

**DOUGLAS COUNTY SCHOOL DISTRICT RE-1
BOARD OF EDUCATION
RESOLUTION DENYING CHARTER APPLICATIONS
FROM JOHN DEWEY INSTITUTE**

Whereas, on March 15, 2023, John Dewey Institute (“JDI”) submitted charter school applications to the Douglas County School District RE-1 (“District”) for the formation of four schools to operate within the geographic boundaries of the District beginning in the 2024-2025 school year and embedded within Alexandria School of Innovation at Sterling Ranch, Ridgeway, Crystal Valley, and Highlands Ranch; and

Whereas, on March 29, 2023 the charter applications from JDI were deemed complete pursuant to C.R.S. § 22-30.5-107(1)(c); and

Whereas, on April 18, 2023, the District’s Charter Application Review Team (CART) interviewed JDI founder Judy Brannberg regarding the charter applications (“capacity interview”); and

Whereas, on April 20, 2023, the District sent additional questions to JDI regarding the charter applications, and responses to those additional questions were provided to the District on April 27, 2023; and

Whereas, on May 9, 2023, pursuant to C.R.S. § 22-30.5-107(2), and at a regular and publicly noticed meeting, Ms. Brannberg, on behalf of JDI, presented to the District Board of Education on its charter applications, and the Board heard public comment regarding the applications, but only from Ms. Brannberg; and

Whereas, on May 23, 2023, pursuant to C.R.S. § 22-30.5-107(2), the District Board of Education considered (1) the applications from JDI, including supplemental information provided by the applicant, (2) the presentation by JDI from May 9, 2023, (3) any public comment from the community regarding the application, (4) the May 19, 2023 recommendation from District staff, including recommendations from the District’s Choice Programming Office, CART, and the District Cabinet to the Board of Education regarding the application, (5) the Charter Schools Act, and (6) District policies and regulations, including Policies LBD and LBD-R and the Charter Procedures Manual.

NOW THEREFORE BE IT RESOLVED, by the Board of Education of Douglas County School District R-1, that the Board of Education finds that **denial** of the applications from John Dewey Institute is in the best interests of the District, its students, and the community, and the applications are hereby denied for the following reasons:

A. JDI is not financially viable.

JDI proposes ambitious and unique programming designed to serve students with autism spectrum disorder (ASD) but has not demonstrated that it can meet its sizable cost obligations.

JDI proposes to open four campuses in its first year, starting with grades K-5 and scaling to K-12 within four years, all embedded within Alexandria School of Innovation (ASI) schools. JDI projects the following student enrollment and expenses for each of its four campuses:

- **JDI Ridgeway, Sterling Ranch, and Highlands Ranch:** for each campus, projected enrollment of 188 in Year 1 and nearly 328 in Year 5; projected expenses of \$2.86 million in Year 1 and \$5.83 million in Year 5; and
- **JDI Crystal Valley:** projected enrollment of 108 for Year 1 and 192 for Year 5; projected expenses of \$2.26 million in Year 1 and \$3.27 million in Year 5; and

JDI has provided only two letters of intent from prospective students across all four campuses, meaning it has not demonstrated that it can attract enough students to generate the per-pupil funding it would need to financially support the school. Ms. Brannberg admitted during the application process that no effort has been made to secure letters of intent or to recruit students for the school. JDI has otherwise not demonstrated that there are enough students in the District or in neighboring school districts to meet its enrollment targets. JDI has also budgeted for income through federal grants, but the applicant has not demonstrated that these potential grants are viable. JDI has not identified any potential sources of private funding to make up its funding shortfall.

JDI proposes to meet its cost obligations solely through a \$1.6 billion damage award—amounting to twice the annual budget for the entire District—that it hopes to obtain through litigation against the District for alleged civil and criminal wrongdoing, which the District denies. JDI spent nearly all of its 30-minute presentation to the Board of Education on May 9 detailing its allegations against the District and other entities, some claims going back nearly ten years, and spent very little time discussing the merits of its charter application. JDI has not demonstrated any legal or factual basis for litigation damages or that funding a school through speculative litigation damages is a feasible funding strategy.

JDI admits that it will not be financially viable without ASI, which JDI states would allow JDI to operate rent free. Thus, if ASI is not able to open, JDI would not be financially viable.

B. There is no demonstrated community support for JDI.

JDI has provided scant evidence of community support for one school, let alone four different campuses. JDI submitted no letters of support for the school and provided two letters of intent from families who might enroll at JDI. No community members, aside from Ms. Brannberg, publicly commented about the school. JDI has held no community meetings to promote the school.

There is no evidence that parents or community groups were involved in the formation of the school. All letters of support from community partners are four or five years old.

C. JDI has not demonstrated that it has or will have an appropriate or legally compliant governance structure.

JDI has identified five individuals, including Ms. Brannberg, as founding board members of the school. But aside from Ms. Brannberg, none of these people have participated in the application process or otherwise communicated with District staff concerning this application. JDI asserts in its application that all founding board members have signed a Board Member Agreement, but no signed agreements have been provided.

JDI shifted its proposed governance structure midway through the application process. In the application, JDI stated that there would be one board for both JDI and ASI, even though ASI would be a separate school and has submitted a separate charter application. When confronted with questions about this structure, JDI changed course and asserted that each school (ASI and JDI) would have a separate board, but JDI has not identified who would serve on each school's board aside from the five people listed in the applications.

Moreover, JDI has structured its founding board such that parents of students at its campuses would not be able to serve on the board in the first year of the schools' existence, when parent participation is most critical. Ms. Brannberg stated during the capacity interview that she would "change that," but has not explained how that structure would be changed.

Further, JDI proposes that, if its application is approved, Ms. Brannberg will leave the board of JDI (and ASI) and assume the role of CEO of the charter management organization, Lighthouse on a Hill ("Lighthouse"), that JDI intends to retain to manage the schools. This arrangement creates the risk that members of the charter boards, who were seated by Ms. Brannberg, will not be sufficiently independent from Lighthouse.

D. JDI has not demonstrated that it can adequately serve students with ASD.

JDI will require huge numbers of licensed special education teachers to accomplish its programming and achieve the low student-to-teacher ratio it proposes. But JDI has not explained how it will recruit, hire, train, and retain this staff, especially given the difficulty in hiring special education teachers in the District and in Colorado. JDI proposes to pay staff above-market salaries, which is noble but not realistic given that it has not presented a viable budget. JDI states that it will require significant professional development for its teachers, but it does not explain how it will fit this development time into the instructional school day and within teacher contract hours.

E. There are no facility options without ASI.

JDI admits that it is relying entirely on ASI for a facility. Therefore, if ASI does not open, JDI will not have a physical location. Per the related resolution on ASI's application, the Board has concluded that ASI is not in the best interest of the students, parents, and community and has thus voted to deny ASI's charter application, meaning JDI will not have a facility.

The Superintendent or designee is hereby directed to provide a copy of this Resolution to the Colorado Department of Education within fifteen days of its adoption date.

ADOPTED this 23rd day of May 2023 by a vote of 6-0.

AYES: Meek, Myers, Peterson, Ray, Williams, Winegar

NAYS: N/A

DOUGLAS COUNTY SCHOOL DISTRICT RE-1

By: Mike Peterson
Mike Peterson,
President, Board of Education



ATTEST: Becky Myers
Becky Myers
Secretary, Board of Education

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