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Opening Closed Doors:

Lessons from Colorado's First Independent Charter School

A report prepared for the:

Donnell-Kay Foundation
&
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Introduction

This document is the culmination of Augenblick, Palaich & Associates' recent work examining the closure of Cole Middle School in Denver, and the subsequent re-opening of the school as "Cole College Prep" (CCP) – an independent charter school franchised by the KIPP Foundation.¹ There were two primary objectives to the study:

1. The first objective was to examine the strengths and challenges surrounding the closure of Cole Middle School and its reopening as Cole College Prep. To meet this objective, interviews were conducted with key decision-makers involved in the closure and reopening of Cole. Numerous documents were collected and reviewed in order to best understand the policies and history of the conversion (e.g., state laws on the closure of failing schools, newspaper stories about the closure and about CCP since its opening).
2. The second objective was to look at Cole College Prep's first year of operations. This involved spending time in the school, interviewing and surveying key stakeholders, and examining student data to assess the school's progress academically (using, for example, standardized test scores) and in other areas (e.g., implementing the KIPP model, student attendance, governance and staffing, etc). Based on this research, the final section of this report presents recommendations for key stakeholders about how future efforts to close failing schools – and the state law that governs this process – could be improved to yield better outcomes for students and stronger, more accountable schools.

The report is organized into six sections, the content of which are described below.

I. Background

This section provides a brief history and timeline on the closure of Cole Middle School and the subsequent re-opening of Cole College Prep. It includes a description of the state law that mandated the closure, the procedure the Colorado State Board of Education followed in selecting a group to run the independent charter school, and a brief discussion about the KIPP Foundation.

II. Cole Middle School's Transition to Cole College Prep

Closing a school is a very painful and difficult process for all involved. The pressure was even greater with Cole because it was the first school in Colorado ever forced to close by the State Board of Education. Because it was the first time, the closure and transition was not handled perfectly. However, given the timeline dictated by the law and the available resources, the State Board did the best it could to implement a process and to pick an appropriate group to run a new school. A summary of what APA learned from a series of interviews is provided in this section. While most interviewees agreed that KIPP was the

best qualified applicant to run the new charter school, they provide useful insight on the issues, confusion, and challenges that emerged during the process.

III. Cole College Prep's First Year

Despite significant staff turnover and extreme public scrutiny and pressure, CCP ended its first school year in a better place than when it started out. The school had in a place a committed leader and staff, had improved the safety of the school environment, and showed improvement in academic performance. However, getting to this point was difficult and the school continues to face challenges that need to be addressed next year (when it serves only 8th grades students) and beyond (when it starts its first 5th grade class and fully implements the KIPP model in 2007). This section of the report provides recommendations and reflections about the strengths of CCP, the challenges it faced during its inaugural year, and areas of improvement that warrant further attention.

IV. Student Achievement at Cole College Prep

Despite having larger class sizes than the previous Cole Middle School and despite facing many challenges as described in our interviews with teachers, parents and the school leader, standardized test scores indicate that Cole College Prep produced improved student outcomes. This section reviews CCP student performance on both the Colorado Student Assessment Program (CSAP) and Stanford 10 (SAT-10) standardized tests.

V. Colorado's Laws Pertaining to Failing Schools

A new law was passed in the Spring of 2006 (HB1240) that changes the consequences for schools in the same position Cole Middle School was in when it was forced to close its doors. This section provides a thorough description of the new law, along with questions and recommendations about applicable Colorado state statutes that discuss consequences for failing schools.

VI. Recommendations

The final section summarizes findings from the preceding sections and provides specific recommendations for state legislators, state school board members, school districts, and the KIPP Foundation. For legislators, the focus is on improving HB1240, the State Board is encouraged to build its capacity and to plan adequately for how it deals with future schools receiving unsatisfactory ratings, school districts receive recommendations about how to pre-empt a forced closure and fix their own failing schools, and the KIPP Foundation is offered suggestions about how to best support and organize CCP and lessons learned from CCP's experience that can improve the way KIPP embarks on future new school conversions.

I. Background

The Colorado Charter School Act (Education Code 22-30.5) was amended in 2000 to include provisions for the creation of Independent Charter Schools.ⁱⁱ When school districts fail to provide adequate educational opportunities for students within a given school, the Colorado State Board of Education (State Board) has the legal authority to close the failing school and re-open it as a new, independent charter school. The primary difference between a regular charter school and an independent charter school is that, in the case of an independent charter school, the State Board reviews charter applications from prospective bidders and the State decides who will operate the school. In the case of a regular charter school, it is either a local school district or the state's Charter School Institute that makes decisions about whether or not to approve charter applications.

The two primary roles the State Board plays in creating such a school are to: (1) close the failing school; and (2) decide who will operate the new independent charter school. After making those two decisions, the State Board's role is complete. It is then up to the school district where the new independent charter school is located to oversee the school in the same fashion that it oversees all of its charter schools. The district is therefore responsible for monitoring the independent charter school's performance, for holding it accountable for results, and for renewing the charter after four years if the school is achieving results.

In August 2004, Cole Middle School in Denver became the first school to be closed by the state for unsatisfactory student performance. The school continued to operate during the 2004-05 school year while the State Board of Education went through the process of finding an outside entity to re-open and run Cole Middle School as an independent charter school. The school opened in the Fall of 2005 as the state's first (and only) independent charter school – named “Cole College Prep” (CCP) – affiliated with the Knowledge Is Power Program (KIPP).

KIPP schools are public schools of choice, franchised by a national foundation that recruits, trains and supports new leaders to open schools across the country in high-poverty communities. The KIPP model, which will be discussed in greater detail later in this brief, is grounded in five core principles (called the 5 Pillars): 1) *High Expectations*, 2) *Choice & Commitment*, 3) *More Time*, 4) *Power to Lead*, and 5) *Focus on Results*.ⁱⁱⁱ

Cole College Prep is a “KIPP transition school.” This means the school will not be an official KIPP school until the 2007 school year

Timeline of Activities Impacting Cole Middle School

2000 – Colorado Charter School Act is adopted allowing state to close failing schools and reopen them as independent charters.

August 2004 – Cole Middle becomes first school closed by the state.

November 2004 – KIPP selected to operate former Cole Middle School, but is required to serve remaining Cole students for two years.

August 2005 – “Cole College Prep” opened as a “KIPP transition school” serving previous Cole Middle Students.

2006 – Colorado passes HB 1240, changing the 2000 Colorado Charter School Act and significantly softening consequences for districts with failing schools.

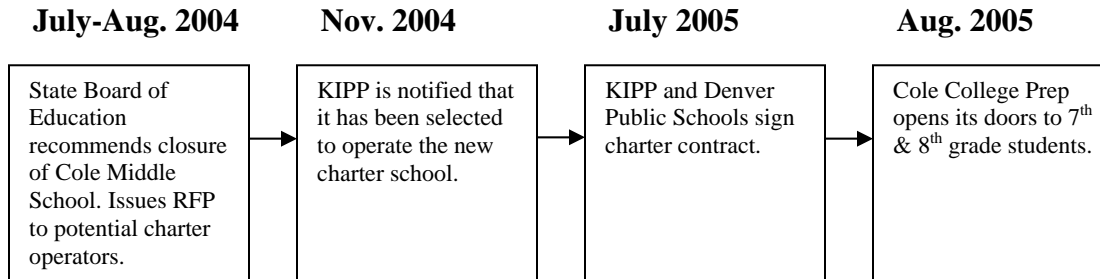
Fall 2007 – Cole College Prep will open as an official KIPP school serving 5th grade students and growing the school each year through 8th grade

when its' first 5th grade class of students starts. Typically, KIPP runs its schools by starting with a 5th grade and growing the school each year through 8th grade. In the case of Cole College Prep, KIPP agreed that, *before* starting the school with a 5th grade class, it would serve students from the previous Cole Middle School who wished to attend CCP. As such, during the 2005-06 school year, CCP served only 7th and 8th grade students (most of whom were previously 6th and 7th graders at Cole Middle School). In 2006-07 CCP will serve only 8th graders (the majority of whom were CCP 7th graders during the 2005-06 year).

While CCP is the first and only implementation of Colorado's law allowing the creation of independent charter schools, the likelihood of creating similar schools in the future may be in doubt. This is because during Colorado's 2006 state legislative session, HB 1240 was signed by Governor Owens.^{iv} This bill, which is discussed in greater detail in Section V of this report, significantly softens the consequences for districts with failing schools. The bill's effect is such that few, if any, schools will likely be closed in the future and re-opened as independent charter schools.

II. Cole Middle School's Transition to Cole College Prep

The timeline below identifies the major events that occurred from the time the Colorado State Board of Education recommended closing Cole Middle School to the first day of school for Cole College Prep.



APA interviewed several people involved in the transition including those from the State Board, Denver Public Schools, KIPP, the Cole community (Metro Organizations for People [MOP]), and charter school organizations (the Colorado League of Charter Schools and the Charter School Institute). These interviews provide insight about the events that occurred and help shape recommendations for improving the process in the future. General insights and common themes that emerged from the interviews include:

- **The timing of the process to select, and contract with, a candidate to run Cole was problematic.** Each interviewee talked about the need to change the timing dictated by state law. With Cole, most argued that charter candidates had insufficient time (one month) to respond to the RFP. Allowing more time might bring in a greater pool of quality applicants, or at a minimum, allow the applicants to adequately survey the needs and pull together a quality application geared towards meeting those needs specifically. Other interviewees noted that it took much too long to negotiate the charter contract. As a result, KIPP was awarded the contract at the end of November 2004 but did not actually sign with DPS until February, 2005. The process would have been much improved if less time was allocated to contract negotiations and more time to upfront proposal development and school planning.
- **DPS was very involved and influential throughout the selection process.** It was very clear to most interviewees that DPS wanted Cole to be run by KIPP. DPS leaders went out of their way to bring KIPP into the picture. They worked hard to encourage KIPP to take on this project and worked closely with State Board members to convince them that KIPP was the best choice for Cole. In many ways, the State Board benefited from DPS' influence and knowledge about charter schools and school conversions during this process because board members were sometimes unclear about how to proceed. Furthermore, the close proximity of DPS and Cole to the State Board enabled the board to be more involved than it might otherwise be if the district were further away.

- **The Colorado Department of Education (CDE) lacked capacity, expertise, and resources to manage the conversion process well.** The staff person at CDE in charge of the Cole conversion had no prior experience with school conversions or charter schools and was expected to do this job while also juggling several other responsibilities within CDE. In general, the State Board needed more guidance and support during the process than the CDE was able to provide. Additionally, there was little foresight regarding the resources needed to effectively engage the community in the conversion process. For example, initially, resources were not available to offer Spanish translations of materials and presentations. Eventually, the Piton Foundation did provide funding for translation of materials and for interpreters at meetings but this was only after the community, not the CDE, went to the Foundation with this request.
- **The role of the “Review Committee” was unclear.** The Colorado Charter School Act mandates that a review committee inform the selection of a candidate to run any independent charter school. Similar to the role that Accountability Committees play in making recommendations about charter school applications in school districts, this review committee was to evaluate charter applications received and make recommendations to the State Board. What became unclear during the process, however, was whether the committee was supposed to identify the pros and cons of each proposal or to take it one step further and recommend to the Board which applicant should be chosen. Furthermore, the group pulled together to serve on the committee had little to no experience reviewing or evaluating charter applications and most were inexperienced in new school development and/or school turnarounds.
- **The selection of KIPP was controversial.** Four groups submitted applications to run the new Cole: KIPP, Padres Unidos, Edison, and Mosaica. KIPP, Edison and Mosaica are all national groups involved in running schools in various states. Edison and Mosaica are both for-profit Education Management Organizations. KIPP is a non-profit school franchise organization. Padres Unidos was a grassroots community-based group that wanted to create a school modeled after a successful school in Pueblo (Cesar Chavez Academy) that serves students with characteristics similar to those of Cole.

KIPP was chosen by the Board primarily because it had a proven track record, in Denver and across the country, of successfully serving students from high poverty areas. While Padres Unidos had support from Cesar Chavez (CC), it did not appear to our interviewees that CC would be involved enough on a day-to-day basis. Without such involvement the Board felt the new Cole school would lack sufficient leadership and experience. Edison’s strength was actually in the idea of a high school, which would include a middle school component, but the board was determined to keep Cole as a stand-alone middle school. Mosaica did not have a strong enough track record for the Board to consider it a worthy candidate.

While many interviewees said that KIPP was the best applicant for the situation, it was not considered an ideal choice for two primary reasons:

1. There was a requirement to first transition out existing students, which was something with which KIPP clearly was neither comfortable nor experienced.
2. The community, organized by MOP, was not in favor of KIPP. In fact KIPP was not even the community's second choice. Instead, after a review of applicant proposals and visits to schools operating the various models, the community group recommended picking Edison (initially it had recommended Padres Unidos but eventually agreed with the State Board that more leadership capacity was needed).

Ultimately, however, KIPP was chosen by the State Board. Despite the fact that taking on Cole was going to be a different strategy than KIPP had attempted previously, KIPP leaders decided that starting a "transformation school" was something they were interested in trying. This was especially the case since KIPP felt there was an increased future need for this type of work, especially in light of changes precipitated by NCLB. Interestingly, KIPP was planning to take on a second transformation school in New Orleans but the school was washed away by Hurricane Katrina. It was also to KIPP's advantage to take on Cole because the organization's growth strategy involves creating a stronger presence in the Denver-metro area.

III. Cole College Prep's First Year

Cole College Prep (CCP) opened its doors for the first time in August 2005 with 130 7th and 8th grade students, about 80 of whom had previously attended Cole Middle School. By that time, CCP had lost its first principal and would soon lose its second. By the October student count, about 15 students had decided that CCP was not for them. Also by October three teachers had left or would soon be leaving.

Needless to say, CCP got off to a rough start. However, by January 2006 the school seemed headed in a more positive direction. A teacher who had started at the school was promoted in the Fall to principal when the second principal departed. This third principal hired three teachers, including a reading specialist, to replace those who had left, and all felt they were making good progress with their students. In addition, KIPP sent in a consultant to help build a more "KIPP-like" school culture, including establishing more consistent discipline and classroom management systems and procedures.

To better understand the activities which took place during the school's first year of operation, APA spent several months in Spring 2006 collecting a variety of data. We conducted interviews with staff members (teachers, principal) and KIPP officials, observed classrooms and conferences, talked with students, surveyed parents and teachers, and collected financial and student data. The following findings give a good indication of how things went, in general, at CCP during its first year.

Parents

APA distributed surveys to parents during student-teacher conferences. Surveys were available in both English and Spanish. A total of 47 parents returned surveys, out of approximately 75 total families at CCP. Key findings from these surveys are summarized below.

- **Parents living close to CCP chose the school more because of its location than because of the education program.** More than half of the parents whose children previously attended Cole Middle School chose CCP because it was the closest school to their home, while 37% chose CCP primarily for its education program. Among those whose children did not previously attend Cole Middle School, 85% chose CCP because of its education program.
- **A majority of parents are satisfied or very satisfied with CCP overall but the total satisfaction level falls below the goals CCP set for itself in its charter contract.** About 73% of respondents were satisfied or very satisfied with the school overall. The area where parents were most satisfied was with the teachers (81%), second was with the principal (77%), and tied for third was their satisfaction with their children's academic growth and non-academic experiences at CCP (69%). In its charter contract, CCP set a parent satisfaction goal of 90% or higher, so while it is good that a strong majority of parents are satisfied with their

children's experiences, the school has some work ahead of itself to reach 90%.

- **The most significant issue parents noted about CCP was the amount of staff turnover during the year.** Some 46% of those surveyed said that staff changes were the most significant challenge at CCP, followed by the quality of the educational program (21%) and understanding of the educational program (15%).
- **About half of those surveyed indicated that they would be returning to CCP next year and a quarter of respondents did not know where they would be sending their children or did not respond to the question at all.** Some 48% of respondents said that their children would be returning to CCP for the 2006-07 school year. About 15% of respondents had children leaving CCP for high school, 2% said that they would be attending another middle school, and the remaining 25% indicated that they did not know where they would be sending their children or did not answer the question at all.

Teachers

While CCP began the year with six teachers, APA interviewed a total of five. The sixth teacher at CCP was let go following an incident at the school two weeks prior to our interviews. However, this teacher did complete a questionnaire that APA distributed to all staff members (prior to the incident) so his views on CCP are represented herein as well. Of CCP's six teachers, five were first year teachers. The school leader was a seasoned teacher, however, he did not teach at CCP after he was promoted to principal and had never been a principal previously (nor had he received school leadership training by KIPP or any other entity prior to taking on this role). Despite the lack of experience and inherent challenges of starting the first independent charter school in the state, APA found the staff to be generally very optimistic, hard working, and committed to the school and their students. We also noted a series of other common findings:

- **The most important reason staff members chose CCP was because of the students.** More than half of those surveyed chose the school because they wanted to work with the students. Other reasons for choosing the school included the educational program, the intended school climate, and the ability to be treated as a professional. The area where the staff was least satisfied with CCP was the opportunity for collaboration among faculty. In most other areas (school leadership, academic progress of students, and school culture) staff responses were split nearly 50/50 between those who were satisfied/very satisfied and those who were only sometimes satisfied. However, regarding opportunities for staff collaboration, the teachers indicated that they had no time to plan together (co-curricular), observe each other's classrooms, or do any type of internal professional development.
- **Staff members indicated that the greatest strength of CCP was its teachers, followed by the small size of the school.** Despite feeling like the faculty lacked opportunities for adequate collaboration, as noted above, nearly all respondents

indicated that teachers were CCP's greatest strength. KIPP emphasizes the importance of school culture and the educational program in its schools, yet less than a third of staff members indicated that the educational program or the school culture were strengths at CCP. However, nearly half (43%) did indicate that the connection to KIPP was a strength.

- **Positive strides were made with students at CCP.** Teachers reported positive changes in student behavior and attitude (despite some complaints regarding workload and length of school day). They felt that students had improved respect for each other, their teachers, and the school. Despite this improvement, teachers did have concerns about the consistency of discipline approaches used, including a lack of follow through or consistency in consequences when students misbehaved. Finally, teachers reported students making significant academic progress and hoped that this improvement would translate to higher CSAP scores.
- **As with the parents, staff members indicated that the biggest challenge the school faced in its first year was staff turnover.** Teachers indicated that turnover is particularly damaging to these students because they often lack a consistent adult presence at home and therefore truly need such consistency from their adult role models at school.
- **Teachers at CCP needed more support from KIPP, more professional development, and more mutual planning time.** Given the lack of teaching experience among the staff at CCP and a general lack of knowledge about KIPP, one might have expected more professional development and support to have been provided to teachers during the year. Some teachers (those who were at the school for the entire year) attended one KIPP training in Las Vegas at the beginning of the school year. And, an outside consultant was brought in by KIPP after several problems emerged in the Fall related to turnover and discipline. He worked with the principal and staff twice during the Spring – for one week in January and one week in March. While teachers indicated that this consultant did provide some guidance and support, they said that it did not have a significant impact overall and that they would have benefited from more regular and consistent professional development.
- **Teachers indicated that more regular parent, staff, and school-wide meetings and communications were needed in order to keep everyone informed and involved.** In particular, teachers indicated that more outreach with parents and the external community would help people understand what is happening within the school and why. Furthermore, some indicated that the principal needed to work more on building the respect of students and improving his communication with the staff. When it came to major issues, such as leadership transitions, CCP did communicate quickly with parents to let them know what was happening. For instance, letters were sent out in July and October in English and Spanish to inform parents about principal changes. Despite this communication, those from the broader community (represented by The Metro Organizations for People) still

had concerns at the end of the school year about CCP's communication with the community and the school's fulfillment of certain promises made to the community and DPS.

School Leadership

- **School-level leadership of CCP improved as the year progressed.** As one interviewee put it, the “third time was a charm.” While the first two principals did not work out for various reasons (one for health reasons, the other was the wrong fit) when the current principal took on the job, the situation began to improve. APA was impressed by this principal's ability to persevere under difficult circumstances and to continue focusing on students despite juggling the challenges and politics of running the first school forced to close and reopen as an independent charter. The areas where the principal was most in need of support were with political and operational issues (e.g., responding to community demands, developing and implementing policies, reviewing finances and monitoring the budget, and fundraising). The fact that there was no governing board actively available to support the principal is an issue that we address below. Additionally, the principal would have benefited from more direct KIPP support. While he did have the ability to call local KIPP leaders in Denver as well as those at the national level, this support was more often used during crisis situations and less as a means of preventing issues from surfacing in the first place. From KIPP or other veteran leaders, the principal would have benefited from coaching in such areas as classroom observations and feedback to teachers, developing a strong internal leadership and professional development model for the school, and providing guidance on how to implement the type of school culture KIPP values. All that said, he did accomplish a great deal in this first year – including improving student academic outcomes – and for that, he should be very proud.
- **CCP did not have a governing board for the majority of the school year.** When the charter contract was signed between CCP and the DPS, CCP had an operating governing board in place. However, when the first two principals departed the school, the governing board dissolved and became inactive in the Fall of 2005. As such, CCP operated for most of the school year without a governing board in place. This is a very serious issue, as charter schools are required by law to have an operating governing board. After all, it is the governing board that is legally obligated to fulfill the requirements of the charter contract—not KIPP and not the school leader. As a result of not having a board in place, policies to guide important school matters related to such areas as staffing, discipline, and curriculum were never developed, and thus fell on the shoulders of the school leader to create and implement. And, when issues occurred with either the community or the DPS, the school leader lacked the support or guidance as to how to handle these issues—an area where a board is typically engaged. Finally, a board could have helped with fundraising to support activities that students enrolling in the school claim to have been promised by the first principal. These activities included enrichment, extra-curriculars, and field trips (for more on this

issue see the *community* section below). KIPP and CCP now recognize the problem with not having a board and are in the process of creating a new board that will govern the school for the next year. Starting in 2007, the same board responsible for Denver's other KIPP school, Sunshine Peak, may become the governing board for all current and future KIPP schools in Denver.

Students

APA did not conduct a survey of students; however, we did spend time with them informally. Conversations that occurred yielded the following observations and findings.

- **Students feel safer at CCP than they did at their previous middle schools** (both Cole Middle and others).
- **Students do not like the longer days.** The biggest complaint we heard from students was that the days were too long; however, a recent evaluation conducted of KIPP schools in the Bay Area found that it is common for students to feel this way for the first year or so before they become fully acclimated to the KIPP culture.^v
- **Students say that CCP is much harder academically than their previous schools.** Some students expressed this negatively while others said that they liked CCP better because in their previous schools kids did not seem to care about learning.
- **Students like their teachers at CCP.** As one student put it, “in my last school, the teachers did not care about us and acted like they did not want to be there, but here they seem to really care about us.”
- **Students want opportunities for enrichment and extracurricular activities.** Some said that there is too much focus on academics and that school is not fun. They argued for a more balanced approach where they would have time during the day for activities like music, art, athletics, etc. in addition to their academic learning. The girls that participated in “Girls on the Run” really enjoyed the program and the time they had together and with their teacher who led the program. Girls on the Run is an enrichment activity that combines Health and physical education and results in all the girls running a 5K race together. Unfortunately, the teacher who ran Girls on the Run was not asked to return to CCP (due to the smaller enrollment next year). She will, however, be teaching at another KIPP school in Denver.

Community

The Metro Organizations for People (MOP), on behalf of parents from the former Cole Middle School and current Cole College Prep, sent a letter at the end of the school year to both the State Board of Education and the Denver Public Schools

outlining issues they had with CCP. MOP was very involved in the process to select a group to run the new independent charter (prior to KIPP being selected) and continued to be involved (or tried to be) throughout the school year. By the end of the school year, those at KIPP felt at times that MOP was too demanding while those at MOP felt that KIPP (and CCP) was not responding to their requests nor adequately communicating with and involving the community. The letter that MOP sent discussed several areas where they felt CCP needed to improve or where the school had failed to live up to its agreement with DPS. Some mirrored findings that APA encountered, such as: a need for more support and professional development for the teachers, especially given their lack of expertise; confusion about the transition period prior to CCP becoming an “official” KIPP school; and concern about the level to which neighborhood kids would ultimately be served in CCP over time.

Other concerns focused on promises that were made by the first principal of CCP that could not be fulfilled, including Saturday school and a big end-of-year trip for students. CCP did schedule several events and activities on Saturdays throughout the second semester (e.g., community service, cultural exchanges, trips to museums). However, despite having an interest in providing Saturday school, CCP was unable to do so because DPS would not allow weekend access to the school building. As such, any Saturday activities had to be scheduled off-site. And, based on conversations with the principal and a review of the operating budget, the year-end trip was an impossibility given the school’s budget and lack of fundraising.

Some concerns raised by MOP seemed to cross the line between what a community organization can or should demand from a school. For example, CCP had promised to DPS that it would communicate weekly with parents with some type of progress reports. The school provided such reports, however, MOP wanted evidence about how the act of providing these progress reports was impacting (or improving) student achievement. It would be nearly impossible for CCP to measure how this act was impacting student achievement. And, as far as APA could see, CCP had never agreed to measure such an impact, only to provide the progress reports.

So, despite having a relatively happy internal school community (as discussed above), tensions with the external school community continued as the school year progressed. Some of this tension was likely due to the fact that the external community had not been supportive of KIPP’s taking over the school to begin with. While CCP did hire a parent and community liaison, it appears that this person may have been more effective with the internal school community than with those from the surrounding community.

Other Findings

From our data collection and interviews with KIPP officials, teachers, and school leadership, APA also made a series of additional observations regarding three key areas: 1) CCP’s finance and facilities; 2) CCP’s alignment with KIPP’s core principles; and 3) CCP enrollment changes. Our observations in these areas are discussed below.

Finance and Facilities

CCP received less federal grant money to support start-up activities than other new charter schools in the state. Most new charter schools struggle through the first few years of operations as they attempt to establish themselves as viable entities. What often helps these schools through this period is the use of money that new charter schools are eligible to receive from the United States Department of Education's (ED) charter school grant program to fund important start-up expenses. Grants flow through the Colorado Department of Education from the ED to new charter schools.

While CCP did receive a federal grant, the amount awarded was half that of a regular charter school grant. The rationale for awarding half was that CCP had access to resources that other new schools would not (e.g., existing materials, equipment, and furniture from the old Cole Middle School program). While CCP did have access to some furniture and equipment, the savings resulting from acquiring these items was relatively minor compared to other expenses they incurred as a new start-up (e.g., costs associated with recruitment and purchasing instructional materials, computers, textbooks). While it might make sense to provide a bit less funding to conversion schools, half does not seem to be fair given that most of the expenses associated with starting a new school are the same whether the school is new or a conversion.

While CCP did benefit from being able to house the school in a district facility – a luxury that most charter schools do not have – it also posed two key problems. The first problem was that CCP was restricted by the district to occupy the building only during certain hours or if they chose to occupy after hours they would bear the cost of paying a facility maintenance person to be there onsite (because of union contract agreements). The building doors were closed every night at 6pm, and it was not open on weekends. During the summer, staff and students were required to exit the building by early afternoon each day, which made it difficult to effectively carry out their summer school program.

The second problem concerns the amount of money that CCP is charged by the district to use the facility. During this past school year (2005-06), CCP was spending about 8% of its budget (\$720/pupil) for building operations and maintenance.^{vi} Next school year, the number of students that CCP will serve decreases by nearly half. At the same time, the district has increased charges for operations and maintenance. Therefore, for the 2006-07 school year, CCP will spend 19% (\$1650/pupil) of its operating budget for facilities operations and maintenance.

It is not uncommon for a charter school to spend approximately 15% of its operating budget on its facility; however, this is typically the case in charter schools that are renting a privately-owned facility, not those that are housed in a district facility (which state law mandates rent of no more than \$1 per month). It is questionable, therefore, whether the benefit of being in the district facility outweighs the problems associated with expense and access.

As the school grows in size, the expense per pupil will decrease. However, the school plans to grow slowly, one grade at a time, and therefore faces several more years of paying a relatively large percentage of its budget on facility costs. This could get worse if the district continues to annually raise the rates CCP is required to pay. The district was told by the state that they did need to let KIPP use that facility. The question raised by DPS and KIPP but not addressed by the state: At whose expense?

Alignment with KIPP's Core Principles

While it was communicated to APA several times by those at KIPP (nationally and locally) that CCP was a KIPP transformation school, it was also clear that during the transformation the expectation was that CCP would be implementing policies and procedures reflective of the core principles of the KIPP model. While observing classrooms and other school activities, APA used KIPP's Five Pillars as a conceptual framework for organizing what we saw, heard, and learned. KIPP's Five Pillars include:

1. *High Expectations*. High expectations for all students, no excuses.
2. *Choice & Commitment*. Students, parents, teachers choose to attend and make a commitment to follow the school's rules and put in the time and effort necessary to be successful.
3. *More Time*. Extended school day, week, year.
4. *Power to Lead*. Effective leadership, autonomy.
5. *Focus on Results*. Focus on outcomes—test scores and other measures. Preparing kids for the best high schools and colleges.

Areas where APA found evidence of these pillars at CCP are presented in the following table. The pillars that seem to be the strongest thus far at CCP are: *More Time* and *Focus on Results*. Given the school's lack of a governing board and a school leader that did not go through the Fisher Fellowship program (most KIPP schools start with a leader trained as a Fisher Fellow by the KIPP Foundation to start a new school) the pillar that is least present is *Power to Lead*.

5 Pillars	Evidence of Pillar in Cole College Prep
High Expectations	<ul style="list-style-type: none"> • Discussions between principal, parents, students at conferences about high school and college; took kids on college visits throughout year. • Homework expectations consistent with other KIPP schools. • Something goes home to parents weekly—either progress reports or sign-offs for homework and other work done in class. Students do not get a grade until they bring back their work signed by their parents. • Rewards and consequences. Still a work-in-progress at CCP. The school started to develop a better system of managing this half-way through the year (e.g., consequence of “the bench”) but implemented sporadically (based on feedback from teachers). Did not hear about rewards much at all while observing. • Did not see anything at CCP about homerooms with college names like at Sunshine Peak or at other KIPP schools. • Retention—one student chose to hold herself back because she wanted to go to a more competitive high school; others recommended for retention were placed in specific programs in selected high schools by the Special Education teacher. • Uniforms with KIPP slogans were worn by students and slogans common in KIPP schools were present (e.g., “work hard, be nice,” “no shortcuts, no excuses,” “Sit up straight, Listen, Answer & ask questions, Nod your head if you understand, & Track the speaker—SLANT.” • Did not see examples of strong academic work, top test scores, etc. displayed in the school as was discussed in the evaluation of Bay Area schools.
Choice & Commitment	<ul style="list-style-type: none"> • All families chose CCP, no students were assigned to the school (KIPP had to push for this because DPS initially wanted to assign kids to CCP). • Students and parents did sign a commitment letter and posters of the commitments were posted in each classroom. • Staff accessibility—all teachers, as in all KIPP schools, have a cellphone and are available after school to answer students questions. • Approximately 80% of parents attended student conferences (3 total during year).
More Time	<ul style="list-style-type: none"> • CCP, like other KIPP schools, has a longer school day, summer school, and does some Saturday school. CCP could not do as many Saturdays as other KIPP schools due to lack of access to the building on the weekends. Instead, staff set up field trips/outings on Saturdays. • Other KIPP schools use Saturdays for elective classes. Because CCP does not have access to the building on Saturday it means students do not get electives. • Students had more time in core classes (block schedules of math, English/LA, Science, Soc Studies) but class sizes were very large, as students traveled between classes primarily as a grade so all 7th graders would be together in language arts, math, etc.
Power to Lead	<ul style="list-style-type: none"> • Typically, KIPP brings potential school leaders through a fellowship program and screens applicants before giving them their own school to lead. This was not possible with CCP, mostly due to the timing of the conversion and not having a trained leader who could step in at that time. • As a charter school, the leadership of CCP does have the autonomy and power to lead the school as it sees fit (in the best interests of the students). • The principal of CCP would have benefited from the support of a board to assist him and/or to free up some of his time to enable him to be a better leader. The did not appear to be any board presence at all.
Focus on Results	<ul style="list-style-type: none"> • The teachers and principal of CCP are not afraid of results—they welcome them and they all believed they had made a difference, academically, in their student’s lives. • Teachers all indicated they had seen significant improvements and looked forward to seeing standardized test results.

Enrollment Data

The following table compares data from Cole Middle School (2005) with Cole College Prep (2006) across several categories. Data are for 7th and 8th grade students only since Cole College Prep did not have a 6th grade class.

Comparison of Cole Middle School and Cole College Prep^{vii} for 7th & 8th grade students						
	Fall Enrollment¹ (Oct. count)	Average Daily Attendance²	# of FTE Teachers³	Students per Teacher⁴	% of students eligible for free/reduced lunch⁵	Student enrollment stability⁶
Cole Middle School (2005)	216	89%	15	14.4	94%	91%
Cole College Prep (2006)	115	91%	6	19.2	93%	89%

Some observations about the table above include:

- Students attended CCP more often, on average, than Cole Middle. This was especially true for the 7th grade students. The average daily attendance (ADA) across all schools within Denver Public Schools is 92%. The 7th graders at CCP attended school, on average, 92% of the days whereas 8th grade students were below the district average (and consistent with ADA at Cole Middle) at 89%.
- Cole College Prep had higher student-per-teacher ratios than its predecessor.
- More students left CCP in its first couple of months than left Cole Middle during the same time period the previous year. One explanation for this emerged during discussions with the CCP principal. Several students decided early on that the culture and expectations at CCP were not for them so they chose to leave CCP for another school.

Despite having larger class sizes and facing many challenges as described in this section of the report, standardized test scores (discussed in Section IV below) indicate that Cole College Prep produced improved student outcomes. One cannot help but wonder how much more improvement might have occurred had CCP been able to staff the school at a similar ratio as the Cole Middle School.

¹ Fall enrollment is the number of students attending school the day of the October student count.

² Average daily attendance is the percentage of students that attended school each day, on average, across the entire school year.

³ # of FTE teachers is the number of full-time equivalent teachers employed by the school in the 7th and 8th grades combined.

⁴ Students per teacher is the number of students per teacher in the 7th and 8th grades combined.

⁵ For Cole Middle the figure includes 6th graders since the data are not disaggregated by grade.

⁶ Student enrollment stability is the percentage of students present at the October count day as compared to the total number of students that started out the school year enrolled in the school.

IV. Student Achievement at Cole College Prep

All public schools in Colorado are required to participate in the Colorado Student Assessment Program (CSAP). Students at CCP took their CSAP exams in the Spring of 2006 at the same time as students from across the state. An analysis of their scores follows. Also included is a comparison of how students at CCP did on the CSAP exams compared to those from Cole Middle School before it was closed and compared to other middle schools in the Denver Public Schools serving a similar student population. Unfortunately, CSAP data for individual students are not yet available so the analysis done on CSAP data is for the groups as a whole (groups of 7th and 8th grade students as opposed to matched scores for the same students from one year to the next).

In addition to the CSAP, all schools that are part of the KIPP network are required to administer a national-norm-referenced test in the Fall and Spring in order to measure academic growth. Students at CCP took the Stanford 10 exam (SAT 10) in September 2005 and then again in May 2006. An analysis of their progress is presented below. Fortunately, individual student-level data were available for the SAT-10. As such, APA's analysis is for matched student results (students that took the test in both the Fall and Spring).

CSAP Results

As displayed in the table below, a greater percentage of students at Cole College Prep scored proficient or advanced on the 2006 CSAP than did students in the same grades in Cole Middle School in 2005. The one exception was 8th grade reading where the percentage of students proficient or advanced did not change from Cole Middle to Cole College Prep. The biggest change was in the percentage of students proficient or advanced in 7th grade writing which jumped from 8% in 2005 at Cole Middle to 24% in 2006 at Cole College Prep. Additionally, gains of 14% were seen from 2005 to 2006 in proficiency levels in 7th grade reading and 8th grade math. With the exception of Math, more of Cole College Prep's 7th grade students scored proficient or advanced across subjects compared to 8th grade students.

Percentage of Students at Cole College Prep (2006) and Cole Middle (2005) Schools Scoring Proficient or Advanced on the CSAP

Grade	Reading	Math	Science	Writing
Cole College Prep (2006)				
7 th	24%	14%	NA	24%
8 th	10%	18%	10%	8%
Cole Middle School (2005)				
7 th	10%	6%	NA	8%
8 th	10%	4%	1%	3%

APA examined results on the Math and Reading CSAP exams from middle schools in DPS that had comparable percentages of students qualifying for free & reduced price lunch. Compared to these other schools, Cole College Prep had a greater percentage of students scoring proficient or advanced in Math than all of its district peers, with one exception: KIPP Sunshine Peak (whose scores were 40+ percentage points higher than all other middle schools serving a similar student population). Unfortunately, the results were not as positive for CCP's scores in Reading, especially for 8th grade students whose scores were significantly lower than those of its peers. 7th graders at CCP did better in reading than 8th graders, scoring about the same as most of its peers (again, with the exception of KIPP Sunshine Peak whose percentages of student proficient or advanced in Reading were much higher).

Comparison of CSAP Scores in Reading & Math: Cole College Prep with Other DPS Middle Schools serving similar students^{viii}

	% Proficient & Advanced: MATH	% Proficient & Advanced: READING	% Free & Reduced Lunch
DISTRICT AVERAGE: 7th Grade	21	40	
DISTRICT AVERAGE: 8th Grade	22	41	
7th GRADE SCORES			
COLE COLLEGE PREP	14	24	93%
HORACE MANN MIDDLE SCHOOL	10	20	95%
KEPNER MIDDLE SCHOOL	11	24	94%
KIPP SUNSHINE PEAK ACADEMY	54	57	92%
KUNSMILLER MIDDLE SCHOOL	12	30	91%
LAKE MIDDLE SCHOOL	11	22	96%
RANDOLPH MIDDLE SCHOOL	6	17	94%
8th GRADE SCORES			
COLE COLLEGE PREP	18	10	93%
HORACE MANN MIDDLE SCHOOL	8	39	95%
KEPNER MIDDLE SCHOOL	15	22	94%
KIPP SUNSHINE PEAK ACADEMY	61	73	92%
KUNSMILLER MIDDLE SCHOOL	8	23	91%
LAKE MIDDLE SCHOOL	15	20	96%
RANDOLPH MIDDLE SCHOOL	5	17	94%

Despite the jumps from 2005-2006, Cole College Prep continues to score below the district average, especially in Reading for both 7th and 8th grades. The school certainly is moving in the right direction, and given the success of KIPP Sunshine Peak, the potential for CCP as a KIPP school to improve seems very promising; yet, they have a lot of work ahead of them in order to get to where Sunshine Peak is today.

SAT 10 Results

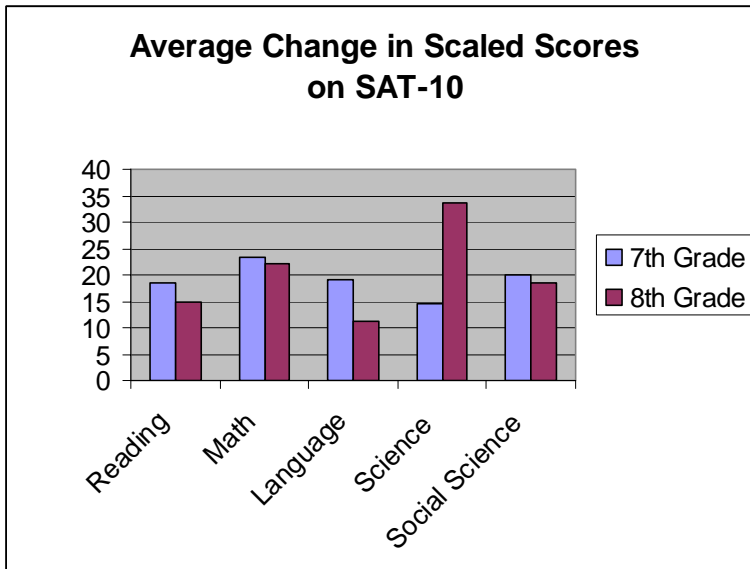
Number of Students that Took the SAT-10	7 th Grade	8 th Grade	Total
Fall 2005	63	52	115
Spring 2005	55	38	93
Both Fall & Spring	53	37	90

Given changes in enrollment at CCP, and thus different students taking the test in the Fall than in the Spring in some cases, APA decided to focus its analysis of the SAT-10 on results from those students that took the test in both the Fall and Spring. As the table below indicates, 115 students took the SAT-10 in the Fall and 93 in the Spring. A total of 90 students took the test in both the Fall and Spring. The results of these 90 students are discussed in greater detail below.

A Story of Improvement

Across all subjects, students at CCP improved their scores on the SAT 10 from the Fall to the Spring. The table and graph below display improvement students made in their scaled scores^{ix} on the SAT-10 across the major subjects tested. In general, if students were to have learned nothing (and forgotten nothing) from the Fall to Spring, their scales scores would have remained the same, which was not the case for students at CCP. On average, students made gains across all subjects, the biggest jump was in the scores of 8th grade students in Science (a jump of 34 points from the Fall to the Spring). The table below shows the actual number of points that students increased, on average, in scaled scores on the SAT-10. The graph shows how students in 7th grade did compared to those in 8th grade.

Average Change		Language	Mathematics	Reading	Science	Social Science
Scaled Score	7th Grade	19	23	19	14	20
	8th Grade	11	22	15	34	19

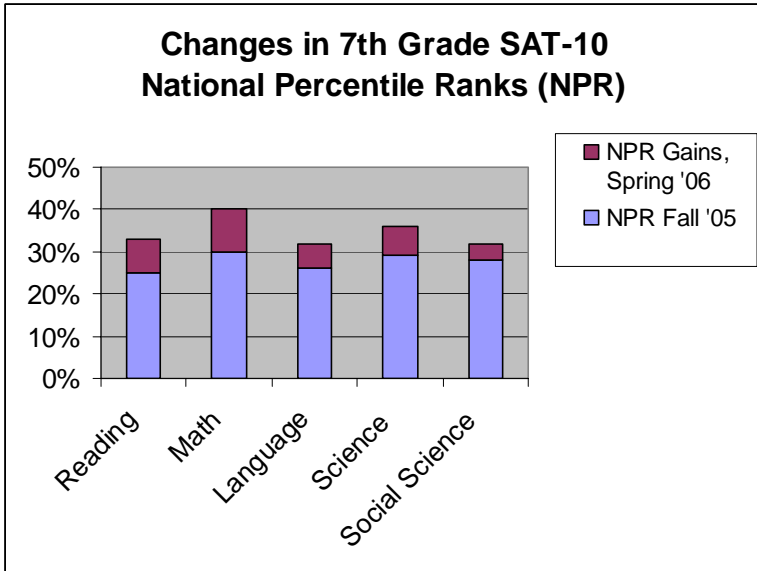
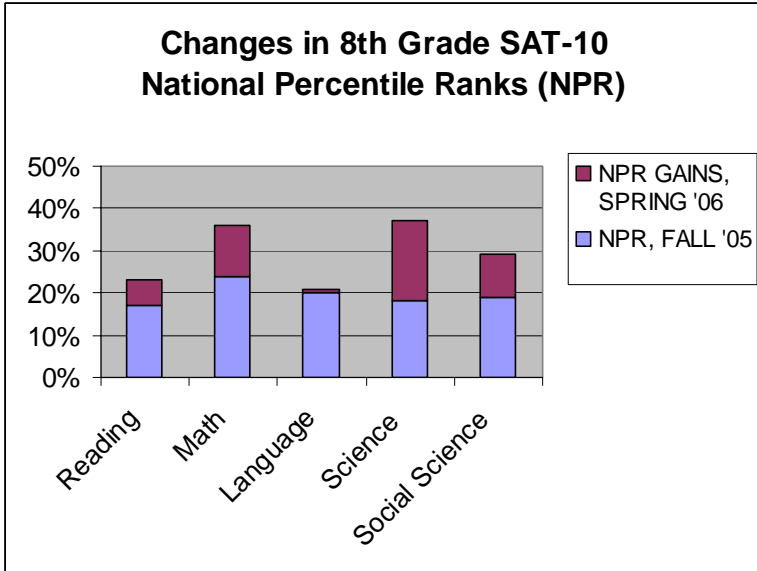


How CCP Students Compare with their National Peers on the SAT-10^x

As discussed above, students at CCP did improve their scaled scores from the Fall to the Spring, and in doing so, also made progress in catching up to their peers at the national level. For science from fall to spring, 8th grade CCP students doubled the number of students that they outscored nationally, with their national percentile rank rising from 18 to 37. While CCP students in both grades started out pretty low, as compared to students nationwide, 7th grade students started out the year closer to their national peers than 8th graders. However, 8th grade students realized larger gains from Fall to Spring and thus saw their ranking at the end of the year closer to where the 7th grade students ended the year compared to their peers nationally. 7th grade students saw the biggest jump in their NPR in Math while 8th grade students made jumps of 10 percentage points or higher in Science, Math, and Social Science. The subject where students made the least progress in catching up to their national peers was 8th grade language—an increase of 1% from Fall to Spring. The table below, and graphs on the next page, display results and changes in NPR for 7th and 8th grade students.

Cole College Prep Matched Students Results SAT-10, National Percentile Ranks

Grade	Subject	Fall 2005	Spring 2006	% Change
8th Grade	Reading	17	23	6
	Mathematics	24	36	12
	Language	20	21	1
	Science	18	37	19
	Social Science	19	29	10
7th Grade	Reading	25	33	8
	Mathematics	30	40	10
	Language	26	32	6
	Science	29	36	7
	Social Science	28	32	4



CCP has cause for celebration based on students' scores on the SAT-10. In many areas, large improvements were evident. This would lead one to believe that what they have been doing at CCP, for example in Math, is working and should be continued as kids return to school in the Fall. The 8th grade class this Fall has a real opportunity to see even larger jumps in these scores, especially if the faculty at CCP focuses on the data and works closely with students in the specific content areas where students did not score well or make significant improvements.

While progress was made, CCP students continue to be ranked far below their national peers, as measured by the average percentile ranks of CCP students on the SAT-10 compared to the national average percentile ranks. For example, in the subjects where 8th grade students did best—math and science—CCP students were ranked below the 40th percentile nationally at the end of the school year. And in language, these same students

ranked in the 20th percentile nationally, meaning, that on average, 80% of the population did better than CCP on this section of the SAT-10. Now, this is something that CCP should not be held totally responsible for, as these kids entered the school far below their national peers and CCP actually was successful in bring them up in several subjects. What this does indicate is a need to serve kids earlier—before it gets to this point of desperation. Both the SAT10 and CSAP data results provide significant data breakdowns by skill set and subject matter. The use of such data to drive instructional improvements can be used regularly in all schools, before it gets to the point where CCP is today on their CSAP with only 8% of kids that are proficient in writing and only 10% proficient in Reading and Science.

V. Colorado's Laws Pertaining to Failing Schools

Colorado now has two statutes that address consequences for schools receiving unsatisfactory rankings on the State Accountability Report for multiple years. The initial statute is housed within the Colorado Charter School Act in the section on Independent Charter Schools. Under this statute, any school implementing a school improvement plan that receives an unsatisfactory rating for three years running could be forced by the State Board of Education to close and re-open as an independent charter school operated by an outside entity.

While the Colorado Charter School Act remains in place, it is impacted by a second statute (HB1240), which passed in 2006. HB1240 provides additional options for the state. When a district has a school implementing an improvement plan, and that school receives unsatisfactory ratings for two or more years, the State Board now has three options: 1) Allow the school to continue implementing its school improvement plan; 2) approve a voluntary district restructuring plan; and 3) close the school and re-open it as an independent charter school.

Option 1: Allow the school to continue implementing its school improvement plan.

After the second year of implementing a school improvement plan, the law provides that the State Board shall “review the operations of the public school and determine whether the public school shall continue to operate pursuant to the school improvement plan,” whether the plan should be modified, or whether the school should be converted to an independent charter school. Some questions about this section of the law that are unclear and warrant future attention:

- *How long can a school continue to implement its school improvement plan and receive unsatisfactory ratings?* The law states that the State Board shall annually review schools using this “review of operations” process as long as the school is unsatisfactory. Right now, as the law states, a school could potentially continue indefinitely as an unsatisfactory school with a school improvement plan if the State Board allowed it to do so.
- *What must the State Board do under its review of operations?* The law provides no guidance as to how or what the State Board needs to look at in its review of the school’s improvement plan. In other words, what measures will the Board use to make its determinations, what resources will be provided to conduct this review, and who will be responsible for the review and analysis of the data collected? Additionally, how much time does the board have to make this determination (when must they start and complete the review of operations process)?

Option 2: Approve a voluntary district restructuring plan. The law provides that a school district or the charter institute may apply to the State Board to voluntarily restructure one of its own schools that has received an academic performance rating of unsatisfactory for three years running. If the state board approves the restructuring plan,

the school can avoid more drastic measures (such as being closed down and reopened as a charter by the State Board) assuming its performance improves. In order to be considered a “major restructuring” the applicant would need to demonstrate adherence to the law by altering the governance structure of the school in the following areas:

1. Contract with an outside entity to run the school that has a demonstrated track record and a research-based educational program that has proven to work with a population of students similar to that of the applicant school.
 2. Close the public school.
 3. Convert the school to a charter school.
 4. Participate in a school improvement planning process.
- Or,*
5. Adopt another method to implement a major restructuring that includes a minimum of three of the following changes: change in the curriculum used, replacement of a majority of the licensed professional staff, a substantial change in grade levels served, intensive staff development, increase in school day/year, or enhanced measures of assessment and training for students.

If the State Board grants approval to a restructuring plan, the district or charter institute will continue to operate under that plan unless it receives an “unsatisfactory” performance rating for two school years in any three year period following the restructuring. In the case of a school that does receive this unsatisfactory rating, the State Board must decide whether to allow the school to continue to operate under the restructuring plan, make modifications to the restructuring plan, or convert the school to an independent charter school. Some questions about this section of the law that are unclear and warrant future attention:

- *If a district seeks to voluntarily restructure, must it implement all of the changes as listed in 1-4 above, only one, or some, or choose #5?* As it reads now, the law is unclear about how many of the governance structures must be implemented in order to constitute a major restructuring. It is possible that districts either have to do all of the activities listed in 1-4 above OR choose three activities from #5. If this is the case, it seems highly unlikely that a district would choose anything but #5 since districts typically want to limit the number of charter schools they have, not grow them. A problem with #5 is that it provides school districts an opportunity to implement relatively minor changes masked as major reforms. For example, under option # 5, a school can choose any 3 reforms such as changing its curriculum, implementing staff development, and lengthening its school day/year. These reforms could be selected in order to avoid implementing a more significant – and perhaps more effective – reform such as changing staff and/or school leadership.
- *What constitutes replacement of a majority of the school’s staff?* The law states that “replacement of a majority of the licensed professional staff” can be one of the three major reforms a district makes in order to

constitute major restructuring. What is a majority? Is it 51%? If so, how does a school plan to replace these staff members? Will they just keep on the 49% of the staff that have tenure/seniority and let go of the others? Will they ask all of the staff to re-apply to the school and select those most closely aligned with the new vision for the school? It is very important to have this information because research has shown that the reform will be unsuccessful if the staff does not fully buy in to it. As the law states now, it is possible to have nearly half of the old staff remain in the school, regardless of how they feel about the new restructuring plan.

- *What measures will the State Board use to evaluate district proposals for major restructuring?* The law states that the State Board shall not “unreasonably refuse to find that a restructuring plan constitutes a major restructuring.” However, nowhere in the law does it state what an “unreasonable” refusal would entail. Will the State Board develop some sort of application for districts to complete if they choose to voluntarily restructure? What measures will the board use to evaluate the quality of proposals received? How will the State Board build its knowledge and capacity about what is effective in order to accurately assess which district proposals warrant consideration above others? Will the State Board have staff people dedicated to this effort? If so, what resources will be allocated to support this function?
- *How long can a failing school continue to operate under voluntary restructuring while receiving unsatisfactory ratings?* As with the school improvement section of the law discussed above, the State Board could continue to allow a school to operate indefinitely under voluntary restructuring. A school that continues to receive unsatisfactory ratings after implementing its restructuring could be forced to close and reopen as a charter school but it could also be allowed to continue to implement its restructuring reform. In the event of the latter, why would the State Board allow a school to continue to implement a reform that seems to be failing its students? One would hope that the Board would not allow this, however, the law as it reads does give this option.
- *In the event of voluntary school closure by a district, what will happen to the existing school population and when will notice of the school closure be communicated?* A final issue with the voluntary restructuring section of the law has to do with timing. Applicants are required to submit a restructuring plan by June 1st of the year prior to the school restructuring (APA assumes this means that the plan is submitted a year and two-months or so before the school would open in its restructured state). The State Board then has 60 days to review the plan before making a decision (which brings the decision point to August 1). In the event that the plan includes closing a school, when might this occur? Would it be possible for the Board to approve a plan to close a school, just before the school year

starts (thereby displacing students who are in or were planning to attend that school)? Or, would plans to close the school occur in conjunction with the opening of the new, restructured school, in which case, how/when will the district plan for the opening of the new school while the old school is still in session?

Option 3: Close the school and re-open it as an independent charter school. If the State Board chooses this option, it must issue a Request for Proposals (RFP) to solicit applications from parties interested in running the new, independent charter school “on or before January 15 of the year in which the independent charter school is to open.” The law goes on to say that final negotiations between the group chosen to run the school, the State, and the local school board must be completed by May 30 of the year the new charter is to open. The law specifies what should be included in the RFP (which is the same type of information required of all charter applicants as per the Colorado Charter School Act). Additionally, the State Board is required to convene a Review Committee to evaluate the charter proposals received and make recommendations to the State Board. Given that this was the section of the law in place when Cole Middle School was forced to close and reopen as an independent charter, APA has several questions and recommendations, based on interviews conducted with those involved in this process. Our observations revolve around how this section of the law could be changed to yield more positive results in the future.

- *Change the timeline for opening the new charter school.* The law provides that the State Board must issue a Request for Proposals to solicit applications from parties interested in running the converted charter school in January of the year in which the independent charter school is to open. And final negotiations between the group chosen to run the school must be completed by the end of May of the year the new charter is to open. In the case of CCP, negotiations actually extended beyond May into July leaving about 2 months to prepare to open a brand new school. Had negotiations ended a month earlier (as the law states) it would still not have been enough time. One major issue is that by this time of the year, most school leaders and teachers have already made commitments to work in other schools, leaving few quality local applicants, if any, for the new school to choose from. Based on what APA learned, it would make sense to allow for one year of planning prior to opening the new school. This would mean that the contract with the contractor chosen to run the school would be negotiated by May 30 of the year prior to opening the new school instead of the existing law which provides that the charter contract is to be approved by May 30 of the same year in which the charter is to open.
- *Allow for students to “choice in” to the new charter school.* The law states that the enrollment policy of the chosen applicant shall include “offering enrollment to students enrolled in the school (that was forced to close) and students who would be assigned to that school.” APA is not suggesting changing this section of the law, however, it is important when creating a school of choice (such as a charter school) that students are not assigned to the school (as in a neighborhood school)

but that students opt to attend the school by choice. Our interviews indicated that this was an issue during the Cole conversion. Initially, the district wanted to assign students to Cole College Prep. The KIPP Foundation insisted that students choose their school because it is the right fit, not because they are assigned by the district. KIPP argued this was especially important for a school like Cole College Prep which operates very differently from a regular public school (e.g., uniforms, extended school day, strict discipline policies, etc.). However, as raised by members of the community surrounding CCP, it is also important that students who reside in that community have access to the school, given that its ultimate purpose is to serve children from that community. As such, the district could adopt a pro-active choice policy whereby it gives preference (in the enrollment lottery) to students residing within the geographic boundary surrounding the existing school facility.

- *Should the new charter school transition prior students out or open new? Should it serve the same grades as the old school or be allowed to open under a different configuration?* The law currently leaves the decision up to the State Board about how it wants to re-open the school—whether it wants to continue to serve the existing student population (same grades as served in the school prior to closure) or allow the school to open new with fewer or different grades, thereby serving a potentially different or smaller student population. Given the experience with CCP, it is important for the State Board and the school district to be clear in the Request for Proposals about how it wants the new school to be run. The applications the State Board received to run Cole suggested various grade configurations. Initially, the board was unclear about its expectations for grades served, and only after proposals were received did expectations become apparent. Additionally, the State Board and Denver Public Schools insisted that the existing student population at Cole Middle School be given an opportunity to attend CCP. As a result, KIPP agreed to operate its first-ever transition school instead of starting new with 5th grade as it typically does. When the State Board is faced with a decision to convert a school to charter status down the road, it should look at the Cole College Prep experience and compare it with other conversions (such as Manual High School which was closed, will re-open new with 9th grade, and then will grow over time). Some questions for the State Board to consider include: Which approach seems to be best for kids? For the school staff and leadership? For the broader community? What does the education research say about which approach is preferable?
- *What is the exact role of the Review Committee?* Interviews of several people involved in the conversion of Cole Middle indicated confusion and frustration with the committee formed to review applications to run the converted charter school. The review committee itself is not required to have any expertise or training about what goes into a quality charter school proposal. And the law is unclear about whether the committee is supposed to recommend which applicant the Board should choose or whether their job is simply to offer pros and cons about each of the applications received. Also, during the review of the proposals

to run Cole, it was unclear what type of rubric or measures the committee (or the board) used to evaluate proposals. One option for improving this process might be to use the State Charter Institute to review applications from potential candidates. This institution has a standing committee with expertise to review charter applications. This experienced committee could be utilized to support the State Board when faced with forced school conversions to charter schools.

- *What is the rationale for allowing a failing school to remain a regular district school after it has already been told it will be closed and reopened as an independent charter school?* Based on APA's understanding of the law, it could be possible that after all of the time spent selecting an applicant to run the new independent charter school and contracting with that applicant, the district could end-up "keeping the school as a regular public school if, during the year prior to the year in which the independent school is to open, the school receives an academic performance rating of low or better." The problem with this clause is that CSAP scores are not released until August, so a group that is selected to run a new charter might spend considerable resources and time to hire staff, purchase materials, recruit students, etc. and then be told shortly before the school is to open that the school is actually not going to be an independent charter but a regular district school. This could happen despite the fact that the school had unsatisfactory ratings for three of the preceding four years. In the meantime, teachers and principals from the closed school will have anticipated a new school opening and will have likely found work elsewhere.
- *What is the rationale for changing the governance structure of a school as it begins to make academic gains?* If the performance rating of the converted charter school is higher than "low" during the third year of operation the law states that, "the parents and legal guardians of the students enrolled in the school shall decide by majority vote whether, at the expiration of the independent charter school's charter, the school shall apply for a renewal of the charter or shall seek to become a regular school of the school district in which it is located." No other charter school in the state is renewed in this fashion and it does not make sense that the law should be different in this case. What advantage is there to changing the school back to a regular district school? Would the school receive more money or resources as a regular district school? Would the school miss the flexibility and autonomy that charter schools have over such areas as curriculum, staffing, and budget if it converted to a regular district school? More than likely, if the school is doing well, parents will choose to keep it a charter; however, as with all charter schools, it should be up to the authorizing district, not parents, to decide whether or not to renew the charter school based on whether it is meeting the terms of its charter contract. Overall, this provision of the law could serve as a deterrent for potential charter operators who may choose not to pursue a contract if they believe they could run the school for three years, make improvements, and then still be voted out by the parents.

VI. Recommendations

APA offers a series of recommendations for improving Colorado's current system of dealing with failing schools. These recommendations are based on what APA learned through its analysis of the previous and current law (pertaining to schools receiving unsatisfactory ratings while under school improvement); interviews with key players that were engaged in the closure of Cole Middle School and in the implementation of CCP's first year of operation as a KIPP Transformation School; data analysis (e.g., test scores, attendance, discipline, and other student data); and observations about CCP's culture and alignment to the KIPP model. Recommendations are provided for four key stakeholder groups:

1. The Colorado State Legislature;
2. The Colorado State Board of Education;
3. School Districts; and
4. The KIPP Foundation.

Recommendations for the Colorado State Legislature

As discussed previously in this brief, the Colorado State Legislature, with Governor Owens at the lead, passed an accountability reform in 2000 which called for closing schools that received unsatisfactory ratings for several years running and re-opening those schools as independent charter schools. Such schools would be run by groups chosen by the State Board but eventually overseen by local school districts. The law changed in 2006 to allow additional options for the State Board in its efforts to improve chronically failing schools. In addition to the independent charter route, the board can now allow school districts to voluntarily restructure or continue to implement school improvement plans as a means of improving student outcomes. A critique of specific aspects of the law, as it presently stands, is found in Section V of this document.

While the State Board, school districts, and schools will likely be the ones that deal with implementation of the law, it is up to state lawmakers to understand where flaws exist and how the law can be changed to improve student outcomes. Given this, APA makes the following recommendations for state lawmakers in Colorado:

1. **Do not allow a school to operate under school improvement indefinitely.** Remove the clause in HB1240 that gives the State Board authority to allow a school that has received unsatisfactory ratings for two or more years to continue to implement its school improvement plan. An exception could be provided only if the school demonstrates that it is making academic gains with a significant number of students across demographic groups.
2. **Clarify timelines and performance measures to be used for schools remaining under school improvement.** In the event that the State Board does allow a school to continue implementing its school improvement plan, the legislature should specify: a maximum time period for which the school can operate in this fashion;

the performance measures that will be used to evaluate and monitor results within these schools; and a timeframe for conducting periodic reviews.

3. **Provide clarity about the options that a district has under voluntary restructuring.** The law needs to be clearer as to whether a failing school that voluntarily restructures must alter its governance structure in all the areas outlined in the law (closing, converting to charter, contracting with an outside entity, participating in school improvement) or whether it can simply choose the last option (which allows a district to instead implement three relatively minor reforms). Additionally, the law should be clearer about the last option with regard to what it means to replace a majority of staff. In general this last option, while a mirror of NCLB, could be a major weakness to the law as it gives districts what appears to be an “easy out.”
4. To reiterate the recommendations offered in Section V pertaining to schools that are forced to close and re-open as charters:
 - **Change the timing of the existing law pertaining to recruiting and selecting candidates to run an independent charter school.** Potential applicants need more time to pull together a quality charter application. Once chosen, the provider needs more time to plan for the opening of their new school. The amount of time that is spent negotiating the charter with the applicant, State Board, and school district could also be shortened.
 - **If a school is closed and re-opened as a charter school, the law should be clear that it is a school of choice, and as such, students can not be assigned to the school.** However, students residing within the communities near the school can and should have preference under the law (if a lottery is run). In any case, all students should voluntarily choose to attend.
 - **Clarify the role of the review committee** required under the law to evaluate charter proposals received. Given feedback from interviewees, it seems that the appropriate role for this review committee is to review each proposal using a common rubric and to present a report to the Board that identifies the strengths and weaknesses of each proposal. The Board would then have the responsibility of reviewing the committee’s report and making the final decision about which group to choose. The law should also clarify that those on the review committee must have appropriate experience and training to review charter school applications and the state may want to consider utilizing the expertise of the Charter Institute to help with this process.

- **Remove the section of the law that allows a school to avoid becoming an independent charter and revert back to a regular district school.** As the law stands now, if the CSAP scores released just prior to the opening of the independent charter school demonstrate improvement, the decision to open the school as an independent charter can be revoked. This could happen just days or even weeks before the independent charter was to open. This is too late in the game, and is unfair to charter school providers who would have committed significant resources to prepare for the charter school opening. The provision could also deter such providers from operating in Colorado.
- **Treat independent charter renewals the same as the renewals of other charter schools.** According to the law, if the performance rating of the converted charter school is higher than “low” during the third year of operation the parents of enrolled students can decide whether, at the expiration of the charter, the school should apply for a renewal or instead become a regular district school. No other charter school in the state is renewed in this fashion and it does not make sense that the law should be different in this case. Instead, the law should provide that the school will continue to operate as a charter unless the sponsoring district deems it is failing to meet its’ contract terms.
- **Authorize a modest level of resources for the State Board to use to support functions associated with school closures and restructuring** (e.g., for translation/interpretation of materials, training for review committee).

Recommendations for the Colorado State Board of Education

When the rubber hits the road and the final year of unsatisfactory CSAP data hits the press, it is the responsibility of the State Board to decide what to do next. The following recommendations are meant to help the Board best prepare for this responsibility.

1. **Develop processes for reviewing and evaluating district plans submitted to the Board** (for continuing under school improvement or voluntary restructuring). Some questions the Board will want to think about include:
 - What measures will the Board use to make its determinations?
 - What type of training and background is necessary to conduct this review of operations and who, within the Department of Education, will be responsible for staffing this function on behalf of the Board? Will outside support be needed?
 - What resources will be used to support this review of operations?
 - How much time will the board have to make this determination?

2. **Develop Board policies to guide decisions about how long a school can operate under voluntary restructuring or school improvement before it will be required to close and reopen as a new school with new staff, curriculum, and leadership.**
3. **Improve the Request for Proposals (RFP) process that the Board uses to solicit applications from potential operators of an independent charter school.** Among other things, the RFP should be clear about the grades the new school will serve, whether or not the school will be allowed to open small (e.g., with one grade and grow the school over time), if it will be required to serve the student population that existed prior to the closure (e.g., as with CCP which had to open itself up to 6th and 7th grade students from Cole Middle School), and how it will engage and be responsive to the community it serves.

Recommendations for School Districts

School districts do have the opportunity to pre-empt forced closures of schools by implementing district policies and practices that mirror those of the state law but allow a school to remain under the control of the school district. Some ideas that districts might want to consider include:

1. **Close and reopen schools that are failing to succeed before it gets to the point where the state needs to step in.** Such a process might involve contracting with an outside entity to run the school or soliciting proposals from those interested in providing leadership to a new school (e.g., existing teachers, school leaders). Grant such entities the flexibility and autonomy to create their envisioned school along with adequate time and resources to plan for its opening. This may involve changes or waivers to district policies, waivers from state policies, modifications to existing collective bargaining agreements, or permissions/extended access for an alternative use of school facilities.
2. **Implement measures to encourage integration by choice.** Schools in Denver have become increasingly segregated since court-ordered busing ended in the 1990s. The idea of mandating integration was one that was riddled with problems; however, some schools across the country have found ways to encourage integration via choice, including certain charter schools in Denver (e.g., Odyssey School, Denver School of Science and Technology). Schools where the majority of students are from high poverty backgrounds tend to be lower performing than those where there is a mix of students from various income levels. The district should find ways to encourage integration by choice. For example, a school that is very popular may choose to weight its lottery for enrollment by giving preference to a set percentage of students who qualify for free and reduced price lunch. Or, a district may opt to place popular programs – such as those for gifted and talented students or those that provide advanced coursework (e.g., IB or AP) – within a school where the majority of students qualify for free and reduced price lunch. Such moves can encourage attendance of children from families of various

backgrounds and would provide greater opportunities for overall academic achievement and increased cultural respect and understanding.

3. **CCP and DPS need to have conversations about the expense and use of the school facility.** CCP will have a difficult time providing adequate educational experiences for its students if it is: (a) using nearly a quarter of its operating budget to pay for its district-owned facility; and (b) having difficulties accessing the school after-hours or on weekends in order to fully implement its educational program according to the KIPP philosophy. Such negotiations might require amending the union contract to allow CCP to be in the facility without a facility maintenance person onsite. This is an issue that the State Board and DPS should have discussed during the conversion process, as it was clear at that time that the State Board was going to require DPS to allow CCP to use that site and DPS knew then what the expense of that endeavor would entail.

Recommendations for KIPP

Cole College Prep was KIPP's first transformation school—a school that is implementing some elements of the KIPP model but which will not become a full KIPP school until it opens “new” with one grade and with the support of a trained leader (a Fisher Fellow) to build and support the school as it grows. Given the experience at CCP, there are some areas where KIPP could have provided better support. In the event that KIPP decides to embark on another transformation school effort in the future, the following recommendations can help inform that process.

1. **Provide a greater level of onsite support to schools that do not have the benefit of a trained Fisher Fellow leading the school start-up.** Most KIPP schools start with a leader trained as a Fisher Fellow by the KIPP Foundation to start a new school. CCP did not have the benefit of one of these leaders, primarily because the timing of the application and opening of the school did not give KIPP enough time to train someone to lead the school. CCP would have benefited greatly from support and training from leaders within the KIPP organization. This was especially true given the lack of experience of CCP's teaching staff, the turnover among staff, and the fact that the principal had no prior school leadership experience. While KIPP did provide some added support to CCP, it was infrequent and inconsistent.
2. **Ensure that all charter schools KIPP franchises have committed and functioning governance boards in place to support and help lead the school.** The CCP board dissolved in Fall 2005 leaving the school to operate without a legal governance body for most of the year. Some reasons why a board is necessary include:
 - a. The school leader at CCP needed the help of a board last school year and will need it even more next year when he is juggling both full-time teaching and school leader duties. The board should meet regularly to

establish and oversee policies related to personnel, discipline, and other important matters. It should help the school with fundraising and communications with the district and community. And, it should regularly review the school's financials and academic progress and make adjustments in these and other areas as needed.

- b. Colorado law dictates that a charter school must be governed by an independent board of directors. It is unclear whether the board now being formed by CCP for next year will be an interim or permanent board. It is possible given conversations with Denver KIPP leaders that the board of Sunshine Peak might end up taking over as the board for all KIPP Denver schools, including CCP. Regardless of what strategy is chosen, it is critical for both Denver Public Schools and KIPP to ensure that an effective board is in place.

3. **If KIPP decides to move forward with additional transformation schools, it should communicate early and often with stakeholders about what a transformation school is (and isn't) and how things will change once the school becomes an official KIPP school.** CCP was KIPP's first experience with a transformation school. What that meant was often confusing to many, including parents, students, teachers, and the community. KIPP should learn from this experience and develop some clear parameters and expectations for future transformation schools. The development of such parameters could also be beneficial to those that will be part of CCP next year as it continues to phase out students from the old Cole Middle School and as it prepares to open new with 5th grade the following year. Additionally, the broader community that has been engaged in the Cole transition in various ways have expressed frustration about how plans have changed (initially CCP was to start in 2006 with a 5th grade) and about how things will change when the school opens with 5th grade. Providing some means of regularly keeping the broader community abreast of what is going on would be a smart move for KIPP and CCP.
4. **Further develop CCP's capacity to use assessment data to drive instructional change.** KIPP has been a leader among school designs in the use of student performance data. APA encourages KIPP, in partnership with those at CCP, to look at the school's specific results on state and national assessments and to provide professional development to help faculty members implement appropriate instructional practices.

ⁱ APA was hired by the Donnell-Kay and Piton Foundations to do this work. Also involved in the project as advisors were members of the Colorado Children’s Campaign and the KIPP Foundation.

ⁱⁱ A full version of the Colorado Charter School Act is available online:

<http://www.cde.state.co.us/cdechart/chact.htm>. For more on the 2000 Accountability Act view bill archives for SB 186 (2000) at www.leg.state.co.us

ⁱⁱⁱ For more on KIPP see: www.kipp.org

^{iv} HB 1240 can be viewed online:

http://www.leg.state.co.us/clics2006a/csl.nsf/fsbillcont3/E8DEBD6DD2EAD79287257068005412FF?Open&file=1240_enr.pdf

^v SRI International (March, 2006). *Bay Area KIPP Schools: A study of early implementation. First year report: 2004-05.*

^{vi} APA reviewed CCP’s 2005 and 2006 operating budgets to gather information for this analysis.

^{vii} Data were obtained from the Colorado Department of Education and the principal of CCP.

^{viii} Similar students served measured by % of kids qualifying for free and reduced price lunch

^{ix} Total allowable scaled scores across subject areas of the SAT 10 may differ so it is important to note that while you can compare a score for a student in the same subjects from Fall to Spring (e.g., Math from Fall to Spring) you can’t necessarily compare scores across subjects (e.g, Reading score compared to Math score).

^x It is important to note that these results compare CCP students with all students nationwide taking the same test and do not factor in student characteristics, such as free & reduced price lunch percentages.