



Contract Schools Bring Innovative New Choices to Denver Public Schools



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Executive Summary

In an effort to improve student achievement, Denver Public Schools (DPS) is expanding its school options, which already consist of numerous charter, magnet, and contract schools. The district's willingness to innovate and to release some control over schools to outside providers is demonstrated by Denver's four public contract schools.

Contract schools are run by entities other than the board of education. Contract schools may be operated by nonpublic schools, community groups, or management companies. The possible forms a contract school could take are nearly limitless. Contract schools, like charters, enjoy greater autonomy than traditional public schools; but contract schools are not regulated by Colorado charter school law.

Each DPS contract school is unique. Escuela Tlatelolco Centro de Estudios is a nonsectarian nonpublic school serving public school students in grades seven through 12. The New America School serves high school-aged immigrants who have limited English proficiency. Connections Academy is an online school for students in kindergarten through eighth grade. The Rocky Mountain School of Expeditionary Learning provides an experiential K-12 program.

As public school districts become more diverse in their educational offerings, several studies have urged school districts to allow individual schools the autonomy to control their educational program, budget, and staffing. School administrators must be able to bypass bureaucratic regulations and one-size-fits-all political compromises that hamper the effective management of public schools. One study suggests that boards of education should relinquish direct management of schools altogether.

Colorado's contract and charter schools have the autonomy to make important decisions at the site level. However, Colorado charter schools typi-

cally have a better financial arrangement than contract schools: charter schools have access to grants not available to non-charter schools and have well-defined per pupil funding minimums set by state statute. School founders must be aware that districts may try to entice them into opening as contract rather than charter schools because of the financial benefit to the districts.

Districts should not abandon chartering schools in favor of contracting but should seek to do what is best for the sustainability of the particular school. Some national management companies have business models that are conducive to contracting. As contractors, nonpublic schools can maintain their independence from the district, while providing tuition-free services to the community. Contracts between districts and contractors should outline high, but attainable, standards, establish methods and procedures for evaluation, and provide for full implementation of the educational program. With clear expectations in place, districts must hold contractors accountable.

DPS has become a Colorado leader as it has expanded school choice. As a result of a DPS Board commissioned study, the district is taking steps to give its high schools more autonomy. DPS could become a national pioneer if the Board of Education relinquished direct control over all its schools by converting traditional schools into autonomous contract or charter schools. The Board's main focus would then be to hold each school in the district accountable for its performance.

In Colorado, no laws hinder school districts from contracting, and friendly charter school laws offer freedom from many burdensome regulations. DPS and other Colorado school districts are well-positioned to generate their own system-transforming blend of contract and charter schools—if they will accept the challenge.

DPS Pursues Contract Schools and Other Public School Options

Denver Public Schools (DPS) has emerged as a Colorado leader in adopting and promoting public school choice. The district offered 17 charters, six magnets, six kindergarten-through-eighth-grade schools, and four “contract schools” in 2004-2005. Each contract school maintains a formal agreement with the school district but is operated by an entity other than the local board of education. Thus, contract schools enjoy greater autonomy than traditional public schools. Contract schools are distinct from charter schools and are not bound by state charter school law.

Like many inner-city school districts across the nation, DPS is seeking to increase academic achievement. In 2003-2004, 53 percent of DPS

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third-grade students fell into the proficient and advanced categories in reading on the Colorado Student Assessment Program (CSAP). In the same year, only 34 percent of eighth-grade students scored proficient and advanced, and slightly more (39 percent) of students in 10th grade achieved those levels in reading. The outlook is bleaker for math. In fifth grade, 35 percent of students scored proficient and advanced, but only 15 percent and 10 per-

cent demonstrated the same level of math proficiency in eighth and 10th grades, respectively.¹

The DPS Board of Education believes that school choice is a key to increasing student achievement. Demonstrating a long-term commitment to choice, the Board passed a resolution to guide school choice policy decisions. The resolution’s core values state that choice schools should not be substitutes for strong neighborhood schools and that “quality choice” is not an end but a means to achievement. The core values affirm that new educational options should be developed “to facilitate student achievement and parent satisfaction,” and that all schools, whether traditional or

choice, “must be subject to strong, objective, annual accountability.”²

DPS has restructured many of its lowest-performing schools and showed its willingness to contract for educational services in an effort to boost student achievement. “Revitalization” is the DPS term for a school that is required to implement a new academic program. In schools designated for “redesign,” such as Maria Mitchell Elementary School, a new academic program is implemented and teachers must reapply for their jobs.³ The district created a “Request for Proposal” (RFP) for Mitchell Elementary, seeking proposals from various groups that wanted to operate the school. In the RFP, the district indicated that it is amicable to more contract schools, stating that it would consider proposals to operate Mitchell Elementary as “a district neighborhood school, charter school or contract school or a combination thereof.”⁴ On April 21, 2005, the DPS Board of Education approved a plan to continue district operation of Mitchell Elementary and to implement the Parents, Accountability, Collaboration and Expectations (or PACE) model under the leadership of current Cole Middle School principal Jennifer Barton. A completely new staff will be in place in fall 2005.⁵

The DPS Board of Education believes that school choice is a key to increasing student achievement.

There is no single model for contract schools. They may be run by nonpublic schools, management companies (such as Edison Schools), community groups, nonprofit organizations, or other qualified entities. The forms a contract school could take are nearly limitless. For instance, Delta County School District holds contracts with three schools that are run by governing boards composed of local community members.

Each DPS contract school is uniquely designed. The oldest contract school in DPS, Rocky Mountain School of Expeditionary Learning, was formed in 1993 by national business leaders. DPS began contracting with Connections Academy, a

national for-profit company, in 2002. In 2004, DPS entered into contracts with two more schools: the New America School, established by local community leaders, and Escuela Tlatelolco Centro de Estudios, a nonpublic school whose upper grade levels now operate with public funds.

Escuela Tlatelolco Centro de Estudios

Escuela (esk-way-la) Tlatelolco (tla-te-loh-coh) Centro de Estudios is a nonsectarian, pre-kindergarten through 12th grade nonpublic school that serves public school students in grades seven and higher. Disenchanted with traditional public schools, members of the Chicano civil rights group Crusade for Justice, led by Rodolfo “Corky” Gonzales, formed the school in 1970. Escuela Tlatelolco is located in northwest Denver, one block south of the DPS North High School.

Decision to Contract

The agreement between DPS and Escuela Tlatelolco is the result of “a two-year discussion,” according to Nita Gonzales, President and CEO of Escuela Tlatelolco. Gonzales initially approached

DPS officials about the possibility of working together to educate some of Denver’s at-risk students. While Gonzales was in discussions with DPS, the Colorado General Assembly passed a school voucher bill, which Governor Bill Owens signed into law in April 2003. DPS was one of 11 school districts mandated by law to participate in the voucher program. Discussions between Gonzales and DPS were put on hold, and Escuela Tlatelolco applied to become a participating private school in the voucher program. However, groups opposed to vouchers, led by the teachers’ union, initiated a legal challenge to the program, and the Colorado Supreme Court ultimately declared the voucher program unconstitutional. The decision led DPS and Escuela Tlatelolco back to the negotiating table. Gonzales says that creating the contract with DPS was a challenge because, although the district contracts

with many outside vendors for services and with other schools, it had never contracted with a private school. After a year of negotiating, the agreement was brought before the DPS Board of Education and approved on June 24, 2004.⁶

Contract Structure

DPS and Escuela Tlatelolco maintain a one-year contract with the option for the DPS Board of Education to renew the agreement for four successive one-year terms. The initial 2004-2005 school year is considered a pilot phase.⁷ The contract states that Escuela Tlatelolco “shall operate in all respects as a nonreligious, nonsectarian, non-homebased public school,” but it also explains that the school “is an independent contractor and neither it nor any of its employees or agents is an employee of [DPS].”⁸ While the school operates as a public school, its legal status remains that of a nonprofit, private organization.

The school receives 80 percent (or \$4,488 in 2004-2005) of the district’s Per Pupil Operating Revenue for each full-time student in grades seven through 12.⁹

The contract stipulates funding for as many as 80 students. Escuela Tlatelolco purchases special education services provided by DPS from the district at the charter school per-pupil rate.¹⁰

DPS, the Colorado Department of Education, and Escuela Tlatelolco’s Board of Trustees mutually agreed that recordkeeping for the publicly-funded seventh through 12th grade students should be kept separate from the privately-funded pre-kindergarten through sixth-grade students.¹¹

The publicly-funded students are required to participate in the Colorado Student Assessment Program (CSAP) and the ACT.¹² Contractually, the school is to “meet or make reasonable progress toward meeting the following objectives:”

The school receives 80 percent (or \$4,488 in 2004-2005) of the district’s Per Pupil Operating Revenue for each full-time student in grades seven through 12.

Escuela Tlatelolco Centro de Estudios is a nonsectarian, pre-kindergarten through 12th grade nonpublic school that serves public school students in grades seven and higher.

- Earn an academic achievement rating of “Average” or an academic growth rating of “Improvement” on the state School Accountability Report;
- Meet or exceed average CSAP performance levels for comparable DPS schools and programs;
- Achieve a parent and student satisfaction rate of at least 90 percent as measured by a DPS satisfaction survey;
- Meet or exceed Adequate Yearly Progress for each disaggregated group in reading and mathematics annually; and
- Achieve 80 percent attendance rates.¹³

Many current Escuela Tlatelolco students previously paid tuition but now benefit from the contract with DPS. Had the voucher program gone

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forward and Escuela Tlatelolco participated, the law would have prohibited the previously enrolled students from applying for a voucher. Gonzales is pleased that the financial burden has been lifted from families, 98 percent of whom received scholarships in 2003-2004 to help defray the \$5,800 tuition. “It’s energized our parents—they’re not worried about tuition....They’re much more involved now.” Gonzales told the

story of one father who worked a second job just to pay for tuition. Now that tuition is no longer a factor, the father has quit the second job and, for the first time, is able to volunteer at the school on a regular basis.¹⁴

Escuela Tlatelolco and DPS jointly sought waivers from certain state laws. The State Board of Education unanimously granted the waivers on October 14, 2004. The waivers give the school freedom from specific requirements such as the following:

- Licensed principals and administrators to conduct written performance evaluations of licensed personnel;
- The local board of education to employ licensed principals;

- Principals to perform particular administrative responsibilities;
- Administrators to abide by teacher licensure requirements and to adhere to grounds and procedures for dismissal;
- The local board of education to adopt district salary schedules and each teacher in the district to be compensated according to the schedules.¹⁵

Data are not yet available to evaluate Escuela Tlatelolco’s performance on the objectives.

Student Body Composition and Educational Program

Escuela Tlatelolco enrolled 79 students in the 2004-2005 school year.¹⁶ According to Ethan Hemming, Director of the DPS School of Choice Office, Escuela Tlatelolco’s long history of serving at-risk students is well-known in the Denver area, and most students find the school by word-of-mouth. Hemming says that a DPS teacher or counselor will occasionally refer a student to Escuela Tlatelolco. The school has had a working relationship with DPS high schools for some time—particularly with North High, which is a block away and visible from Escuela Tlatelolco’s parking lot.¹⁷

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Escuela Tlatelolco’s academic program has not changed because of the contract with DPS. “The outcomes are important, not the process,” says Gonzales. The contract states that the school will “provide a *culturally competent curriculum*” and specifies which curriculum the school will use. The agreement’s curriculum provisions mainly ensure that Escuela Tlatelolco continues to provide the educational program that was developed before contracting with DPS and that was approved by the district.¹⁸

In addition to the regular academic program, the school employs a Family Service Worker to follow up with families and ensure they are receiving the services they need.¹⁹ Among the services the school offers is the Family Resource Center,

which provides students and their relatives access to a health clinic, counseling, job training, financial assistance, and adult education. An after-school therapeutic program provides intensive intervention through individual, group, and family counseling.²⁰ The school is open until 6:00 P.M. for students who need extra help and is open from 6:00 P.M. to 9:00 P.M. for adult education programs and GED classes.²¹

According to Gonzales, Escuela Tlatelolco's graduation rate was 92 percent in 2003-2004.²² All graduates have taken classes through Denver Community College that count toward both their high school diploma and one year of college credit. Twenty percent of graduates own their own business, and 70 percent of graduates hold a Bachelor of Arts degree.²³

New America School

The New America School opened in fall 2004 and serves high school-aged immigrant students with limited English proficiency, helping them to acquire proficiency in conversational and formal English. New America School has two branch locations: a charter school in Adams County School District 14 and the DPS contract school

which shares building space with Aurora Community College at the former Lowry Air Force base in east Denver. The contract with DPS expires June 30, 2005, but the school will remain open as an Aurora Public School District charter school.

Decision to Contract

Jared Polis, entrepreneur and member of the Colorado State Board of Education, began to pursue the idea of a

school for immigrants when an English language literacy program in Aurora was shut down due to lack of funding. Polis and New America School co-founder Alby Segall began searching for a school model to emulate, a model that served immigrant populations. They found the Manhattan Comprehensive Night and Day School in New

York City. New America incorporates several traits established at Manhattan Comprehensive: grouping of students into teams, teaching several subjects through a particular project, and block scheduling to accommodate working students.²⁴

The New America founders wanted a charter from the Aurora Public School District, but the district had a moratorium on charters in fall 2003.²⁵ The applicants instead took their charter proposal to DPS. The Board of Education denied the request because the school would serve students older than 21 (who are not eligible for K-12 funding), because the school would likely operate at multiple sites, and because the curriculum was unclear. However, the Board members believed that the proposal to "serve 16-21 year old immigrants who would not otherwise be appropriately served in a traditional high school setting, had merit." The denial was accompanied by a request that the Board staff meet with the applicants to try to draft a contract.²⁶ One DPS official explained that while the district believed the idea was good, they could not make a major commitment to a school that had not developed its curriculum. A one-year contract with the option to extend the term allowed the district to pursue the idea with less risk.²⁷

Five months after the charter was denied, New America applicants presented a contract proposal to the Board for a single-site school serving 16- to 21-year-old students with what the Board believed was "a reasonable budget, and ... a reasonable curriculum." The DPS Board of Education unanimously approved the contract at its meeting on April 15, 2004.²⁸ The school's founders also applied for and received a charter in Adams County School District 14. Both sites opened in fall 2004.

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Contract Structure

New America School, Inc. (not related to New American Schools), is the nonprofit 501(c)(3) organization whose Board of Trustees oversees and manages both the DPS and Adams County New America Schools. DPS contracts with the nonprofit to provide complete educational services to DPS public school students. Administrative staff and teachers are employees of the nonprofit.²⁹

The contract established a cap of 300 full-time students in the first year of operation.³⁰ Students are required to participate in the Colorado Student Assessment Program (CSAP). Contractually, the school is to “meet or make reasonable progress toward meeting the following objectives:”

- Earn an academic achievement rating of “Average” or an academic growth rating of “Improvement” on the state School Accountability Report;
- Meet or exceed average CSAP performance levels for comparable DPS schools and programs;

The Denver and Adams County 14 New America School sites operate similarly, but the Adams 14 charter school has enjoyed a more favorable financial agreement.

- Achieve a parent and student satisfaction rate of at least 90 percent;
- Meet or exceed Adequate Yearly Progress for each disaggregated group in reading and mathematics annually;
- Achieve 80 percent attendance rates;
- Eighty percent of students are to increase by one level of proficiency on tests determining English fluency.³¹

Data are not yet available to evaluate New America’s performance on the objectives.

The DPS New America School site received 92 percent of the district’s Per Pupil Operating Revenues (PPOR) in 2004-2005.³² The Denver and Adams County 14 New America School sites operate similarly, but the Adams 14 charter school has enjoyed a more favorable financial agreement. Charter schools in the state, including the New America charter, receive 100 percent of the dis-

trict’s PPOR, though the district may charge back as much as 5 percent for administrative services.

New America and DPS jointly sought waivers from certain state laws. The State Board of Education approved the waivers for a three-year period on November 11, 2004. These waivers give the school freedom from specific requirements such as the following:

- Licensed principals and administrators to conduct written performance evaluations of licensed personnel;
- The local board of education to employ licensed principals;
- Principals to perform particular administrative responsibilities;
- Administrators to abide by teacher licensure requirements and to adhere to grounds and procedures for dismissal;
- The local board of education to adopt district salary schedules and each teacher in the district to be compensated according to the schedules.³³

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Student Body Composition and Educational Program

Three hundred eighteen students were enrolled in New America in 2004-2005.³⁷ In order to recruit students, the school advertised on radio, television, and at the Cinema Latino in Aurora prior to the school's opening.³⁸ The contract has the following requirements for student eligibility:

- Must be English language learners with very limited proficiency in English;
- Must be between the ages of 16-21;
- Must not have attended DPS for at least four months prior to enrollment.

Other students would be allowed to enroll with special permission from designated district staff.³⁹

The school is non-traditional in its approach to how subject matter is taught and learned. Students are organized into heterogeneous "communities of learners" composed of about 45 students each. Teachers mentor and advise the groups, conduct advisee-advisor meetings twice a month, and maintain contact with guardians and family members.⁴⁰ Formal instruction is given in English, and subjects are integrated into projects that are closely tied to real-world knowledge and experiences.⁴¹ Project-based learning allows teachers to put together programs based on student needs, such as incorporating math skills students may

lack.⁴² Students work toward a high school diploma or prepare for the GED.⁴³

New America schedules classes in four-hour blocks from 10:00 A.M. to 10:00 P.M., Monday through Friday to accommodate the schedules of working students. The school is also open on Saturday to provide access to literacy development, tutorials, and the computer lab.⁴⁴ New America's model, Manhattan Comprehensive Night and Day High School, has a similar 12-hour school day. "If you are dealing with older immigrant

students, inevitably you are dealing with students who have adult responsibilities," said Howard A. Friedman, the principal and founder of Manhattan Comprehensive. "The first thing is survival. If you have a school that closes at 6:00 P.M., you're going to rule out many students who work."⁴⁵

Denver Connections Academy

Denver Connections Academy is a kindergarten through eighth grade (ninth grade will be added in fall 2005) online school going into its fourth year of operation. Open enrollment allows students across the state to receive a complete educational program through this DPS contract school.

Decision to Contract

Connections Academy, LLC (Connections) was launched in 2001 as part of the Sylvan Learning Systems, Inc. corporate family and is now a free-standing company. Connections provides a complete online kindergarten through ninth grade education. It operates under management contracts with sponsoring school districts, charter schools, or state education agencies to run Connections Academy schools.⁴⁶ According to the national Connections Academy President Barbara Dreyer, after preliminary discussions with DPS about opening a Connections Academy charter school, DPS "indicated a desire to have more direct control over the program and visibility into its results since it was so new....We contract to either charters or authorizers so this was fine with us and we proceeded with them on that basis."⁴⁷ DPS viewed a contract as further opportunity to provide "another option for students."⁴⁸ Denver Connections Academy opened its virtual doors in fall 2002.⁴⁹

Contract Structure

DPS and Connections maintain a three-year contract with the option to renew the agreement for an additional three-year term. According to Connections President Dreyer, the DPS contract is

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unique nationwide in that it allows the district to retain “absolute authority” over its Connections Academy school.⁵⁰ The district has the right to terminate for any of several reasons including: “The District determines, after a performance review, in the District’s sole reasonable discretion, that [Connections Academy’s] contract should be terminated,” provided the district notifies Connections before April 1 of the current school year

According to Connections President Dreyer, the DPS contract is unique nationwide in that it allows the district to retain “absolute authority” over its Connections Academy school.

to give time to notify parents, students, and learning coaches that the school will close.⁵¹

Connections Academy operates under state online school law. According to a DPS official, the district did not need to seek waivers from state law for the school.⁵²

The contract requires that enrollment be capped at 400 students and stipulates that “enrollment may be increased to 500 or more students upon the District’s assessment of [Connection Academy’s] ability to effectively manage the program.”⁵³ The contract does not explicitly state how the school’s performance will be assessed by the school district, only that a performance review will be “conducted at the District’s discretion, pursuant to a consultation with [Connections Academy] regarding the design of the review, performance criteria and methodology.”⁵⁴

In 2004-2005, online schools received \$5,627 for each student enrolled.⁵⁵ The contract stipulates that Connections will receive 95 percent of that amount, bringing Connections’ revenues to \$5,346 per student in 2004-2005. From that amount DPS also deducted \$600 per student for special education services (this type of deduction is consistent with the district’s practice for its charter schools.)⁵⁶

Start-up costs for an online school are “significant” according to Connections President Dreyer. But the expenses of communications and

technology infrastructure, software, and alignment of the curriculum to the state’s standards are spread out because of the school’s partnership with the national management company. Dreyer explains, “Because we [are] operating nationally and are for profit, we are able to absorb these costs through investment capital and then factor the return of these costs over the long term in the overall pricing.”⁵⁷

Student Body Composition and Educational Program

Denver Connections Academy served 336 students in kindergarten through eighth grade in 2004-2005.⁵⁸ Students may apply to the school regardless of where they live in the state.⁵⁹ Most students reside in the Denver Metro area, but enrollment is increasing especially along the Western Slope. Colorado online education law does not allow the school district to count, for funding purposes, students who attended a private or homeschool and were 7 years or older on October 1 of the previous school year.⁶⁰

DPS operates a district-run online high school called DPS Online, one of many schools to which Connections Academy students may apply to continue their education online. The DPS Board ratified an agreement between Connections and DPS Online to conduct joint recruitment in the Denver Metro area, determining which school is best for each particular student.⁶¹

The publicly-funded students are required to participate in the Colorado Student Assessment Program (CSAP). In order to assess students dispersed across the state, the district has worked with school districts and arranged for the use of various buildings to provide space to perform the assessments.⁶² Based on CSAP results, DPS Connections Academy 2003-2004 State Accountability Report ratings were “Average” for grades one through six, and “Low” for grades seven and eight.⁶³

The nonsectarian Calvert School curriculum comprises the main body of educational materials...

The nonsectarian Calvert School curriculum comprises the main body of educational materials; however, Connections has made modifications to align the curriculum to Colorado state standards and other state requirements for online schools.⁶⁴ The Calvert School program is used nationwide by private and public school and homeschool students.⁶⁵ The curriculum is integrated and built on the principle of subject reinforcement (such as teaching geography lessons about regions discussed in history class). Most of Connections' materials are physical textbooks, novels, and hands-

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on projects.⁶⁶ A parent or other "learning coach" (such as a grandparent, aunt or uncle) provides face-to-face delivery of the curriculum, but licensed teachers employed by Connections also maintain ongoing contact with the student and his family via telephone and the Internet.⁶⁷ In addition, DPS Connec-

tions Academy facilitates field trips with other students in the area and connects students to one another through virtual communities formed around special projects or discussion groups.⁶⁸

Connections Academy loans computers to enrolled students and reimburses families for the cost of an Internet connection.⁶⁹ The computer is used mainly as a tool to manage student lesson plans, track academic progress, view supplemental educational materials, and communicate with Connections Academy teachers and staff.⁷⁰

Rocky Mountain School of Expeditionary Learning

The Rocky Mountain School of Expeditionary Learning has been a contract school since its inception in 1993, serving students in kindergarten through 12th grade. The educational program is built around multi-disciplinary learning expeditions.

Decision to Contract

The Rocky Mountain School of Expeditionary Learning (RMSEL) opened in 1993 under the

leadership of the New American Schools Development Corporation.⁷¹ The corporation, now known as New American Schools (no relationship to the New America School), is a business-led, non-profit organization established to develop and fund "break-the-mold" school reform models.⁷² Outward Bound, an adventure-based program that partners with schools to create a hands-on, experiential education, submitted a proposal to New American Schools for funding to open Expeditionary Learning schools across the country. Jonathan Mann, former Director of RMSEL, explains why Denver was one of the chosen sites: "The connection with Colorado Outward Bound and the Public Education and Business Coalition (an early proponent of school reform and partner with Outward Bound) made Denver a good choice."⁷³ New American Schools funded five Expeditionary Learning schools in Dubuque, Iowa; Boston, Massachusetts; Manhattan, New York; Portland, Maine; and Denver, Colorado. Of the five, the Denver location was the only new school; the others brought the Expeditionary Learning program into existing schools.⁷⁴

The founders of RMSEL wanted to work with multiple districts and develop a self-governing school. With several partner districts came the potential for more student enrollment growth and diversity in decision making. An Intergovernmental Agreement brought together four school districts to partner with the school: DPS, Littleton Public School District, Cherry Creek School District, and Douglas County School District. In 2003, a fifth district, Aurora Public School District, was added.⁷⁵ Any partner district may terminate its involvement with the school by notifying the BO-CES by May 1 of any year.⁷⁶

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Contract Structure

The founders of RMSEL and the partnering school districts agreed to form a Board of Cooperative Educational Services (BOCES). In 1965, the Colorado legislature passed the “Boards of Cooperative Services Act” in part for the purpose of “enabling two or more school districts to cooperate in furnishing services authorized by law if cooperation appears desirable...”⁷⁷ School districts or postsecondary institutions may form a BOCES for many reasons. For instance, school districts may contract with providers as a BOCES to share supportive, instructional, and administrative services.⁷⁸ The RMSEL BOCES provides a complete educational program. Each school district has one representative on the BOCES, and another at-large board member is appointed by

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the districts. The members of the BOCES govern RMSEL under the Intergovernmental Agreement, which is scheduled for renewal every five years.⁷⁹ BOCES members have authority over such responsibilities as employment and compensation, adopting policies, keeping records, and accepting grants. The board is advised by the Community Council, which is composed of parent volunteers. Among other duties, the Community Council

develops and evaluates the School Improvement Plan and recommends changes in school structure or organization for board approval.⁸⁰ Mann says that because the BOCES governs the school, it in essence operates as its own school district.⁸¹

RMSEL obtained waivers from certain state laws, which the Colorado State Board of Education unanimously renewed on October 9, 2003. These waivers give the school freedom from specific requirements such as the following:

- The BOCES to perform certain duties of a board of education;
- The BOCES to adopt a written system to evaluate licensed personnel;

- The local board of education to employ licensed principals;
- Principals to perform particular administrative responsibilities;
- Administrators to abide by teacher licensure requirements and to adhere to grounds and procedures for dismissal;
- The local board of education to adopt district salary schedules and each teacher in the district to be compensated according to the schedules.⁸²

DPS has a special role in relation to RMSEL because DPS is the only school district that finances RMSEL students, granting the school 100 percent of DPS’s Per Pupil Operating Revenue. RMSEL students become DPS students regardless of residence. The partner school districts benefit by being able to offer RMSEL as a school of choice to students in their districts. With the exception of special education, all services, such as recordkeeping, budgeting, and professional development, are performed on-site. RMSEL does not provide transportation or food service for its students.⁸³

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RMSEL teachers are employed by the BOCES with year-to-year contracts. Teachers who come from one of the five sponsoring districts can take a leave of absence to teach at RMSEL while maintaining ties to their district. This provision was particularly important when the school was new because teachers were more willing to transfer to this unique school if they trusted they could return to their district. In 2004-2005, RMSEL employed only three staff members on a leave of absence, all from Cherry Creek School District. RMSEL maintains its own salary schedule, though the school reimburses a district the cost of benefits for a teacher on leave of absence. Staff and faculty are not organized under any collective bargaining agreement.⁸⁴

Student Body Composition and Educational Program

Each partner school district is allotted a certain number of openings for students residing in its school district. Each district’s allotment and actual enrollment for the 2004-2005 school year was as follows:⁸⁵

District	Student Allotment	2004-2005 Actual Enrollment
Denver	160	173
Cherry Creek	81	75
Douglas County	45	42
Littleton	35	32
Aurora	27	13
Total	348	335

The student allotment breakdown is determined by five to six years of data and applications, which show this to be the general ratio of students between the five districts. Class sizes are generally limited to 24 students per grade. Students may enroll from other districts, but only if there are openings that have not been filled by students from the five partner districts.⁸⁶

The contract states that “RMSEL shall ensure that its students meet or exceed the content standards of the sponsoring districts.”⁸⁷ RMSEL students participate in the Colorado Student Assessment Program and the ACT (in 11th grade). Based on the assessments a State Accountability Report is created for the school. For the 2003-2004 school year, the elementary, middle, and high school segments of RMSEL were rated “Average.”⁸⁸

Expeditionary Learning is based on 10 “design principles” which inform all aspects of the educational system:

1. The primacy of self-discovery
2. The having of wonderful ideas

3. The responsibility for learning
4. Empathy and caring
5. Success and failure
6. Collaboration and competition
7. Diversity and inclusion
8. The natural world
9. Solitude and reflection
10. Service and compassion

Bearing these principles in mind, the educational program is designed around multi-disciplinary learning expeditions: in-depth studies of a single theme or topic, lasting from four to nine weeks, often taking the students outside of the school.⁸⁹

Mann believes the alliance with Public Education and Business Coalition, Outward Bound, and the initial four school districts created a structure for longevity in the school. The partner groups applied previous experience with other schools to help RMSEL troubleshoot problems at the outset. The result was, in Mann’s words, “a smart alternative” to traditional schools.

Putting Schools in Charge

Contractual agreements between school districts and private entities for the provision of an entire educational program have existed for decades. In 1963, the Colorado legislature created Community Centered Boards (CCBs) to provide educational, vocational, therapeutic, and residential services to citizens with developmental disabilities. Districts began contracting with the nonprofit CCBs in 1973 when Colorado extended education rights to all disabled students. When traditional public schools began mainstreaming children with disabilities, districts gradually stopped contracting with CCBs. Today, CCBs mainly serve adults.⁹⁰

Many private companies and nonprofits provide educational resources and services to school districts.

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tricts. Districts purchase textbooks from private companies. Nonpublic preschools contract with school districts to provide early childhood education programs. Private providers often assist school districts with special education services.⁹¹

Under the contract school system...every public school would maintain a contract with a school district and operate as a separate legal entity with the autonomy to control its entire budget, choose its educational programs, and hire its staff.

In addition, non-educational services such as transportation, construction, maintenance, and food service are routinely provided by contractors.

Contract schools are poised to play a major role in Chicago Mayor Richard Daley's ambitious Renaissance 2010 initiative, unveiled in June 2004. The plan aims to open at least 100 new schools over six years, beginning in fall 2005. The district will seek proposals from local community groups, universities, foundations, national management companies, and others interested in operating schools in the city. These groups may propose to operate a

school as a district-run performance school (free from most Chicago Public School initiatives and policies but whose staff would be employed by the district), as a charter, or as a contract school. According to the Renaissance 2010 Web site, "Each Renaissance school will have a high degree of autonomy in exchange for being held accountable for meeting its goals." Each new school will have a "Performance Agreement" or "Performance Plan" and a five-year term of existence, after which the agreement may be renewed or terminated. In some cases the new schools will replace existing low-performing schools and under-enrolled schools.⁹² In his announcement to the media, Chicago Mayor Richard Daley explained his vision for the new school options, "This model will generate competition and allow for innovation. It will bring in outside partners who want to get into the business of education. It offers the opportunity to break the mold. It gives parents more options and will shake up the system."⁹³

Contract schools are the subject of a book called *Reinventing Public Education: How Contracting Can Transform America's Schools*, written by Paul T. Hill, Lawrence C. Pierce, and James W. Guthrie, a trio of education researchers. The authors describe the current public education system as tangled by bureaucratic regulations and one-size-fits-all political compromises that hamper the effective management of public schools. The public school monopoly has attempted to reform itself—and failed. To produce high-quality schools, the authors propose a "new form of governance for public education based on contracting and family choice."⁹⁴

Under the contract school system envisioned by Hill and his colleagues, every public school would maintain a contract with a school district and operate as a separate legal entity with the autonomy to control its entire budget, choose its educational programs, and hire its staff.⁹⁵ Each school would be a school of choice, with public funding following students to their chosen program.

Tolerance of failure would be minimized because the board of education would no longer have a conflict of interest in the oversight of the schools they manage.

Most charter schools in Colorado and the contract schools developed in DPS currently have the autonomy to make important decisions at the site level. The principles outlined in *Reinventing Public Education* can be applied to both contract and charter schools in Colorado without new legislation.

Hill and his co-authors propose that local boards of education should no longer directly manage public schools but instead focus on finding the right operators for schools in the community and hold them accountable by arranging for objective, qualified evaluations of each school.⁹⁶ Tolerance of failure would be minimized because the board of education would no longer have a conflict of interest in the oversight of the schools they manage. Instead, boards would have the authority and the obligation to terminate contracts with operators that do not meet the terms of the con-

tract.⁹⁷ Jim Griffin, Executive Director of the Colorado League of Charter Schools, explains that because of their management relationship, boards of education are too closely tied to the schools to provide effective oversight of public education: “They too often are the system,” he says.⁹⁸ *Reinventing Public Education* suggests that boards maintain a “portfolio” of providers that are currently operating successful schools.⁹⁹ This portfolio could include both contract and charter school operators.

Contracts should clearly define expectations and objectives as well as establish criteria and procedures for evaluation of the school.¹⁰⁰ The contracts should establish high but reasonable academic expectations by using as benchmarks the

Contracts should clearly define expectations and objectives as well as establish criteria and procedures for evaluation of the school.

scores and proficiency rates achieved by schools that succeed at raising performance under similar circumstances (e.g., at-risk, socio-economic status, special education).¹⁰¹ For instance, Denver’s KIPP: Sunshine Peak Academy is a high-performing charter middle school that could provide benchmark scores for surrounding middle schools. The school has a 91 percent free and reduced lunch rate with an 80 percent

Hispanic and 10 percent black student population.¹⁰² In 2004, 61 percent of sixth-grade students scored proficient and advanced in reading. In math, 69 percent of students scored proficient and advanced. DPS middle schools with similar demographics in the surrounding geographic area scored between 10 and 23 percent proficient and advanced in reading and between 7 and 14 percent proficient and advanced in math in the same year.¹⁰³

Contract and charter schools both bring more competition into the public school system, creating unique choices that meet the needs of students. The authors of *Reinventing Public Education* believe the best way to preserve public education “is to capture the creativity, incentives, and efficiency of the private market for the purposes of

public education.”¹⁰⁴ Contract and charter schools have a market incentive to attract and retain students. The authors suggest that each school create an understandable and meaningful mission statement to help parents decide between schools and to provide direction for school staff.

“One thing we do know is that schools with clear missions and with programs and tests that support those missions are more successful than schools that are confused about their direction.”¹⁰⁵

Two studies released earlier this year echo some of the principles outlined in *Reinventing Public Education*. The Colorado Children’s Campaign convened the Colorado Commission for High School Improvement. The Colorado Commission’s report, *Raising the Bar: Policy Recommendations for High School Reform*, was published in January. The second report, *Not a Moment to Lose: A Call To Action for Transforming Denver’s High Schools*, was released in March and written by members of the Denver Commission on Secondary School Reform—a panel formed by the DPS Board of Education to advise the Board how to increase student achievement, close the achievement gap, lower dropout rates, and increase graduation rates.¹⁰⁶

Both reports found that in order to increase student achievement, more flexibility is needed at the school level. The Colorado Commission recommends, “The state should explore ways to incentivize and facilitate actions by school districts to enhance school-level flexibility and control over budget and personnel decisions so that schools can shape their educational programs to match their students’ needs. This flexibility should come with increased accountability for outcomes by all stakeholders.”¹⁰⁷ The Denver Commission explains that most DPS principals have limited control over many school operations. “If schools are to be held accountable for

The Denver Commission explains that most DPS principals have limited control over many school operations. “If schools are to be held accountable for the achievement of their students, then principals need the flexibility, authority and responsibility to lead and manage for student success...”

the achievement of their students, then principals need the flexibility, authority and responsibility to lead and manage for student success. They must have authority over those factors that affect student learning, such as hiring and firing of personnel, professional development, educational design, scheduling, and budgeting.” The report says that DPS principals have discretionary control over just 8 to 12 percent of school funding. Many school leaders have not been given the level of control discussed in these reports and will need additional training and support to effectively manage their schools.¹⁰⁸ The Denver Commission urges that “high quality schools must be led by high-quality leaders who have the capacity to lead change, create a clear and focused vision and assume responsibility for improving student achievement.”¹⁰⁹

The reports also endorse expanding the range of educational options available to students. The Colorado Commission declares, “Parents and students should be empowered to make school choices. They should be fully informed of all

The district will need purposeful resolve to make changes that will result in real systemic change—not cosmetic alterations.

schools’ educational programs and performance, and all choices should be accessible to all students.”¹¹⁰ The Denver Commission cites a study that shows the importance of choice: “Parents who choose the schools their children attend are more satisfied with schools than parents who do not choose, and when students and families have a choice, it appears to have a positive impact on student achievement.”¹¹¹

Both reports recognize the need for high quality choices that accommodate different learning styles and interests, such as schools that focus on technology, the arts, or allow students to work at their own pace. With broadening options, the reports emphasize that teachers must be empowered to work in the schools which are compatible with their own philosophy of education.¹¹²

The Denver Commission’s recommendations extend to the district as well. Not only should schools be high performing, but so should school

districts. Similar to Chicago’s “Performance Agreements,” the Denver Commission proposes that the district “create performance contracts between the District and high school principals that specify the results that are expected from the principal and the school, as well as the District’s obligations to the school.”¹¹³

Discussion

DPS recognizes that its old system has failed Denver families. The district should be commended for promoting school choice to increase student achievement and for its intent to implement recommendations made by the Denver Commission on Secondary School Reform. DPS will inevitably run into resistance as it implements innovations such as the Denver Commission’s recommendations. The district will need strong leadership to overcome the objections of those comfortable with the status quo. The district will need purposeful resolve to make changes that will result in real systemic change—not cosmetic alterations.

Denver’s partnership with its four contract schools demonstrates the district’s openness toward innovation and choice. DPS has allowed other groups and entities to create and run schools in the district and has collaborated with private organizations that have developed programs to address particular segments of Denver’s school-age population. However, contracting rather than chartering should not become a strategy for the district to retain more per pupil funding.

For a variety of reasons, New America School determined that it is more beneficial to become chartered through the Aurora Public School District. As a charter, the school will maintain its autonomy through waivers and also have access to grants that are widely available to charter schools but are not as prevalent for non-charter schools. New America will also receive a greater percentage of the Per Pupil Operating Revenue

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(PPOR) as a charter (92 percent as a DPS contract school). Under Colorado charter school law, schools are granted 100 percent PPOR, though the district may charge back as much as 5 percent PPOR for administrative services provided to the charter and must supply the school with an itemized list of expenses incurred.¹¹⁴ No law mandates the PPOR Colorado contract schools must receive, so districts can profit from contracts that offer schools lower per pupil funding than they would receive as charters (the exception in DPS is the Rocky Mountain School of Expeditionary Learning, which receives 100 percent of the district's PPOR). Furthermore, the district can control much of the content of the non-charter contracts because the district can stop negotiations at any time. There is no appeals process available to contract schools as there is for charter schools.

DPS chose to partner with Escuela Tlatelolco to provide a unique option to at-risk students, some of whom had previously paid tuition. Several nonsectarian schools in Colorado have chosen to give up their nonpublic legal status to become public schools. Escuela Tlatelolco has not taken

this step. Though the school operates grades seven through 12 as a public school, it is also considered an independent contractor; staff members are not employed by the school district and the school retains control over the educational program and its budget. The school receives 80 percent of the district's PPOR, which is money the school would otherwise have to raise through tuition and grants. However, the 20 percent of PPOR that DPS retains for Escuela Tlatelolco must be more than necessary for the district to administer the program. Although Escuela Tlatelolco receives less funding than other contract or charter schools, a district partnership with a nonpublic school is one of the best uses of contracting. Public-private partnerships enable non-governmental entities to offer programs not currently available through the school district. And the nonpublic schools maintain their independence rather than

becoming absorbed into the public system, potentially losing some of the unique traits that initially attracted families to them.

In order to reap financial benefits, school districts may try to entice school organizers to contract rather than charter. Most schools would be better off becoming charters. However, contracting is an option for nonpublic schools and management organizations that are designed to work with districts on a contract basis. For example, Connections Academy has established a business model that gives the company the financial viability to either enter into contracts with or become chartered through school districts.

RMSEL and Connections Academy have very few academic goals and means of evaluation written into their contracts.

The newer contract schools Escuela Tlatelolco and New America have more detailed objectives. Their contracts outline performance expectations that require the schools to "meet or make reasonable progress toward meeting" those goals. This provision enables the district to continue contracting with a school even if it has fallen short of the goals. However, if the school board is not serious about holding a contractor accountable, it could easily use "reasonable progress" to make excuses for a provider that is not delivering stated objectives and could allow the contractor to continue operating the school. In addition, no DPS contract school has well-defined methods and procedures written in the contract for evaluation of the educational programs. As contract school agreements across the state evolve, districts should set attainable but high expectations for the academic performance of contract schools, as they should for all schools—and hold them accountable. DPS has made this practice a priority, having stated in its core values that traditional schools and schools of choice "must be subject to strong, objective, annual accountability." DPS must now follow through on its determination to hold all of its schools accountable.

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Conclusion

The authors of *Reinventing Public Education* believe that the only way public education will be able to effectively serve the diverse needs of students across the country is by releasing schools from regulations imposed by state and federal governments and from the micromanagement of local boards of education. DPS's plan to implement the Denver Commission on Secondary School Reform proposals should, among other reforms, gradually give high school principals the flexibility and authority to control their school

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operations. As DPS has become a Colorado leader in creating and promoting public school choice, the district could become a national pioneer by also gradually giving up direct Board control of all its schools. Eventually, DPS schools no longer would be district-run, and the Board of Education's main focus would be to hold each contract or charter school in the district accountable for its performance. The Board would be able to provide objective evaluations of each school and terminate contracts with the ones that fail to perform agreed services. Public school

students in DPS and all of Colorado could greatly benefit from a blend of contract and charter schools that compete with each other to meet the needs of individual students and that are held accountable by each local board of education.

The following recommendations would increase and enhance public educational options for Colorado's public school children:

1. Colorado public school districts should not abandon chartering schools in favor of contracting with schools. Most charter agreements are more favorable to the school than are district contracts. Districts should put aside their financial interests and seek to do what is best for the sustainability of the school.
2. Colorado public school districts should explore contracting with private schools to provide more educational choice. However, the schools should remain independent contractors and not abandon their nonpublic status.
3. Contracts between school districts and contractors should: maintain explicit and high, but attainable, standards for the school's students; establish methods and procedures for evaluation; and allow contractors to implement fully their educational program, through waivers, if necessary.
4. DPS and other Colorado public schools districts should gradually convert traditional public schools into contract and charter schools, giving control of educational programs, staffing, and budgets to schools. Local boards of education would maintain a portfolio of successful schools, and would be obligated to terminate contracts and charters that did not meet expectations.

Now is the time to grant schools the autonomy to control their educational programs, budgets, and staff composition.

While there are some fine traditional public schools, the public education bureaucracy has generally failed to produce a system that fosters widespread excellence. Now is the time to grant schools the autonomy to control their educational programs, budgets, and staff composition. No Colorado laws hinder school districts from contracting, and friendly charter school laws offer freedom from many burdensome regulations. Colorado school districts are well-positioned to generate a system-transforming blend of contract and charter schools—if they will accept the challenge.

Endnotes

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- ² Denver Public Schools Board of Education, Resolution 2908 (Amended November 4, 2004), Appendix 04-25 IV-C-1, p. 1.
- ³ Julie Poppen, “Brown teachers file grievance: None rehired at DPS school as principal opts for new staff,” *Rocky Mountain News*, May 4, 2005, 5A.
- ⁴ Denver Public Schools, Agenda of Board of Education - Regular Meeting (05-06), March 3, 2005, § VI-A-1a, http://board.dpsk12.org/meetings/agenda_archives/3-3-05/agenda.shtml.
- ⁵ DPS Press Release, “Mitchell Elementary School Update,” April 13, 2005. Telephone conversation of the author with Jacque Lucero, Assistant Executive Secretary to the DPS Board of Education, May 16, 2005.
- ⁶ Personal conversation of the author with Nita Gonzales, President/CEO, Escuela Tlatelolco Centro de Estudios, September 9, 2004.
- ⁷ Professional Services Agreement between the Denver Public Schools and Escuela Tlatelolco Inc., June 24, 2004, p. 12, § 19.1-19.2. DPS may also terminate the agreement before it expires for several reasons including, “the District determines in the District’s sole reasonable discretion, that The School’s contract should be terminated or not renewed for any reason.”
- ⁸ *Ibid.*, p. 14, § 26.1 and p. 1, preamble.
- ⁹ Personal conversation of the author with Gonzales, September 9, 2004.
- ¹⁰ Professional Services Agreement between the Denver Public Schools and Escuela Tlatelolco Inc., June 24, 2004, p. 5, § 5.7.A.
- ¹¹ Telephone conversation of the author with Ethan Hemming, Director, School of Choice Office, Denver Public Schools, February 2, 2005.
- ¹² Professional Services Agreement between the Denver Public Schools and Escuela Tlatelolco Inc., June 24, 2004, p. 3, § 5.3.A.
- ¹³ *Ibid.*, p. 4, § 5.4.A-E. Colorado Department of Education, AYP Press Release, November 18, 2004. Adequate Yearly Progress disaggregated groups: White, Hispanic, black, Asian, Native American, economically disadvantaged students, English language learners, and students with disabilities.
- ¹⁴ Personal conversation of the author with Gonzales, September 9, 2004.
- ¹⁵ Colorado State Board of Education, Board Report, “Board Actions October 14, 2004.” Waivers were granted for C.R.S. § 22-9-106; 22-32-110(1)(h)(ee); 22-32-126; 22-63 et. seq.
- ¹⁶ Electronic mail to the author from Grant Guyer, Research Analyst, DPS Planning, Assessment, and Research Department, January 4, 2005. Numbers are taken from the final student count submitted to the state in December.
- ¹⁷ Personal conversation of the author with Hemming, August 25, 2004.
- ¹⁸ Personal conversation of the author with Gonzales, September 9, 2004. Professional Services Agreement between the Denver Public Schools and Escuela Tlatelolco Inc., p. 3, § 5.2.C-E, June 24, 2004. The Montessori method is used with students three years old through grade six.
- ¹⁹ Personal conversation of the author with Gonzales, September 9, 2004.
- ²⁰ Escuela Tlatelolco Web site, “Description of Educational Program and Standards,” <http://escuelatlatelolco.org/edu.html>.
- ²¹ Electronic mail to the author from Gonzales, November 18, 2004.
- ²² *Ibid.*
- ²³ Personal conversation of the author with Gonzales, September 9, 2004.
- ²⁴ Javier Erik Olvera, “School to Open New Horizons for Young Immigrants,” *Rocky Mountain News*, September 6, 2004.
- ²⁵ Minutes of the Regular Meeting (03-18) of the Board of Education of School District No.1, September 18, 2003, <http://board.dpsk12.org/meetings/minutes/m9-18-03.pdf>.
- ²⁶ Minutes of the Regular Meeting (04-12) of the Board of Education of School District No.1, April 15, 2004, <http://board.dpsk12.org/meetings/minutes/m4-15-04.pdf>. Minutes of the Regular Meeting (03-18), September 18, 2003. Minutes of the Regular Meeting (03-21) of the Board of Education of School District No.1, November 6, 2003, <http://board.dpsk12.org/meetings/minutes/m11-6-03.pdf>. A special charter school application hearing was held on September 18, 2003, where the “American Charter School” (name later changed to New America School) application was presented by Jared Polis, Alby Segal, and Jeremy Cooper. The DPS Board of Education denied the charter application at the November 6, 2003, Board of Education Meeting.
- ²⁷ Telephone conversation of the author with Amy Friedman, School Liaison, School of Choice Office, DPS, November 29, 2004.
- ²⁸ Minutes of the Regular Meeting (04-12), April 15, 2004.
- ²⁹ Telephone conversation of Pam Benigno, Director, Education Policy Center, Independence Institute, with Jared Polis, Vice-Chairman, Colorado State Board of Education, September 30, 2004. Like the other schools mentioned in this Issue Paper, New America School’s 501(c)3 status allows it to accept tax-deductible donations to supplement its revenues. New America Schools has no connection with the New American Schools or-

ganization that helped found the Rocky Mountain School of Expeditionary Learning.

³⁰ Professional Services Agreement between the Denver Public Schools and the American School, Inc., April 1, 2004, p. 7, § 8.3.

³¹ Ibid., pp. 4-5, § 5.5.A-F. Colorado Department of Education, AYP Press Release, November 18, 2004. Adequate Yearly Progress disaggregated groups: White, Hispanic, black, Asian, Native American, economically disadvantaged students, English language learners, and students with disabilities.

³² Professional Services Agreement between the Denver Public Schools and the American School, Inc., April 1, 2004, p. 9, § 13.1.

³³ Colorado State Board of Education, Board Report, "Board Actions November 11, 2004." Waivers were granted for C.R.S. § 22-9-106; 22-32-110(1)(h)(ee); 22-32-126; all of 22-63 except 22-63-204. State Board Chairman Polis recused himself from the vote.

³⁴ C.R.S. § 22-30.5-109(8).

³⁵ Aurora Public Schools, Board of Education, Minutes, December 14, 2004,

http://www.aps.k12.co.us/boe/minutes/12_14_04.htm.

³⁶ Electronic mail to the author from Polis, November 30, 2004.

³⁷ Electronic mail to the author from Guyer, January 4, 2005. Numbers are taken from the final student count submitted to the state in December.

³⁸ Personal conversation of the author with Marla Jacobson, former School Director, New America School, September 29, 2004.

³⁹ Professional Services Agreement between the Denver Public Schools and the American School, Inc., April 1, 2004, p. 7, § 8.1.

⁴⁰ The New America School Web site, "Educational Program," "A Community of Learners," <http://www.newamericaschool.org/EducationalProgram/CommunityOfLearners.htm>.

⁴¹ Professional Services Agreement between the Denver Public Schools and the American School, Inc., April 1, 2004, p. 3, § 5.1.C. The New America School Web site, "Educational Program," "Project-Based Learning," <http://www.newamericaschool.org/EducationalProgram/ProjectBasedLearning.htm>.

⁴² Personal conversation of the author with Jacobson, September 29, 2004.

⁴³ The New America School Web site, "About Our School," http://www.newamericaschool.org/Home/NAS_Home.htm.

⁴⁴ Ibid., "Schedules and Calendar," <http://www.newamericaschool.org/SchedulesCalendar/SchedulesCalendar.htm>.

⁴⁵ Mary Ann Zehr, "Working Immigrants Get New School Options," *Education Week*, September 22, 2004.

⁴⁶ Connections Academy Web site, "About Us," <http://www.connectionsacademy.com/about.asp>. Electronic mail to the author from Mickey Revenaugh, Vice President, Connections Academy, June 10, 2005.

⁴⁷ Electronic mail to the author from Barbara Dreyer, President, Connections Academy, December 2, 2004.

⁴⁸ Telephone conversation of the author with Sherry Eastlund, School Liaison, School of Choice Office, Denver Public Schools, November 29, 2004.

⁴⁹ Telephone conversation of the author with Eastlund, October 21, 2004.

⁵⁰ Telephone conversation of the author with Dreyer, October 5, 2004.

⁵¹ Professional Services Agreement between the Denver Public Schools and the Connections Academy, Inc., August 16, 2002, amended May 29, 2003, p. 11, § 5.1.

⁵² C.R.S. § 22-33-104.6. Telephone conversation of the author with Eastlund, February 22, 2005.

⁵³ Professional Services Agreement between the Denver Public Schools and the Connections Academy, Inc., August 16, 2002, amended May 29, 2003, p. 9, § 4.2(a).

⁵⁴ Ibid., p. 2, § 1.8.

⁵⁵ Colorado Department of Education, "Understanding Colorado School Finance and Categorical Program Funding," July 2004, 4, <http://www.cde.state.co.us/cdefinance/download/pdf/FY2004-05Brochure.pdf>.

⁵⁶ Professional Services Agreement between the Denver Public Schools and the Connections Academy, Inc., August 16, 2002, amended May 29, 2003, p. 12, § 7.1. Electronic mail to the author from Revenaugh, June 10, 2005.

⁵⁷ Electronic mail to the author from Dreyer, December 8, 2004.

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⁶⁰ C.R.S. § 22-33-104.6(4).

⁶¹ Telephone conversation of the author with Eastlund, November 29, 2004. Electronic mail to the author from Revenaugh, June 10, 2005.

⁶² Ibid.

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⁶⁸ Colorado Connections Web site, "FAQs,"

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⁷⁴ Telephone conversation of the author with Mann, October 12, 2004.

⁷⁵ Ibid.

⁷⁶ Intergovernmental Agreement 2001-06, July 1, 2001, p. 8, § 25.

⁷⁷ C.R.S. § 22-5-102.

⁷⁸ Ibid. § 22-5-103.

⁷⁹ Intergovernmental Agreement 2001-06, July 1, 2001, p. 1, § 2.

⁸⁰ Electronic mail to the author from Mann, November 18, 2004. See also, Intergovernmental Agreement 2001-06, July 1, 2001, p. 3, § 6.

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⁸⁴ Ibid. Electronic mail to the author from Mann, November 18, 2004.

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⁹³ "Daley Announces Renaissance 2010 Program to Create 100 New Neighborhood Schools: Seeks to Turn Around Underperforming Schools; Relieve Overcrowding; Offer More Educational Options," Mayor's Office, Press Release, June 24, 2004.

⁹⁴ Paul T. Hill, Lawrence C. Pierce, James W. Guthrie, *Reinventing Public Education: How Contracting Can Transform America's Schools*, Chicago, The University of Chicago Press, 1997, Chapter 2; Preface, viii.

⁹⁵ Ibid., 53.

⁹⁶ Ibid., 140.

⁹⁷ Ibid., Preface, x.

⁹⁸ Author's telephone conversation with Jim Griffin, Executive Director, Colorado League of Charter Schools, May 9, 2005.

⁹⁹ Hill, et. al., *Reinventing Public Education*, Preface, x.

¹⁰⁰ Ibid., 133.

¹⁰¹ Ibid., 147.

¹⁰² Colorado Department of Education, "Fall 2004 K-12 Free and Reduced Lunch Eligibility by County, District, and School,"

<http://www.cde.state.co.us/cdereval/download/pdf/2004PM/WebDist11.pdf>. CDE, "Fall 2004 Pupil Membership by County, District, School, Grade, Race/ethnicity, and Gender,"

<http://www.cde.state.co.us/cdereval/download/spreadsheet/2004%20PM%20Schools%20/Web%20School%20/DENVER.xls>.

¹⁰³ CDE Web site, "2004 CSAP School and District Results," Reading, Grades 4-10; Mathematics Grades 5-10. This analysis compared KIPP: Sunshine Peak Academy to Baker Middle School (91 percent free/reduced lunch, 85 percent Hispanic, 6 percent black, 21 percent Proficient and Advanced in sixth grade reading, 7 percent Proficient and Advanced in sixth grade math), Kepner

Middle School (94 percent free/reduced lunch, 90 percent Hispanic, 2 percent black, 23 percent Proficient and Advanced in sixth grade reading, 14 percent Proficient and Advanced in sixth grade math), Kunsmiller Middle School (85 percent free/reduced lunch, 87 percent Hispanic, 1 percent black, 20 percent Proficient and Advanced in sixth grade reading, 13 percent Proficient and Advanced in sixth grade math), Lake Middle School (95 percent free/reduced lunch, 89 percent Hispanic, 4 percent black, 14 percent Proficient and Advanced in sixth grade reading, 11 percent Proficient and Advanced in sixth grade math), and Rischel Middle School (92 percent free/reduced lunch, 92 percent Hispanic, 3 percent black, 23 percent Proficient and Advanced in sixth grade reading, 14 percent Proficient and Advanced in sixth grade math).

¹⁰⁴ Hill, et. al., *Reinventing Public Education*, 52.

¹⁰⁵ *Ibid.*, 62.

¹⁰⁶ Denver Commission on Secondary School Reform, "Not a Moment to Lose! A Call To Action For Transforming Denver's High Schools," March 2005, i.

¹⁰⁷ Colorado Commission for High School Improvement, "Raising the Bar: Policy Recommendations for High School Reform," Colorado Children's Campaign, January 2005, 7.

¹⁰⁸ Denver Commission, "Not a Moment to Lose!," 26.

¹⁰⁹ *Ibid.*, 27.

¹¹⁰ Colorado Commission, "Raising the Bar," 6.

¹¹¹ Denver Commission, "Not a Moment to Lose!," 31.

¹¹² *Ibid.*, 18, 29. Colorado Commission, "Raising the Bar," 6.

¹¹³ Denver Commission, "Not a Moment to Lose!," 36.

¹¹⁴ C.R.S. § 22-30.5-112(2)(a)(III)(A).

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