It was -- we had to give our students a
19 pretest that was given by the State because there
20 are other counties taking the same course that we
21 are, so the State wants data from those tests.
22 And so we gave a pretest, and then we gave a
23 post-test, and we had to look at the students' work,
24 and we based it upon a rubric, and so we had scores
25 that we entered in, and the students were just

1 numbered.
2 And then we gave them a post-test, and we
3 had to score their assessments as well. So that was
4 the data that he was looking for.
5 Q. Was this the -- is that the first time that
6 this process had been done?
7 A. No.
8 Q. So this process of testing students, pretest
9 and post-test, and having that data is something
10 that's been done for several years?
11 A. Yeah. Absolutely.
12 Q. And in this case, you were able to provide
13 data to the --
14 A. Mr. Hovermill.
15 Q. Mr. Hovermill?
16 A. Yes.
17 Q. And that was on March 1st, 2014?
18 A. That is correct.
19 Q. You testified about special education
20 students taking the AIMS test.
21 Is there also an alternate version of the
22 AIMS test that --
23 A. Yes. There is an AIMS A.
24 ADMINISTRATIVE LAW JUDGE: Let her
25 finish the question.

1 THE WITNESS: Sorry.
2 BY MS. ANDERSON:
3 Q. Is there also an alterative version of the
4 AIMS test is that students -- some special ed
5 students take?
6 A. Yes. Some of them take AIMS A.
7 Q. And what's the difference between AIMS and
8 AIMS A?
9 A. From what I -- I have not administered the
10 AIMS A, but it is more of -- to me, it seems more
11 practical life, simplified. I don't administer it.
12 Q. Do you know what percentage of the special
13 education students at Jefferson Academy took the
14 AIMS A?
15 A. I would say it was three students. Three or
16 four.
17 Q. The students -- if you would please refer to
18 Exhibit X.
19 A. Um-hmm.
20 Q. Now, I believe it was your testimony that
21 this attendance contract was entered into in
22 December -- on December 5, 2013?
23 A. That is correct.
24 Q. And when did you first -- and when was the
25 idea of attendance contracts first initiated at

1 Jefferson Academy?
2 A. Well, we -- I would say around then.
3 Q. Around December of 2013 was the first --
4 A. That is correct.
5 ADMINISTRATIVE LAW JUDGE: Let her
6 finish the question, please.
7 THE WITNESS: Sorry. Sorry.
8 BY MS. ANDERSON:
9 Q. Okay. And for this student -- so if it's
10 dated 12/5/13, would that be safe to say that was
11 the date on which the parent and the student signed
12 the document?
13 You need to speak up.
14 A. That is correct.
15 Q. Thank you.
16 Okay. And for this student, as of
17 December 5th, 2013, at the bottom of the page, it
18 reflects the number of absences and tardies that had
19 occurred for that student prior to December 5 of
20 2013. Is that correct?
21 A. Yes.
22 Q. And if you would please refer to Exhibit Y.
23 I think it was your testimony this was
24 entered into around December 13, 2013. Is that
25 correct?

1 A. It was definitely in December. I can't
2 remember the exact date.
3 Q. And so December would have been the date
4 that the parent and their student would have signed
5 the contract. Is that correct?
6 A. That is correct.
7 Q. Okay. And as reflected at the bottom of the
8 page, page 124, as of the date in December 2013 that
9 this contract was signed, it reflects the number of
10 absences and tardies that that student had or
11 that -- since the beginning of the 2013-14 school
12 year; correct?
13 A. Correct.
14 Q. If you could please refer to Exhibit Z.
15 If I'm understanding your testimony
16 correctly, were the students who are in Tier 1 for
17 any given test or any given -- if it's either math
18 concepts or curriculum-based measurement or
19 whichever form of the test it is, if a student is in
20 Tier 1, does that mean that the student is testing
21 on the AIMSweb at benchmark?
22 A. Yes.
23 Q. And if the student is at Tier 2, does that
24 mean that the student is falling within the
25 student's strategic category?

A. Yes.
Q. If you could -- maybe it could help if you could look -- look at 563 of the same --
A. The black binder?
Q. The black binder.
A. Okay. 563?
Q. Yes.
A. Okay. Do you know what tab that might be under?
Q. It's at Tab 15.
A. Thank you.
Q. All the way in the back.
A. I see it. Um-hmm.
Q. So just to put this in perspective, so Tier 1 would be students who are at benchmark. Is that correct?
A. Correct.
Q. And Tier 2 would be students who are at strategic. Is that correct?
A. Yes.
Q. And students who are at Tier 3 would be in the intensive -- or students at intensive category?
A. Yes.
Q. So does Tier 1 mean the student is performing at grade level?

1 A. Well, at that particular time, it means that
2 the student has meet the national norm target that
3 has been set at that grade level. So it's a
4 national normed test.
5 Q. So does the national -- if a student meets
6 the national normed target, does that mean the
7 student is performing at grade level?
8 A. Well, the national norm is not going to give
9 me -- it's national norm for that grade level, so
10 all the students that were tested, it's their
11 national norm for all the students that were tested
12 at that grade level.
13 Q. But if a student is testing and they're at
14 benchmark --
15 A. Then they've met that norm at that time.
16 Q. If they're at benchmark, then they're in
17 Tier 1. Is that correct?
18 A. That's correct.
19 Q. So does that mean they're at the benchmark
20 level at the -- the level at which you're expecting
21 students to perform for that grade in that
22 particular subject?
23 A. At that particular time, that is correct.
24 Q. So would students in the Tier 2 or the
25 strategic, would those students then be not

1 performing at the grade level for that particular --
2 for that particular test?
3 A. They are not performing, according to
4 that -- at that time, they are not, that is correct.
5 Q. And in Tier 3, then, are we then getting --
6 if a student is at Tier 3 or at the intensive
7 category, are they -- in terms of performance, would
8 they be the lower performing students on that test?
9 A. That is correct.
10 Q. So those would be significantly below grade
11 level?
12 A. Well, they would be falling -- they would be
13 probably falling far below.
14 Q. The data that's contained -- there's AIMSweb
15 data contained in Exhibits 14 and 15 of the book you
16 were just looking at.
17 A. Uh-huh.
18 Q. And I believe it was your -- you indicated
19 in your testimony that you provided the AIMSweb test
20 data -- is that correct? -- to the staff at the site
21 visit?
22 A. I gave them the test scores, that is
23 correct.
24 Q. Okay. Is that the information that's
25 contained in Exhibit 15, the AIMSweb data?

A. Can I look through all of them real fast?
Q. Sure.
A. Okay. That's what I was looking for too. Yeah.
Q. And that data -- the data contained in Exhibit 15, that was provided to the board staff at the time of the site visit; correct?
A. Correct.
Q. And that was in response to the request for data analysis?
A. Correct.
Q. When was the SuccessNet program purchased?
A. It was purchased back in August when we purchased the rest of the curriculum, or July. It was purchased with everything, SuccessNet was.
Q. Okay. Was it received in July of 2013?
A. No.
Q. When was it received?
A. SuccessNet was not received until probably September, sometime in September.
Q. September --
A. Late September.
Q. September of 2013?
A. Correct.
Q. Was it -- is SuccessNet math?

1 A. Yes.
2 Q. And your math -- you also -- the school also
3 purchased Envision Math curriculum. Is that
4 correct?
5 A. That's correct.
6 Q. And that was also purchased in July of 2013?
7 A. Correct.
8 Q. And that was not -- also not received until
9 September of 2013?
10 A. That is correct. And then the Prentice Hall
11 was for the seventh and eighth graders.
12 Q. With regard to the Student 58 that we
13 discussed earlier --
14 A. Um-hmm.
15 Q. -- when was it that the conversation was
16 initiated with the student's parent regarding having
17 the student tested for special education purposes?
18 A. Gosh. It was at least -- I would say at
19 least over a year, if not prior to that. We've
20 actually hit her up a couple of times.
21 Q. You've answered my question. Thank you.
22 MS. ANDERSON: I have no further
23 questions, and I probably did go past 15 minutes,
24 and I apologize for that.
25 ADMINISTRATIVE LAW JUDGE: Redirect?

MR. CONDOS: Just fairly quick.

REDIRECT EXAMINATION

BY MR. CONDOS:

Q. The -- Ms. Anderson asked you about different -- a different type of AIMS test for special ed students, and that one, I believe you said, was the AIMS A?

A. That is correct.

Q. Special ed students cannot take that unless it's written into their IEP. Is that right?

A. That is correct.

Q. So if the parents haven't agreed to make a different -- and put that into the IEP, they still have to take the -- is it true that they still have to take the regular special ed AIMS test -- the AIMS test just like everybody else?

A. They have to take the regular AIMS test, and you can only -- from what I gather, only so many students can take AIMS A.

Q. Okay. Now, the other one that I omitted to ask you earlier is, have the surrounding district schools recognized Founding Fathers' abilities to work with these children?

A. Absolutely.

Q. Have -- have they approached you and Founding Fathers with respect to any collaboration or working together in some way?

A. Absolutely. They -- they'll actually call us -- their students that they feel -- that belong to us, they will actually call and notify us that they're referring somebody to us.

Q. And the students that they're referring, are they at grade level or below grade level or special needs?

A. Below grade level and special needs, both.

Q. So Founding Fathers has been the recipient of the special kids in the -- in the Snowflake area?

A. Well, Snowflake, Taylor --

Q. Show Low -- I'm sorry. Show Low, yeah, yeah.

A. -- Show Low, and Pinetop.

Q. Okay. What -- have steps also gone by to do some sort of additional collaboration with Show Low School District and Snowflake School District and Founding Fathers for the future with respect to students like this?

MS. ANDERSON: Objection. Relevance.

MR. CONDOS: Relevant, we're talking about the ability of this school to enhance students

1 with a learning -- learning -- in enhancing their
2 learning. And here we've got two districts that are
3 wanting to collaborate in some sort of project that
4 I believe that Kami will tell us about here in a
5 second.
6 ADMINISTRATIVE LAW JUDGE: You can
7 answer the question.
8 THE WITNESS: As far as collaboration
9 goes, in our Intel math training, I talked about how
10 we work with children with special needs and how we
11 look at multiple modalities and try to use hands-on
12 manipulative.
13 And the principal -- well, she was a
14 teacher when she first started the Intel math
15 program. And there is another teacher as well that
16 was in the Intel math program from the Taylor
17 Snowflake School District, and I admired them. I
18 looked up to them as we were working in teams.
19 We tend to, when we go to these
20 classes, work with people we know, and as we started
21 to work on a group project, they actually came up to
22 myself and another teacher and asked if we would be
23 willing to work with them for the first time, like,
24 "Would you guys be willing to branch out?"
25 And I'm like, "Absolutely." I love

collaborating with others so that we can get some ideas.

So we worked with this particular teacher, and she took some of our ideas and is actually using them in her classroom. And then we're going to follow up at the end of the year to see if it's working in her classroom like it's working at our school.

MR. CONDOS: No further questions.

EXAMINATION

BY ADMINISTRATIVE LAW JUDGE:

Q. Looking at Exhibit Z, the -- those -- you have it right there -- those are the -- those are the cut scores that are established by the AIMS system?

A. That's correct.

Q. Okay. So those are universal to all students?

A. Yes.

Q. Okay. In the other book, just page 576, for example, this is a fifth grade class, and there was a fall score with a target score of 114.

MS. ANDERSON: I'm sorry, Your Honor. What page are you on?

1 THE WITNESS: 576.
2 ADMINISTRATIVE LAW JUDGE: 576.
3 THE WITNESS: I don't see them. Oh,
4 there's a fall target, yeah.
5 BY ADMINISTRATIVE LAW JUDGE:
6 Q. Okay. Going back to the other book with the
7 reading score, fifth grade, I see the fall target of
8 114, but then there's also a winter target of 129
9 and a spring target of 143?
10 A. Correct.
11 Q. Did you conduct any assessments in the
12 winter or spring of the 2012-13 school year for
13 reading?
14 A. Yes, we did. We did both of them.
15 Q. And where would those scores be reflected in
16 here?
17 A. They should have been reflected in -- at the
18 end of the year, it will show reflection of those
19 test scores, and so it doesn't look like that that
20 evidence got filed.
21 Q. Because looking at the math, the math pages
22 like 621, I see that there was a fall, winter, and
23 spring score on those.
24 A. Yeah, yeah. Because I put in the math
25 scores, and the reading specialist puts in all the

1 reading scores, but there were tests administered.
2 Q. Okay. So the students are evaluated three
3 times a year?
4 A. That is correct.
5 Q. Okay. With respect to the question about
6 the AIMS A and in the IEP, a parent doesn't have to
7 agree to that for it to be in the IEP; correct?
8 That's a team decision?
9 A. That is correct.
10 Q. So if the team determines the student should
11 take the AIMS A, even if the parent disagrees,
12 that's -- that can still be included in the IEP?
13 A. I -- I think the team can decide that.
14 Q. Okay. And just for clarification, you
15 mentioned you had seven teachers, seven certified
16 staff?
17 A. Yeah.
18 Q. Is that -- is that just K through five or K
19 through six, or is that for the entire school?
20 A. It's for the entire school.
21 Q. K through 12?
22 A. K through 12.
23 ADMINISTRATIVE LAW JUDGE: Okay. That's
24 all I have. Thank you.
25 Oh, I'm sorry. Any questions based on

my questions?

MR. CONDOS: No.

MS. ANDERSON: No, Your Honor.

ADMINISTRATIVE LAW JUDGE: Okay. Thank you very much. You may be excused.

THE WITNESS: Thank you.

ADMINISTRATIVE LAW JUDGE: Your next witness.

MR. CONDOS: We have Kevin Eoff.

ADMINISTRATIVE LAW JUDGE: Let's go off the record and just take a very short recess while we get the witness in.

(Short recess was taken.)

ADMINISTRATIVE LAW JUDGE: We're back on the record. And, I'm sorry. I totally didn't get the name of the witness.

MR. CONDOS: Kevin Eoff.

ADMINISTRATIVE LAW JUDGE: Eoff, okay.

KEVIN EOFF,

the witness herein, having been first duly sworn by the Administrative Law Judge, was examined and testified as follows:

ADMINISTRATIVE LAW JUDGE: Would you

please state your name, spelling it for the record?

THE WITNESS: Kevin Eoff, E-o-f-f.

ADMINISTRATIVE LAW JUDGE: Okay.

Please proceed.

MR. CONDOS: Thank you.

DIRECT EXAMINATION

BY MR. CONDOS:

Q. Kevin, where are you employed presently?

A. Right now, I'm a professor of history and political science at Palo Verde College in Blythe, and I'm also an adjunct instructor of history at Arizona Western out of Parker.

Q. Okay. Have you had occasion -- first of all, do you have any children?

A. Yes. I have three and four grandkids. Two of my kids went to Jefferson Academy.

Q. Okay. What was their experience at Jefferson Academy?

A. I think it was a very positive experience. My youngest, who is going to be 21 this summer, was diagnosed autistic with special needs, and had gone to the Blue Ridge system where he had good -- good experiences there, but we were quite concerned as he was approaching his junior high age and changing

1 from more of a self-contained smaller setting to the
2 larger setting of junior high and then his social
3 interaction skills. And that's when I first became
4 familiar with Jefferson in talking with Mr. Stewart
5 back then.
6 And then my oldest -- or my middle daughter
7 forewent her senior year at Blue Ridge to come to
8 Jefferson because of the dual enrollment aspects
9 that we were engaged in with Northland Pioneer
10 College at that point.
11 And then I was also an employee at Jefferson
12 Academy for about four -- four or five years.
13 Q. Now -- so your daughter chose to leave a
14 regular school to go to Jefferson Academy because of
15 dual enrollment?
16 A. Correct.
17 Q. Can you explain how -- how Jefferson Academy
18 has that -- Founding Fathers -- Jefferson Academy is
19 Founding Fathers; right?
20 A. Yes, sir.
21 Q. Okay.
22 A. Well, when I first went to -- to
23 Jefferson -- well, we were talking about my son
24 going to school there, and then we were just talking
25 about my own situation. "Oh, you have a degree?

1 Oh, you have your certificate? I might-could use
2 you for junior high," because it was a K-8 at that
3 point.
4 And so many of the parents there, when their
5 kids got further along, didn't want to have their
6 kids go back to another, you know, public school
7 setting. And so we created the high school from
8 scratch at that point.
9 And some of the kids were very high
10 functioning, and they were ready for college. Why
11 take a class your junior and senior year in high
12 school when you could take it at college and not
13 have to duplicate it again the next year?
14 And so we created the high school program
15 that I was kind of the director of and administered
16 the AIMS test and TerraNova and some of those things
17 as well.
18 And if a kid could test in to freshman
19 English, that then opened the door to other courses.
20 And so we had numerous students that first couple of
21 years and my last few years that I was there that
22 was taking advantage of that program to earn college
23 credits at the same time that it was going toward
24 their high school.
25 And my daughter forewent her senior year at

1 Blue Ridge to take, I think, 15, 18 credits,
2 somewhat in there, her senior year. And she was
3 among the first graduating class at Jefferson.
4 It was kind of an "ahh" moment for me being
5 kind of the high school director -- not a principal,
6 per se, but kind of running the things at that point
7 as we were pursuing accreditation for the high
8 school program at that point as well. So here we
9 are up there. And my daughter is graduating one but
10 two from -- from your school.
11 And as far as my son's experience was
12 concerned, the smaller class size benefited him
13 immensely. His biggest issues was social
14 interaction skills, and I felt that Jefferson was
15 the best fit for him.
16 And also as a teacher, I liked that aspect
17 of teaching. I had been at another charter school
18 that served primarily as an alternative school that
19 I wasn't quite as in tune with teaching at that
20 place because of the nature of the education itself
21 and the kids.
22 But so many of the kids at Jefferson have
23 special needs, are lower income, and I just felt
24 that it was great to have that as an option for
25 parents to have if the public school wasn't fitting

1 their needs.
2 And it definitely fit our needs as well, and
3 as a -- as a teacher, if you wouldn't have your own
4 kids go to that school, why are you teaching there?
5 Q. Now, one of the aspects that helped your
6 son, who -- younger son who was autistic, did they
7 have, like, any type of individual plans for him?
8 A. All kids. Not just the special needs kids.
9 When -- when -- after we did an exit -- or an
10 entrance interview with the potential student and
11 their parents and things like that, and it was
12 determined that, yes, indeed this might be a good
13 fit for everybody, let's see where the kid is.
14 And so BRIGANCE, I believe it was -- there
15 was a couple of diagnostic tests that were
16 administered to see what the academic level of the
17 person was, whatever age they were.
18 For example, if a kid thinks they're in the
19 seventh grade and they're reading at third grade,
20 eighth month, let's not give them a seventh grade
21 textbook, you know, because that's maybe why they
22 didn't have success before.
23 Let's put them where they're at and try to
24 accelerate the -- the educational process and get
25 them up to where they should be as close as

1 possible.
2 Q. In your experience, was Founding Fathers
3 increasing the learning ability to these kids and
4 increasing their ability, too, in grade levels?
5 MS. ANDERSON: Objection. Foundation.
6 THE WITNESS: I'm sorry?
7 ADMINISTRATIVE LAW JUDGE: Wait.
8 THE WITNESS: I understand the
9 question.
10 MR. CONDOS: Let me rephrase.
11 BY MR. CONDOS:
12 Q. During the time that you were at Founding
13 Fathers, did you have occasion to see students
14 besides your son in the individual learning aspects
15 that you talked about?
16 A. Yes. The vast majority when I was there
17 showed improvement.
18 Q. Okay. And did they show recapturing of
19 grade levels to get them up from where they were?
20 A. Yes, definitely.
21 Q. Okay.
22 A. We noticed that when we were administering
23 the AIMS tests back then with, you know, people
24 that -- we would have even a little party when --
25 you went from one level to another.

1 If you were meeting the standards and then
2 you -- you met the standard or approaching -- I
3 forget what it was. It's been a few years, since
4 '06, since I was associated with the school.
5 But it was a big deal when the -- when the
6 student showed that progress by moving from one
7 category to another, or even moving within the
8 category from being just barely in the category to
9 almost getting out of the category to the next one.
10 Some of the students, it was such a
11 transitory nature that they came, they left, they
12 didn't have a long established time period with many
13 schools for a variety of reasons. It was harder to
14 judge their progress because maybe they come in in
15 the middle of the year, they leave. They may come
16 back, you know.
17 And so there's -- some of them it was harder
18 to judge their progress, but the vast majority, in
19 my opinion, were -- were doing well and were
20 improving.
21 MS. ANDERSON: Your Honor, in terms of
22 the witness's testimony that he's testifying as to
23 events that occurred in 2006, I would object on the
24 basis of relevance.
25 MR. CONDOS: We're talking about the

1 school practice that was there. One more question,
2 and I think it will tie in the relevance.
3 BY MR. CONDOS:
4 Q. Mr. Eoff, the program that you started for
5 the high school students, the joint dual credit
6 enrollment, is that still in existence at the school
7 right now?
8 A. I'm not sure.
9 Q. Okay.
10 A. My son attended a few more years after I
11 left. The reason I left was because I had a job
12 opportunity in higher education at the community
13 college level, and so it was a difficult decision to
14 make because I felt very strongly about being
15 involved with Founding Fathers or Jefferson
16 Academy -- semantics. To me, it was the same
17 thing -- the family aspect of the staff, the
18 students, the students' families, things like that,
19 but I knew he was in good hands.
20 And, also, the gentleman that succeeded me,
21 Mr. Reidhead who will be, I guess, appearing here as
22 well at some point.
23 Q. And, Mr. Eoff, you felt it was so important
24 that you wanted to say something on behalf of
25 Founding Fathers that you drove from Blythe and

1 wanted to make sure you had your opportunity to
2 testify?
3 A. Correct. Even though I'm not as intimately
4 familiar with the goings on, you know, in the past
5 few years, I've stayed in contact over the years and
6 such.
7 And if my grandkids were in this area and
8 had the desire or their parents, my kids, a desire
9 for, "Okay. What school do we send our kids to," I
10 wouldn't hesitate having them approach Mr. Stewart
11 and see, you know, what was going on there and if
12 that might be a good fit for them.
13 MR. CONDOS: No further questions.
14 ADMINISTRATIVE LAW JUDGE: Cross?
15 MS. ANDERSON: Thank you, your Honor.
16
17 CROSS-EXAMINATION
18 BY MS. ANDERSON:
19 Q. So I believe it was your testimony that you
20 were last employed at Jefferson Academy in 2006?
21 A. Yes, ma'am.
22 Q. And when you talked about moving, I believe
23 it was your testimony that your children had
24 previously been in the Blue Ridge District.
25 Is that -- where is the Blue Ridge --

1 A. That's Pinetop Lakeside. It's about, oh, 15
2 miles or so, I guess, from Show Low up the Mountain.
3 Blue Ridge is -- Pinetop Lakeside is where they're
4 located.
5 Q. And when did your children last -- when were
6 they last in attendance at Jefferson Academy?
7 A. My daughter graduated in '06, and then she
8 later went on to complete --
9 Q. You've answered my question. If you could
10 just -- you indicated your daughter graduated in
11 2006.
12 How about your son?
13 A. He left a couple years later when his mother
14 relocated to New Mexico, so I believe probably about
15 '08, '09, somewhere in there, and then he graduated
16 there.
17 Q. So he graduated in 2009 from Jefferson
18 Academy?
19 A. No, ma'am. From New Mexico when he
20 relocated with his mother.
21 Q. Okay. So he left Jefferson Academy in 2008?
22 A. That's about right, yes, ma'am.
23 Q. Are you familiar with the Arizona Department
24 of Education Achievement Profile system whereby
25 Arizona public schools are assigned a grade from A

1 through F?
2 A. That particular one I'm not.
3 Q. So you don't know what grade was assigned to
4 Jefferson Academy in 2013. Is that correct?
5 A. Correct.
6 Q. Or in any of the years prior to 2013?
7 A. If it hadn't been implemented prior to
8 2007-ish, no. I did have my secondary
9 certification, but I let that lapse this past year.
10 And I haven't been as in tune with all the changes
11 in the Arizona educational system since then.
12 Q. Are you familiar with the Arizona State
13 Board for Charter Schools Academic Performance
14 Framework?
15 A. I know that there was a report card at one
16 time that was issued that -- and I don't know if
17 that was the State Charter School Board or if that
18 was the Department of Education that -- we listed
19 attendance rates, graduation rates.
20 Q. That would have been back in 2006 when you
21 were there?
22 A. Yes, ma'am. Yes, ma'am.
23 Q. Are you familiar with any of the systems
24 under which the State of Arizona or the Arizona
25 State for Charter -- Arizona State Board for Charter

1 Schools currently evaluate the academic performance
2 of charter schools?
3 MR. CONDOS: Your Honor, I would have
4 to object, being that it's outside of the scope of
5 direct examination.
6 MS. ANDERSON: I don't believe I'm
7 restricted to the scope of direct examination.
8 ADMINISTRATIVE LAW JUDGE: You can
9 answer the question, if you know.
10 THE WITNESS: And the question was,
11 ma'am?
12 BY MS. ANDERSON:
13 Q. The question is, are you familiar with
14 either evaluation system, either of the Department
15 of -- or the State evaluation system or the
16 mechanism from the State or the Arizona State Board
17 for Charter Schools by which they conduct an
18 evaluation of a charter school's academic
19 performance?
20 A. No. I know things like that are always
21 under constant review, and they change from time to
22 time and, you know, I have assumptions as to what
23 any accrediting agency --
24 Q. You've answered my question. Thank you,
25 sir.

A. Sorry.

MR. CONDOS: I have no further questions.

ADMINISTRATIVE LAW JUDGE: Redirect?

MR. CONDOS: No further questions, Your Honor.

ADMINISTRATIVE LAW JUDGE: Thank you very much. You may be excused.

MR. CONDOS: We have one more I think we can sneak in, if it's okay?

ADMINISTRATIVE LAW JUDGE: That's fine.

MR. CONDOS: All right. We have Chloe Reidhead.

CHLOE REIDHEAD,

the witness herein, having been first duly sworn by the Administrative Law Judge, was examined and testified as follows:

ADMINISTRATIVE LAW JUDGE: Would you please state your name, spelling it for the record?

THE WITNESS: Chloe Ann Reidhead C-h-l-o-e A-n-n R-e-i-d-h-e-a-d.

ADMINISTRATIVE LAW JUDGE: Please proceed.

MR. CONDOS: Thank you.

DIRECT EXAMINATION

BY MR. CONDOS:

Q. And, Ms. Reidhead, you live in the Show Low area there?

A. Yes, I do.

Q. Okay. Do you have any students going to Founding Fathers?

A. I do.

Q. Okay. And who would that be?

A. My daughter, Marina Martineau.

Q. Okay. And what grade is she in?

A. She's a senior.

Q. Okay. Where do you -- where do you work presently?

A. I work at Northland Pioneer College.

Q. And what do you do there?

A. I am faculty.

Q. Okay. In what areas do you teach?

A. I teach cosmetology.

Q. Okay. Do you have a title in the Cosmetology Department?

A. I am the Director of Cosmetology.

Q. Okay. And is Northland Pioneer one of the

1 schools that Frank -- Founding Fathers has a
2 relationship with with respect to -- first of all, a
3 relationship with --
4 A. Yeah.
5 Q. -- from an educational standpoint?
6 A. Yes, yes.
7 Q. What is that relationship?
8 A. It's a dual enrollment program. It's NAVIT.
9 It's Northern Arizona Vocational Institute
10 Technology. I think that's the acronym.
11 Q. Thankfully, we have abbreviations so that we
12 don't have to say all that.
13 A. Yeah.
14 Q. And how does that program work?
15 A. Well, the students are in high school.
16 Their junior year, they can do dual enrollment, and
17 they could be -- go to school part -- part of the
18 day, and then they come to Northland Pioneer College
19 part of the day. And they can go to a -- into a
20 vocational area.
21 They can go into cosmetology, welding,
22 nursing, fire science. There's -- I think there's
23 several different vocational . . .
24 Q. Okay.
25 A. And then they also get their associate's

1 degree. They can do their English, math, science,
2 all those too.
3 Q. And they can do that while they're still
4 attending high school?
5 A. Yes.
6 Q. Okay. And is that the program that your
7 daughter is in?
8 A. It is.
9 Q. Okay. And what area is she --
10 A. She's in cosmetology, but she's also doing
11 dual enrollment, and she's going to be getting her
12 associate's degree before she graduates high school.
13 Q. This year?
14 A. Yes.
15 Q. Okay. And through the Cosmetology
16 Department, will she also be able to be licensed at
17 the same time or shortly after she graduates?
18 A. She'll be a licensed cosmetologist before
19 she gets her diploma.
20 Q. So she will have her career ready to go
21 depending on where she wants to go?
22 A. She went to cosmetology because she's
23 starting at NAU in August into the nursing program.
24 She went to cosmetology to help her so I don't have
25 to pay for her school. I made her do this because

1 I'm a cosmetologist.
2 Q. Do you have another -- another child that's
3 got -- has some difficulties?
4 A. I have a 23-year-old child that has autism.
5 Q. Okay. And did he go to Founding Fathers?
6 A. No, he didn't. I wish he did.
7 Q. Why do you wish he did?
8 A. I believe that the district school set him
9 up for fail -- for failure.
10 Q. And how did that happen?
11 A. I went -- I was a single parent most of my
12 younger years with my two children, and I always
13 worked, and I went to school to try to further my
14 education to make a better life for them.
15 And my ex-husband was going to all the IEP
16 meetings, and when I finally had time off, I went to
17 one of the IEP meetings, and I found that my son was
18 getting his English, math, and science grades while
19 he was hanging around with the maintenance man all
20 day.
21 And I said, "What are you doing," and he
22 says, "Well, at least he's not going to be getting a
23 diploma. He's going to be getting a certificate of
24 completion, and we're showing him a trade."
25 I said, "Absolutely not. He's not ignorant.

1 He's not retarded. He can fend for himself, and I
2 want him to have an education."
3 And so I took him out of the maintenance
4 department, and I put him back into the math and
5 English classes, and he wasn't -- my son wasn't
6 happy. He didn't want to tell me he was hanging
7 around with the maintenance department all day, you
8 know. He was -- he was -- he was wanting that
9 scapegoat so he didn't have to try so hard.
10 Well, now he's 23 years old, and he's
11 working at a golf course now. But, honestly, if it
12 wasn't for the people that I've met through
13 Jefferson Academy and the Founding Fathers, that --
14 they're actually still educating my 23-year-old son,
15 not in school but on the side, and helping him be
16 able to get a job and get through an interview
17 and --
18 Because when his -- when somebody starts
19 talking to him, his autism comes out, and he starts
20 stuttering. Well, nobody would really hire him
21 because he didn't look competent.
22 But now just being able to be around these
23 people and being able to have self-confidence in
24 himself, he's actually been able to have a job. He
25 has a little boy now, and he's two years old.

1 Q. That's terrific.
2 Now, what -- what -- did your daughter go to
3 another school before she went to Founding Fathers?
4 A. She went to a district school.
5 Q. Okay. And was she having any type of
6 difficulties there that caused you to make any
7 changes?
8 A. Absolutely.
9 Q. What kind of difficulties?
10 A. She was way low in her grade level. They
11 kept pushing her through, and she was getting
12 bullied.
13 Q. And how did that affect her?
14 A. Emotionally, self-confidence, and this is
15 the same little girl who is getting an associate's
16 degree.
17 She -- she didn't have confidence in
18 herself. I would drop her off to school, and I
19 would literally have to kick her out of the car.
20 And I would look at her in my rearview mirror crying
21 and -- because she didn't want to go to school.
22 Well, the more I dug into it and the more
23 I -- and talked to her about it, I found out that
24 she was being bullied by the cheerleaders at the
25 school.

1 And I went to talk to the principal, and I
2 just made it worse. Then the cheerleaders and other
3 students kept picking on her. As she was walking
4 down the hall, they would push her into the wall and
5 knock her books out of her arms. And she didn't
6 want to go to school.
7 Well -- so I found out that I made it worse,
8 so I just took her out of the school. It was right
9 before Christmas, and I think it was a good three or
10 four weeks before Christmas, actually.
11 And I was looking for a school for her, and
12 I researched because I wanted to make sure that she
13 got the best education that she could possibly get
14 and deserved.
15 And I found the Founding Fathers, and I went
16 and talked to them, and I liked the school. I liked
17 what they had to offer. And they tested her, and
18 they tested her at her grade level.
19 And she had a third grade math level. She
20 didn't hardly know how to read, and they didn't just
21 put her at a ninth grade level, what she put her in.
22 They put her at her grade level and built her up.
23 And she hasn't passed the AIMS test, but she's
24 graduating from college before she graduates high
25 school, so . . .

1 Q. And --
2 A. She missed the AIMS test by one point last
3 year --
4 Q. One point, okay.
5 A. -- but she's not a good test-taker.
6 Q. Okay. So how long has she been -- has she
7 been at Founding Fathers?
8 A. It was January of her freshman year.
9 Q. So she's finished the full four years there?
10 A. Um-hmm.
11 Q. Okay.
12 A. Well, not finishing. She will be
13 graduating.
14 Q. She'll be graduating soon?
15 A. She'll probably be finished, she's hoping,
16 by May. Well, she's a senior. She will be
17 graduated by May.
18 Q. How have you seen in those four years the --
19 the teachers' relationship with your daughter?
20 A. It's phenomenal. They have one-on-one with
21 her. They -- she does online classes, but they also
22 pull her out of -- like, they have scheduled blocks
23 where they put her into math class. And that math
24 class is the one that built her up to where she's at
25 now, from a third grade to graduating.

1 And just the confidence and just the pride
2 in herself and that she can do it and doesn't have
3 to cheat or -- or need help. And she's actually
4 helping the other students who need help.
5 Q. So Founding Fathers raised your daughter's
6 math abilities from a third grade level to now the
7 senior level --
8 A. Yes, they have.
9 Q. -- in four years?
10 A. Yes, they have. And she passed the ASSET
11 test or the COMPASS test to get into college.
12 Q. Okay. What is the COMPASS and the ASSET
13 test?
14 A. It's a -- how do you explain it? They have
15 to take the COMPASS or the ASSET. The COMPASS test
16 is on the computer, and the ASSET test is in -- on
17 paper. And you have to take this test to be able to
18 show where you're at to actually get into college
19 before you have -- if you don't pass those tests,
20 they put classes -- they put you in a TLC class to
21 build you up to go into the college. So it's
22 like -- what do you call that kind of test? I'm not
23 sure.
24 Q. A placement test?
25 A. A placement test, yes.

1 Q. And so she didn't need the placement test?
2 She was able to go straight to the --
3 A. She took the placement test but passed it.
4 Q. Okay. She didn't need any placement classes
5 is what I meant?
6 A. No, she didn't.
7 Q. Okay. Have you experienced other
8 positive -- or have you viewed other positive
9 experience with other children and students
10 attending Founding Fathers?
11 A. I have. Just the different -- the morale at
12 the school, they don't -- there's no bullying at
13 all. They don't tolerate it.
14 You could go to the school, and you can see
15 one of the popular kids playing basketball and then
16 stopping and going to push a mentally challenged
17 student on the swings.
18 And they just -- they're almost a family.
19 They're united. And there's not -- just the -- just
20 the mentally challenged aren't any better than the
21 ones that are -- I don't know how you would say
22 it -- normal or -- you know. I don't think that's
23 the appropriate word, but . . .
24 Q. Did your daughter have any disabilities?
25 A. No, she did not.

1 Q. Okay. So she was still only a third grade
2 level even with no disabilities --
3 A. Yes.
4 Q. -- at the other traditional district?
5 A. Yes. They were pushing her through, I
6 believe.
7 Q. Okay. When you say "pushing her through,"
8 what are we talking about?
9 A. Just every year she would go into the next
10 level, but she wasn't getting it. They should have
11 held her back.
12 Q. Okay. Now, you obviously pulled her out for
13 a reason.
14 If she would have stayed at the traditional
15 district where she had been, do you think she would
16 have achieved what she's achieved so far?
17 A. She would have wanted to drop out of school.
18 I couldn't get her to go. I was the one kicking her
19 out at the school and dropping her off.
20 Q. When she started going to Founding Fathers,
21 did that attitude change about going to school?
22 A. She went from multiple absences and ditching
23 to no absences at all.
24 Q. While she was at Founding Fathers?
25 A. Perfect attendance.

1 Q. Okay.
2 MR. CONDOS: I don't think I have any
3 further questions.
4 ADMINISTRATIVE LAW JUDGE: Cross?
5
6 CROSS-EXAMINATION
7 BY MS. ANDERSON:
8 Q. Ms. Reidhead, are you -- are you any
9 relation to Joey Reidhead?
10 A. I am. I'm his wife.
11 Q. Okay.
12 A. Just newlyweds. We just got married.
13 Q. Oh, okay.
14 A. Not very long ago.
15 Q. Mr. Reidhead is the Special Education
16 Director at Jefferson Academy. Is that correct?
17 A. He is, and he's the one that's been helping
18 my son.
19 Q. Are you familiar with the Arizona Department
20 of Education's Achievement Profile System whereby
21 Arizona public schools are assigned a yearly grade
22 from A to F?
23 A. Yes.
24 Q. Okay. What grade was assigned to Jefferson
25 Academy in 2013? Do you know?

A. I think it was a failing school.
Q. And do you know what grade was assigned to Jefferson Academy in 2012?
A. Yes.
Q. What was that?
A. An "F."
Q. Do you know what grade was assigned to Jefferson Academy in 2011?
A. No.
Q. Do you have any information on how other public schools in Show Low compare in letter grade to Jefferson Academy?
A. I wasn't really -- no. No, I don't.
Q. Are you familiar with the Arizona State Board for Charter Schools Academic Performance Framework?
A. No.
MR. CONDOS: I have no further questions. Thank you.
ADMINISTRATIVE LAW JUDGE: Redirect?
MR. CONDOS: I do.

REDIRECT EXAMINATION

BY MR. CONDOS:
Q. Ms. Reidhead, you knew that the school had

1 an "F" or had a low grade, and you still kept your
2 daughter in the school?
3 A. Absolutely.
4 Q. Why?
5 A. Because of the results I was receiving
6 there.
7 MR. CONDOS: No further questions.
8 ADMINISTRATIVE LAW JUDGE: You may be
9 excused.
10 THE WITNESS: Thank you.
11 ADMINISTRATIVE LAW JUDGE: Thank you.
12 MR. CONDOS: And since it's ten till,
13 quarter till five . . .
14 ADMINISTRATIVE LAW JUDGE: We're done
15 for the day.
16 We will go off the record and that will
17 conclude today's proceedings.
18 (Discussion off the record.)
19 ADMINISTRATIVE LAW JUDGE: Okay. We're
20 back on the record.
21 MR. CONDOS: I have been informed that
22 you may have received a motion to quash a subpoena.
23 ADMINISTRATIVE LAW JUDGE: I may have,
24 but I haven't seen it at this point.
25 MR. CONDOS: It supposedly was filed

1 earlier this morning.
2 One of the witnesses that we have
3 subpoenaed who works with the Charter School
4 Association -- I've talked to the attorney of the
5 Charter School Association -- has asked that she not
6 testify on the basis -- and I haven't seen the
7 motion myself.
8 But on the basis that they're afraid
9 that that could create a precedent for the next 21
10 or so that they anticipate are going to be coming
11 before them in the next year.
12 Her testimony basically would be --
13 it's the one article we have as Exhibit VV, "Oh, the
14 Places they'll go! School Ratings: Improving the
15 Data in Data Driven Decision Making." The
16 individual, Ildiko Laczko-Kerr of the Center for
17 Student Achievement, which is part of the Charter
18 School -- or affiliated somehow with the Charter
19 School Association.
20 They would -- we didn't get a
21 stipulation as to the exhibit. In talking to the
22 attorney, they would be willing to give us an
23 affidavit that is a true and accurate copy of the
24 article that's taken off of their web page as an
25 alternative to her coming down to testify.

1 Her testimony primarily would have been
2 with respect to the findings in that article,
3 methodology, what she used. It wouldn't be pointed
4 specifically -- or any questions specifically with
5 respect to the Founding Fathers and opinions, but it
6 would be directly attached to the AIMS test and some
7 of the major problems with the testing process and
8 scores.
9 So I'm not sure what we do right now,
10 because as the attorney said, if the Judge orders
11 it, she will be there, but I don't want to force an
12 uncomfortable situation if we can get the
13 stipulation that that exhibit comes in and the Judge
14 can read it at her own leisure.
15 With respect to the last paragraph, I
16 was never asked if they wanted to be paid as an
17 expert witness, but it was primarily just to
18 establish the article.
19 So if we can stipulate to it, then we
20 don't have to bring her, or we don't even have an
21 issue.
22 MS. ANDERSON: Well, Your Honor, I
23 think there is an issue because the Board does
24 oppose the admission.
25 In fact, there's two exhibits that were

1 authored by Dr. Laczko-Kerr, Exhibit VV and
2 Exhibit WW. And the basis for the objection to --
3 to the -- to those exhibits -- to the Exhibit VV is
4 with regard to its relevance.
5 This is a article that addresses
6 criticisms at the Arizona Department of Education's
7 Achievement Profile System. That is not the same
8 system as was testified by Ms. Rowe. It is not the
9 same system. It does not use the same measures
10 that -- that are used in the Board's Framework. The
11 Board's Framework is set up differently.
12 The Board's Framework -- the letter
13 grade which Ms. Laczko-Kerr criticizes makes up
14 5 percent of the Charter Board's dashboard. And
15 it's not relevant, and that's what the Board's
16 position is and its objection to the admission of
17 this exhibit.
18 I'm not clear whether Mr. Condos is
19 intending to proceed to argument with the Arizona
20 Charter School's Association on the motion to quash
21 or not.
22 MR. CONDOS: Judge, it is very
23 relevant, because regardless of what the dashboard
24 may say, the dashboard wasn't the initial action
25 that started this. It was the "F" grade from the

1 AIMS test.
2 And so if the AIMS test has
3 deficiencies as set out in that particular article,
4 especially with poverty students -- and, in fact, it
5 even talks about a potential 42-point difference,
6 which would change our "F" grade and move it up to
7 possibly a C grade -- it's absolutely relevant. We
8 wouldn't be here but for that.
9 Obviously, the Court can weigh the
10 article to whatever extent that it wishes, but I
11 think it's absolutely relevant. We don't go to the
12 dashboard until we get the "F" grade.
13 MS. ANDERSON: Well, it doesn't provide
14 the Board with the opportunity to cross-examine the
15 author on this article. This is -- with regard to
16 the differences between the dashboard and the
17 Achievement Profile System. And, again, that is
18 5 percent of the Board's dashboard.
19 ADMINISTRATIVE LAW JUDGE: I don't
20 believe at this point I've received any information
21 as to how the A through D/F grade is reached. I
22 know that question's been asked several times, but I
23 don't believe anyone from the Board has expressed
24 knowledge of the underlying calculations used to do
25 that. So I can't say that it's based solely on the

1 AIMS score. And, of course, having not looked at
2 these articles, I don't know the actual relevance.
3 MR. CONDOS: Judge, since I'm not sure
4 we're going to finish tomorrow, we may be arguing a
5 moot point. We may be able to get something worked
6 out before then.
7 But in talking with Ms. Rader, you
8 know, we've been trying to get things worked out
9 there since Wednesday of last week. And DeAnna was
10 just hired yesterday -- Deanna Rader, the attorney,
11 was just hired yesterday at 4 o'clock.
12 She sent me an e-mail at about 7:15,
13 and I called her at the office, and we've been
14 trying to get together to work this out since then.
15 And those are the exact reasons that I
16 laid out as to why the Association is afraid of
17 doing it voluntarily, because they're afraid they're
18 going to get pulled into the next 20, 30 that are
19 coming up probably in the next year.
20 But the AIMS test portion of the A
21 through F is a major part and not only for the --
22 for the A to F grades, but it's also a major part of
23 the numbers that they're using in this dashboard.
24 ADMINISTRATIVE LAW JUDGE: That I fully
25 understand. That's been testified to extensively.

1 At this time, I'm not prepared to -- I
2 mean, obviously, I haven't had enough of an
3 opportunity to review either the articles or the
4 motion to quash.
5 MR. CONDOS: Right. And I apologize
6 because they said that it should be up here, and you
7 hadn't said anything, so I figured, let me bring it
8 out of the woodwork real quick here.
9 ADMINISTRATIVE LAW JUDGE: Yeah. I had
10 not seen it. So I will -- I will try to look at
11 that before we reconvene tomorrow.
12 Of course, the motion was to quash the
13 subpoena requiring her to appear today, so . . .
14 MR. CONDOS: And that is a moot point,
15 obviously.
16 ADMINISTRATIVE LAW JUDGE: Yes.
17 MR. CONDOS: And I had agreed to work
18 within her schedule as to whatever she needed since
19 we were juggling witnesses left and right anyway.
20 ADMINISTRATIVE LAW JUDGE: And if we
21 don't complete by tomorrow, then, obviously, we can
22 address this for any further hearing that may be
23 scheduled.
24 MR. CONDOS: As you see, we're trying
25 to move it quick because we've got these people that

1 have made the long trek here, so . . .
2 ADMINISTRATIVE LAW JUDGE: Understood.
3 So, again, I will -- I will look at these and
4 hopefully have something more for you in the
5 morning, but --
6 MR. CONDOS: Thank you, Your Honor.
7 ADMINISTRATIVE LAW JUDGE: -- if
8 there's nothing further for today, that will
9 conclude today's proceedings, and we'll go off the
10 record at this time.
11 (Hearing was in recess at 5 p.m.)
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STATE OF ARIZONA)
COUNTY OF MARICOPA)

I, ALISA SMITH, Registered Professional Reporter, Certified Court Reporter, Certificate No. 50712, in and for the State of Arizona, do hereby certify that the foregoing pages constitute a full, true, and accurate transcript of all proceedings had in the foregoing matter, all done to the best of my skill and ability.

I FURTHER CERTIFY that I am not related to nor employed by any of the parties hereto, and have no interest in the outcome.

WITNESS my hand this 14th day of April, 2014.

/s/ Alisa Smith
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