

**INQUIRY AND INVESTIGATION INTO AREAS
OF CONCERN LODGED BY PARENTS AND
FORMER TEACHERS AGAINST THE
LEADERSHIP OF THE CLASSICAL ACADEMY**

CONDUCTED BY

ORGANIZATIONAL EFFECTIVENESS CONSULTANTS

7 APRIL – 29 APRIL 2009

**INQUIRY AND INVESTIGATION INTO
AREAS OF CONCERNS LODGED
BY PARENTS AND FORMER TEACHERS
LODGED AGAINST THE LEADERSHIP OF
THE CLASSICAL ACADEMY**

The Organizational Effectiveness Consultants of Colorado Springs were contacted on 19 March 2009 by Deputy Commissioner, Dr. Ken Turner, of the Colorado Department of Education to discuss conducting an inquiry into several concerns that surfaced in Academy School District Twenty's Charter School, The Classical Academy. Parents and former teachers of The Classical Academy provided CDE with concerns in six general area in which an investigation could be conducted by the Department. The complainants assert that TCA leadership:

- Failed to take appropriate corrective action in responding to and halting a pattern of racial and religious discrimination, sexual and physical assault, bullying of students and parents, drug and alcohol use, and threats against staff and students.
- Failed to acknowledge and halt a pattern of cover up and retaliation by TCA staff in response to complaints lodged by TCA students and parents.
- Failed to exercise appropriate oversight and show good faith when investigating reported improprieties.
- Failed to eliminate conflicts of interest.
- Failed to demonstrate financial transparency and implement adequate financial controls.
- Failed to demonstrate adequate accountability, maintain open records, and provide the public with access to documents and information.

BACKGROUND: The Classical Academy, a Charter School, in Academy School District 20 was established in 1997, initially with 360 students in grades K-6. Seventh grade was added in 1998, and eighth grade in 1999. TCA added one grade per year and became a high school in 2003. TCA is one of the fastest growing Charter Schools in the state with approximately 2900 students and boast of having the highest scores on the CSAP for Charter Schools in the state. The school consists of three campuses and is located in the northeast section of Colorado Springs.

FACTS BEARING ON THE CASE: The concerns brought to the attention of CDE by parents and former teachers will be viewed separately. Issues concerning bullet 1 above are discussed in five subtopics.

Concern #1a – Failed to take appropriate corrective action in responding to and halting a pattern of racial and religious discrimination.

- (a.) The TCA records list two documented racial complaints. This investigation will discuss only one as one is presently an OCR case. In 2008, two students in their 10th grade Literature class made a presentation on the KKK and their activities against “Negroes” which was derogatory and solicited laughs from white students disregarding the displeasure and discomfort of African American students in the class. When asking the teacher to halt the report, she ignored it and allowed the students to continue. The students reported the incident to the Principal who said he would look into the matter. No action was taken according to parents and students.
- (b.) There was one incident with religious overtones lodged by a parent of an elementary school student. The parent complained to her daughter’s principal that her daughter was being discriminated against because she does not attend church regularly. They are Catholic. The Principal took no apparent action to this complaint and did not get back to the parent. In a subsequent interview with another parent/teacher, she explained that her daughter was a friend of the student above, but the mother was not pleased with this relationship and advised her daughter not to associate with this child anymore. This parent and child attend New Life Church. This statement had been made in a parent conference in conjunction with another issue and no “official” complaint was lodged in accordance with TCA discipline policy, thus principal took no action.

Concern #1b – Failed to take appropriate corrective action in responding to and halting a pattern of sexual and physical assault

Complaint was made by a parent who alleged that her daughter, a 5th grader (in 2005) was physically and sexually assaulted by one of her male classmates. Incident allegedly happened during transition time, when the male student allegedly attacked the female student by grabbing her by the neck with one hand and placing his other hand under her dress and in her underwear. After which he removed his hand, placed his hand to his nose and exclaimed, “she smells like tuna” to colleagues in the hall. The female student fled to the bathroom and was comforted by one of her female classmates. The incident is reported to have occurred in October, 2006. Mother immediately contacted the principal the next morning and reported the incident and was assured that she (the Principal) would look into it and get back to her. Mother inquired on several occasions for status of investigation to no avail. In April 2006, Mother contacted the Principal regarding her daughter’s injury in the

gym and wanted some information. No response; Mother contacted ASD 20 and reported her concerns and about the physical and sexual assault. D-20 officials contacted the CSPD who conducted an investigation. This investigation was inconclusive and no action was taken against the alleged perpetrator. This

investigator interviewed the police officer who conducted the initial investigation in April 2006 and received the following report: Officer stated that he conducted the investigation of the alleged assault. Interviews were conducted with the parents of both students, the principal and the male student. When he contacted the principal he was told that she had conducted an investigation which included an inquiry with the parents of the male student, the victim and the male student. Upon follow up with these persons, the parents and the male student denied that they were unaware of the allegation nor had the Principal informed them of the allegation. The student denied that he had been questioned or interviewed by the principal and denied he had attacked the female student. Because of lack of evidence or witnesses of the incident, the officer would not make a judgment call as to who was being truthful in this case. The Principal could not or would not produce any evidence that she conducted an investigation. The officer submitted his report to the CSPD Crime Division and does not know the disposition of the case at this time.

Concern #1c – Failed to take appropriate corrective action in responding to and halting a pattern of bullying of parents and students.

The investigation revealed that several (six) parents made complaints in this area. Each stated (all were parent volunteers) that in “counseling” with their principal involving their child or their professionalism, they were verbally abused. Four of these “cases” were attributed to the same elementary principal, one to another elementary principal and one to the high school principal. The complainants provided detail and vivid examples of what took place in each with their principal, however, in each case the Principals denied there was of verbal abuse involved. Unfortunately, there were no witnesses in any of the cases.

Concern #1d – Failed to take appropriate corrective action in responding to a pattern of drug and alcohol use.

In the area of drug and alcohol use, no complaint or concern was brought to the attention of this investigator.

Concern #1e – Failed to take appropriate corrective action in responding to and halting a pattern of threats against students and parents.

A brick with a note was thrown through the window of a TCA family with no injuries to the family members. The police department could not find the perpetrators and the case remains unsolved. The family, however, continues to feel “harassed” by TCA community members whom the family feels do not want them in the community.

There were two teachers who had been threatened by students of TCA. These two teachers had been threatened with bodily harm or death over the past four years.

One case was not resolved to the victim's satisfaction by TCA officials. This case involved a teacher who, after noting some disruptive attitude by a student confiscated a note from the student who was attempting to pass it to another student. She did not read the note initially, but later after class she read the note which identified her as the victim to be "killed." She became alarmed and took the note to a superior. The superior alerted the school threat assessment team to take action on this alleged death threat. Teacher alleged that the threat assessment team failed to adequately conduct a thorough investigation of the incident and did not have all team members available (team is supposed to consist of seven members which included an administrator and the alleged perpetrators teachers) Only four of the persons needed were available and they assembled and conducted the assessment in the prescribed manner and concluded that the threat was a low level of probability and on the next day contacted the police department. This investigation could not access or obtain a copy of the police department's investigation from either the police department, the victim or the assessment team. The student who wrote the note was cited with a school disciplinary action which was a three day suspension. The teacher felt frightened and stressful for several days and nights as she is single, near retirement and lives alone and felt that the school officials did not provide her with either moral or physical support. In the second case, which occurred two years later was resolved satisfactorily, teacher felt supported, results were positive and the assessment team learned its lesson in conducting a threat assessment.

Concern #2 – TCA leadership failed to acknowledge and halt a pattern of cover up and retaliation by staff in response to complaints lodged by TCA students and parents.

Although this investigation interviewed several parents whose perception of this allegation is a reality, none could cite actual examples where this is a fact. Each felt that if it was found that they were making this complaint or allegation, their children would pay a price or retribution by their Principal, ostracism of their children by their peers, or shunned by other parents. Only example given was during the February 9 Board of Education meeting, in which concerned parents brought their complaints and were allowed to speak among ridicule, taunts and other parents being disrespectful toward them.

Concern #3 – TCA leadership failed to exercise appropriate oversight and show good faith when investigating reported improprieties.

Several parents (five) and one Board of Directors member presented information that presents a gruesome picture of the mode of operation of the office of the President, the Board of Directors and a vast majority of the school officials (principals). It is

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perceived by the above complainants that the Board of Directors spends more time in executive session browbeating parents who complain and defending the office of the

President more so than dealing with the business of policy making or being proactive on ideas of how to improve the school climate.

The Board lacks leadership astuteness to refute or question the President's decisions. On two occasions, the President made financial decisions without the knowledge of the Board and did not inform them until the following Board meeting. On both occasions, upon being questioned why, he responded that he was unaware that he should have informed them and/or he forgot. Both of these were accepted as reasonable responses and was directed to "keep the Board informed of all such matters that require their approval." (See Appendix A).

A suggestion was asked whether or not the Board should request more feedback from the President more often and the Board member was told "that would be micro-managing the President." (The question is asked, "who works for whom? Is the dog wagging the tail or is the tail wagging the dog?")

It was further alleged that the Board does not want to hear "bad news" about the school. A Board member volunteered to write, present and conduct a survey to get positive feedback and a sense of how students felt things were at TCA. Approval was granted for this survey to be produced and implemented. Author requested feedback from the Principal prior to administering the survey and was informed, "I trust you, I do not need to see it, go ahead and conduct the survey." This was done, however, the survey returns were not what was expected by the Board President and the results were never published. This Board member was accused of "micro-managing" and was asked to cease all survey information submission. (See Appendix A)

Concern #4 – TCA leadership failed to eliminate conflicts of interest.

This investigation discovered that two TCA administrators, a Principal and the Chief Finance Officer, own and operate a charter school consulting business which provides charter school advice to newly formed charter schools or those aspiring to open a charter school. The two principal partners of the firm made five trips to other cities and states attending charter school conventions and conferences. According to two complainants, a former parent of TCA and a current TCA employee, these trips to include, air fare, meals, lodging and car rental was charged to the TCA account. When questioned, the explanation was "this was school business," however, this was without the knowledge of the Board of Directors and no vacation or personal leave time was taken by either person. Upon inquiry into this allegation, this investigation was informed that "the administrators paid the school back for these trips." Finance payroll officials have no record of this transaction. Four parents complained that their attempts to meet with the Principal of the high school was seldom if ever completed as he was absent from his post or was unavailable. This inconvenience caused parents to miss a step in the conflict resolution chain of custody as on several occasion, the Principal was the next step in the process. (See Appendix C)

Concern #5 TCA failed to demonstrate financial transparency and implement adequate financial controls AND

Concern #6 TCA failed to demonstrate adequate accountability, maintain open records, and provide the public with access to documents and information.

Concerns #5 and #6 will be discussed as one concern since the information discovered during investigation overlapped and discussed the same or similar information. An employee of TCA provided information that the finances of the school are sound and the department is operating in accordance with State and local financial guidelines. However, this employee stated the former Building and Book fee (now Titan Trust) was designed to be used for making up the difference of what the school received from District 20. According to the guidelines, fifty percent was for staff bonuses and the remainder for other school projects. She later found out that the monies did not go to where needed most but to the Endowment Fund administered by the President. She asked that it be removed and placed in areas of need, and only after this was it removed.

FINDINGS

The Classical Academy, A Charter School of Academy School District 20, is a school that is providing an excellent academic curriculum to the students in its charge. Its standards of high academic achievement equals or exceeds other charter schools in the state. The faculty and staff are competent and have the experience to provide adequate supervision and educational programs for students to learn. However, this investigation revealed major areas of concern about its management, its safety and security of students and are itemized below.

Board of Directors: This investigation revealed that the Board of Directors seldom visit the classrooms of the schools except for their individual children's rooms. Their once per month meeting does not provide its constituents with concise information whether good or bad thus giving the impression that "something is being held back from the patrons." The Board purports to assist "parents" but in practice appear to mean only those who are "loyal" to the administration of the school. The Board appears to be unaware of or unable to resolve the bullying issue in the schools. This Board is a reactionary agency and not a proactive agency that provide policies which are preventative or prescriptive in nature to provide for the safety and security of all students. This Board's concern for racial and sexual equality is suspect as there appears to be little concern about providing guidelines for ethnic minority hiring in the schools.

TCA Leadership: Failed to take appropriate corrective action in responding to and halting a pattern of racial discrimination. There is little indication that diversity of thought for other ethnic groups heritage or ideas or their value to an educational setting is a part of the goals of the school. Recruitment of ethnic minorities for employment, especially in the teaching ranks is nonexistent. At no level, from the Board of Directors to the elementary principals are there

efforts to recruit teachers of color from Historically Black Colleges or Universities, from predominant Hispanic student populations or Asian Americans domains. The leadership purports to espouse character building as one of its prime goals, and appears to do a commendable job in this area, however, their practices of living “what they preach” is suspect. ASD 20 AND TCA BOARD WILL WANT TO FOLLOW UP ON CONCERNS THAT EMERGED IN THE AREA OF RACIAL DISCRIMINATION REGARDING HIRING.

Failed to take appropriate corrective action in a timely manner in responding to sexual and physical assaults. Law enforcement officials were not notified of an alleged assault of a female student by her male classmate in a timely fashion. School officials did not follow proper protocol and allegedly conducted an in-house investigation which was never found. TCA BOARD WILL WANT TO FOLLOW UP ON CONCERNS THAT EMERGED IN THE AREA OF SEXUAL AND PHYSICAL ASSAULTS IN TCA.

Failed to take appropriate corrective action in responding to and halting a pattern of bullying of parents and students. Two elementary principals and one high school principal were accused of verbal abuse to three parent volunteers and one tutor during meetings with them at separate meetings called by the principals. Two were afraid and were driven to tears because of the outburst. ASD 20 AND TCA BOARD WILL WANT TO FOLLOW UP ON CONCERNS THAT EMERGED IN THE AREA OF EFFECTIVE COMMUNICATION OF SCHOOL ADMINISTRATORS.

Failed to take appropriate corrective action in responding to a pattern of drug and alcohol use. NO CONCERN EMERGED THAT WARRANTS FOLLOW UP INVESTIGATION BY THE DISTRICT.

Failed to take appropriate corrective action in responding to and halting a pattern of threats against students and parents. There were two teachers who were “threatened” by students of TCA. Threat assessment teams conducted threat assessments in accordance with school policy. In one instance the teacher was not satisfied with the team’s results, but the team deemed the threat to be of a low level of probability, this was verified by the police incident report. The second case was satisfactorily handled by the threat assessment team and police report supported the team’s assessment. A brick with a note attached was thrown through the window of a TCA family’s home. Investigation made with no arrests made. The family continually felt “harassed” by persons in the community. TCA WILL WANT TO FOLLOW UP ON CONCERNS THAT EMERGED IN THE AREA OF THREAT ASSESSMENT AND FOLLOW THROUGH.

Failed to acknowledge and halt a pattern of cover up and retaliation by staff in response to complaints lodged by TCA students and parents. Although six parents/volunteers provided this investigation with their perception of this concern, none could cite actual examples where retribution was a fact. At a Board of Directors meeting in February 2008, complainants provided an example of taunting, disrespect, and jeering by other patrons in attendance when a parent gave her comments about the retaliation her daughter had experienced by her peers.

TCA BOARD WILL WANT TO FOLLOW UP ON CONCERNS THAT EMERGED IN THE AREA OF CHARACTER BUILDING FOR STAFF, PARENTS, VOLUNTERS AND OTHER ADULTS OF THE SCHOOL.

Failed to exercise appropriate oversight and show good faith when investigating reported improprieties. The Board did not follow its own policy when information was brought to their attention regarding a possible sexual and physical assault on a female student in 2006. TCA BOARD WILL WANT TO FOLLOW UP ON CONCERN THAT EMERGED IN THE AREA OF SUPERVISION OVERSIGHT OF REPORTED IMPROPRIETIES.

Failed to eliminate conflicts of interest. Two employees of TCA charged personal business expenses to their school accounts while on business trips to promote their business. Business cards were also made in their offices using school computers. There was no repayment made to the school. ASD 20 AND TCA BOARD WILL WANT TO FOLLOW UP ON CONCERN THAT EMERGED IN THE AREA OF CONFLICT OF INTEREST.

Failed to demonstrate financial transparency and implement adequate financial controls and the concern that TCA leadership failed to demonstrate adequate accountability, maintain open records, and provide the public with access to documents and information. This investigation could not ascertain the depth of this concern. TCA policy of providing patrons access to the financial records and publishing monthly reports for public use is practiced.

NOTE!! The essence of these concerns is fraught with much skepticism and half-facts. The information gathered by the investigation appears to contain the proper documentation required in accordance with State Finance Statutes; however, the practices of the principal officials are vague and misleading. A former TCA parent alleged that there is a commingling of PTO funds with Titan Trust Funds which are controlled by the TCA Building Corp. Investigators were provided with the Articles of Incorporation and By-Laws of the TCA Building Corp, but it did not provide information on the accountability of the funds cited above. This investigation could not ascertain the depth of this concern. TCA policy of providing patrons access to the financial records and publishing monthly financial reports is practiced.

Did a pattern emerge whereby the administration, staff, and /or board applied discretion in a way that would lead a reasonable person to conclude that a duty to care was ignored or that concerns were unreasonably minimized? YES. The investigation took testimony from fifty-one respondents, four for a second interview. Of these, the majority support the claims of failure on the part of the TCA leadership. Investigator received another twelve unsolicited telephone requests for interviews from persons wishing to be interviewed if they could be assured that their information would remain anonymous. No assurance could be given thus interviews were not taken from them. Interviews were also conducted with two former student and one present student, who accompanied their parents to their interview. One student was interviewed telephonically with permission from their parents but was not able to provide any information on the investigation. Nine parents were contacted to gain permission

to interview their student. Only one responded and that was a negative response. Others did not acknowledge either way.

Is there sufficient policy guidance at the district or school level? YES. However, it is the opinion of this investigator, follow through to ensure that policy implementation is adhered to, is lacking until a situation occurs that warrants an investigation or inquiry.

RECOMMENDATIONS : It is recommended that

1. **Academy School District 20 Board of Education**
Provide oversight supervision in the six areas of concern cited above;
Provide a liaison administrator to participate as an observer at TCA Board of Directors monthly meetings;
2. **Academy School District 20 Administration**
Periodically include TCA curriculum development activities such as Professional Development, Special Education, etc. in-service training;
Conduct visitations of administrative departments in HR, Finance, and Student Services on a periodic basis;
3. **TCA Board of Directors**
Provide in-service training on Character Education to parent volunteers; Faculty and administrators on a quarterly basis;
Conduct workshops, seminars, and in-service on effective communication skills to faculty and parent volunteers at North and Central Elementary Schools;
All elementary schools provide sufficient playground monitors during recess periods at all elementary schools;
Provide Accountability Committees for each of the schools of the system consisting of parents and staff members of individual schools;
Appoint a Board Liaison member to attend/participate in all ASD 20 Board of Education meetings;
Conduct personal visitations to each school on a periodic basis;
Implement a better inclusive teacher recruitment program to increase its hiring of teachers of color;
Consider a fairer and transparent voting system that is above question and suspicion;
Hire a forensic accounting firm to conduct an in depth audit of accounting procedures of TCA.

- Appendix A: Board Governing Style
- Appendix B: Board Decision Making
- Appendix C: Concerns and Grievances
- Appendix D: TCA Building Corp By-Laws

Colorado Department of Education
Scope of Work

The terms, conditions and/or parameters contained in this document establish the performance agreement between Dr. James h. Sauls, hereinafter referred to as the CONTRACTOR, and the Colorado Department of Education, hereinafter referred to as CDE. The agreement identifies selected services to be rendered by the CONTRACTOR on or before April 30, 2009. This agreement is independent and exclusive of any other contractual arrangement between the CONTRACTOR and CDE.

The CONTRACTOR agrees to develop and provide the following, hereinafter referred to as the PRODUCT. By April 30, 2009, the CONTRACTOR will furnish District 20 and CDE with:

- Written summary of findings from an investigation of a Feb. 27 2009 complaint filed by TCA parents;
- Written recommendations to the School District identifying whether follow up action is indicated.

Background: The intent of this one-month engagement is to provide technical assistance to Academy School District 20 as the district follows up on a March 12, 2009 request from CDE. The CDE request was in response to a February 27, 2009 complaint from parents at The Classical Academy in Academy School District 20.

The parents asked CDE to look into six general areas. The parents assert that TCA leadership:

- Failed to take appropriate corrective action in responding to and halting a pattern of racial and religious discrimination, sexual and physical assault, bullying of students and parents, drug and alcohol use, and threats against staff and students;
- Failed to acknowledge and halt a pattern of cover up and retaliation by TCA staff in response to complaints lodged by TCA students and parents;
- Failed to exercise appropriate oversight and show good faith when investigating reported improprieties;
- Failed to eliminate conflicts of interest;
- Failed to demonstrate financial transparency and implement adequate financial controls; and
- Failed to demonstrate adequate accountability, maintain open records, and provide the public with access to documents and information.

The CONTRACTOR will look into the claims that TCA parents raised. The CONTRACTOR will:

- Conduct interviews with the following individuals:
 - o D20 administrators and D20 BOE;
 - o TCA administrators, staff, and BOE;
 - o Parents of students enrolled at TCA;
 - o Students enrolled at TCA.
- Review documents that include but may not be limited to:
 - o Written parent complaint;
 - o Public communications from TCA, the District, and the media pertaining to this matter;
- Make observation;
- Identify areas of concern where TCA actions may not have been in step with:
 - o State law or rule;
 - o Local policy or procedure; and
 - o Obligations or responsibilities arising from the contract between D20 and TCA.
- Answer this question

- o Did a pattern emerge whereby the administration, staff, and/or board applied discretion in a way that would lead a reasonable person to conclude that a duty to care was ignored or that concerns were unreasonably minimize?

The recommendations that may emerge include the following:

- District 20 will want to follow up on concerns that emerged in this/these areas [identify areas].
- No concern emerged that warrants follow up investigation and action by the District.

Any variance in the development and delivery of the PRODUCT must be approved in writing by the Deputy Commissioner of Education at CDE or his designee and must be attached to this document.

CDE agrees to expedite the effort of the CONTRACTOR by providing:

- A verbatim copy of the parent complaint that has not been redacted;
- Copies of internal CDE email correspondence up to the date CDE received this complaint;

CDE will reimburse the CONTRACTOR for actual expenses incurred for project, including:

- Meals while on CDE business (at per diem CDE rate and not to exceed \$200 total);
- Copying (not to exceed \$100 in total and receipts must be provided).

The CONTRACTOR agrees to provide:

- Grant to CDE full rights to the notes that were gathered during the investigation.

Upon written acceptance of the PRODUCT by the Deputy Commissioner of Education, CDE will pay the CONTRACTOR \$9,000 for the PRODUCT in a single increment (1 @ \$9,000 each). Total CDE outlay will not exceed \$9,500 (compensation to CONTRACTOR plus costs of legitimate reimbursements). Payment will issue on the following schedule:

- Friday, May 1, 2009

Either party may terminate this agreement by providing the other party with five days written notice.

The terms contained herein are accepted.

CONTRACTOR name (James H. Sauls, Ph.D.)

CONTRACTOR signature (and date)

DEPUTY COMMISSIONER (Ken Turner and date)

DEPUTY COMMISSIONER (signature and date)

CDE FINANCIAL OFFICER (Jeff Blanford)

CDE FINANCIAL OFFICER (signature and date)