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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF ARIZONA

In the Matter of: **KIN DAH LICHI'I OLTA', INC.,** a non-profit corporation, operating **KIN DAH LICHI'I OLTA'**, a charter school	No. 14F-FSRV-003-BCS **ARIZONA STATE BOARD FOR CHARTER SCHOOLS' PRE-HEARING CONFERENCE STATEMENT AND LIST OF WITNESSES AND EXHIBITS** (Honorable Brian Brendan Tully)

Pursuant to the Order Setting Pre-Hearing Conference dated January 13, 2014, undersigned counsel files this Pre-hearing Conference Statement and provides a list of witnesses and exhibits intended to be presented at the hearing set March 18, 19 and 20, 2014.

I. LAW, RULES OR POLICY RELIED ON FOR THE PARTY'S POSITION

Charter schools are established by contract ("charter" or "contract") between a sponsor and a public body, private person or private organization to provide a learning environment that will improve pupil achievement. A.R.S. §§ 15-101(4), -181(A), -183(B), -183(C). The Arizona Department of Education ("ADE") compiles an annual achievement profile for each public school and school district. A.R.S. § 15-241(A). The achievement profile used to determine a school and school district classification is a letter grade system as

follows: (1) A school or school district assigned a letter grade of A demonstrates an excellent level of performance; (2) A school or school district assigned a letter grade of B demonstrates an above average level of performance; (3) A school or school district assigned a letter grade of C demonstrates an average level of performance; (4) A school or school district assigned a letter grade of D demonstrates a below average level of performance; and (5) A school or school district assigned a letter grade of F demonstrates a failing level of performance. A.R.S. § 15-241(H)[1]. A charter school assigned a letter grade of D and/or an achievement profile of underperforming for a third consecutive year is assigned a letter grade of F. A.R.S. §15-241(O). If a charter school is assigned a letter grade of F, the charter school's sponsor must either take action to restore the charter school to acceptable performance or revoke the charter school's charter. A.R.S. § 15-241(U). In implementing its oversight and administrative responsibility for the charter schools that it sponsors, the sponsor must ground its actions in evidence of the charter holder's performance in accordance with the performance framework adopted by the sponsor. A.R.S. § 15-183(R). The Arizona State Board for Charter Schools' ("Board") Academic Performance Framework and Guidance identifies the academic performance expectations of the charter schools it sponsors and the measurement of sufficient progress toward the academic performance expectations.

A sponsor may revoke a charter at any time if the charter school breaches one or more provisions of its charter or if the sponsor determines that the charter holder has failed to meet or make sufficient progress toward the academic expectations set forth in the performance framework or has failed to comply with Title 15, Chapter 1, Article 8 or any provision of law from which the charter school is not exempt.. A.R.S. § 15-183(I)(3). At least sixty days before the effective date of the proposed revocation, the sponsor shall give written notice to the

[1] Prior to September 1, 2011, the achievement profiles used to determine a school classification designated schools as one of the following: (1) an excelling school; (2) a highly performing school; (3) a performing school; (4) an underperforming school; and (5) a school failing to meet academic standards ("legacy label"). A.R.S. § 15-241(H)(2011). For academic year 2010-2011, schools were designated a legacy label and a letter grade. A.R.S. § 15-241(H)(2011), amended by 2012 Ariz. Sess. Laws, 2nd Reg. Sess., ch. 67, sec. 3.

operator of the charter school of its intent to revoke the charter. A.R.S. § 15-183(I)(4). The notice shall incorporate a statement of reasons for the proposed revocation of the charter. *Id.*

II. WITNESSES

1. DeAnna Rowe, Executive Director, Arizona State Board for Charter Schools, will testify about her position and duties, the Board's academic performance expectations as set forth in the Board's Academic Performance Framework and Guidance, and the academic performance of Kin dah Lichi'i Olta's students.
2. Steve Sarmento, Program and Project Specialist, Arizona State Board for Charter Schools, will testify about his position and duties, the academic performance of Kin dah Lichi'i Olta's students, the review and evaluation of Kin dah Lichi'i Olta's demonstration of sufficient progress, and his contact and site visit with Kin dah Lichi'i Olta.
3. Derek Fay, Research Associate, Research and Evaluation Division of the Arizona Department of Education, may testify about his position and duties and the Board's methodology for the calculation of the various measures of the Board's Academic Performance Framework.
4. Any witness named or called by Kin dah Lichi'i Olta.

III. EXHIBITS

1. Arizona State Board for Charter Schools' Academic Framework and Guidance.
2. Portfolio prepared for Arizona State Board for Charter Schools' meeting of December 9, 2013.
3. Kin dah Lichi'i Olta's Academic Performance ("Dashboard") for FY2012 and FY2013.
4. All 7th Grade Student Math Progress 2013-2014.
5. 7th Grade Units Benchmark Assessment (Unit 1) (Literature)
6. Students Below the 25th Percentile Reading Progress 2013-2014.
7. Students Below the 25 Percentile Math Progress 2013-2014.

8. Classroom Observation Walk Through Forms.

9. Report on the Professional Learning Workshop.

10. 2013-2014 Professional Development Plan.

11. Lesson PlanCheck/Report.

12. Any exhibit identified by Kin dah Lichi'i Olta'.

DATED this 13th day of February, 2014.

THOMAS C. HORNE
Attorney General

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

COPY of the foregoing Statement filed electronically this 13th day of February, 2014 with:

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

COPY of the foregoing Statement mailed electronically this 13th day of February 2014 to:

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