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Testimony in opposition to the JAA Charter School Proposal

January 27, 2023

Pinehurst School Board members: Mary Anne, Rachel, Jeanne, Jackee' and Alison,

I want to begin by thanking you for your hours of service. Many of us in this community have sat in your seats or on School Improvement Council, the Pinehurst School Foundation and needed committees to try and keep the Pinehurst School running as smoothly as possible. I know it can be challenging, and I thank you for your time and dedication to our District.

I am writing to you about the John Adams Academy (JAA) charter school proposal before the Pinehurst School Board. Our family has been a member of the Greensprings community since 1996, we have been financial supporters of Pinehurst School through the Pinehurst School Foundation, and our three children, including our daughter Eliza, who has Down syndrome, were the beneficiaries of the unique educational experience that Pinehurst School offers. After engaging in extensive research about this proposal, I can say with absolute certainty that the board not only should **deny this application**, but that all five of you are obligated to say "no" under Pinehurst School Board's charter school policy LBE which states:

*"The Board will **not** approve any public charter school proposal when it is deemed that its value is outweighed by any direct identifiable, significant and adverse impact on the quality of the public education of students residing in the district."*

As well as under the following two criteria under ORS 338.055 – Evaluation Process and Criteria

(3) The school district board shall evaluate a proposal in good faith using the following criteria:

(a) The demonstrated, sustainable support for the public charter school by teachers, parents, students and other community members, including comments received at the public hearing held under subsection (2) of this section;

...

(f) Whether the value of the public charter school is outweighed by any directly identifiable, significant and adverse impact on the quality of the public education of students residing in the school district in which the public charter school will be located;

The ways in which this JAA proposal harms the Pinehurst School District and the quality of the education of the students we serve, and fails to meet the bar needed for approval, are described below.

1. **Support, or lack thereof, for this Proposal should hinge on In-district comments and not those coming from the Rogue Valley** - The school board is elected by the people who live in this school district and you are accountable to the voters and taxpayers in the Pinehurst School District. When

weighing whether this proposal has “sustainable support for the public charter school by teachers, parents, student and other community members”, the direct feedback you are receiving during this public comment period **coming from members in the Pinehurst School District**, not those from outside of our district, should help direct your vote as indicated in ORS 338.055(3)(a).

2. **A JAA charter school competes directly with Pinehurst School** - JAA is asking for a **K-12 charter** to operate (initially) a K-9 school at an undetermined location in the Rogue Valley starting with 450 students in the Fall of 2023 and increasing to a projected 1610 students K-12 by 2032 with the ability to operate additional campuses as enrollment dictates. This is completely unacceptably and inappropriate for a little rural and remote school district our size. Approving a “choice school” in a district serving 15 students in our K-6 program—in one of the smallest Districts in the state—will catastrophically divide the already small population of students we serve. It will make no difference whether the school is located in the district or out of the district as being proposed. If a portion of our school community chooses the JAA curriculum over the K-6 Pinehurst School offering, then enrollment numbers drop for the Pinehurst School threatening to fall below a sustainable level and take away the education that has been afforded this community for the past 115 years.

In doing a quick check with Pinehurst School District, Ashland School District and SOESD to gather data on registered homeschoolers in our District, I was given the following information:

Pinehurst School District – STUDENT ENROLLMENT as of Jan 25, 2023

Number of Students currently enrolled at PSD K-6 school - **15**

Number of Students currently enrolled in Ashland School District:

Ashland High School – **5**

Ashland Middle School – **3**

Walker Elementary – **1**

Trails Charter School (formerly John Muir) – **0**

Willow Wind Charter School - **4**

Number of students who are registered with ESD as Home School Students – **3**

Total number of PSD K-12 students enrolled as homeschoolers or in PSD or ASD: **31**

Our district is VERY small. If an alternative education is desired by some, then there are other options available in the valley that don’t require Pinehurst SD to bring into our district a competing K-12 charter school under our District’s sponsorship. Our student population certainly doesn’t justify the board’s approval of the JAA proposal before us to satisfy more school choice for 31 students who already have Pinehurst, Ashland SD public and charter school, valley private school and homeschooling options, currently.

3. **Placing a K-12 Charter school under the sponsorship of Pinehurst School District could well jeopardize our current relationship with and access to Ashland School District schools** where currently 13 Pinehurst students attend (AHS: 5; AMS: 3; WALKER: 1; TRAILS: 0; WW: 4). Additionally, with a severed relationship, bus transportation that is currently contracted through Ashland School District for Pinehurst students, may also disappear. This would be a clear detriment to any

Pinehurst Student who wishes to attend Ashland School District, one of the highest academically rated schools in Oregon.

4. **Oregon charter school law was not designed to locate brick and mortar schools outside their sponsoring school districts.** Despite the Oregon Department of Education staff opinion and work around that JAA is claiming, brick and mortar charter schools were **NOT** designed to be built outside of their sponsoring school districts for some obvious reasons. OAR 581-026-0005 (5)(a) and ORS 338.005(4)(a) each define “Sponsor” as:

(a) The board of the common school district or the union high school district **in which the public charter school is located** that has developed a written charter with an applicant to create a public charter school. (*Emphasis added*)

“Public charter school” at ORS 338.005(2) is defined as:

(2) “Public charter school” means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between a sponsor and an applicant and operating pursuant to this chapter.

JAA’s application before PSD specifically says:

*“The Academy will maintain a physical primary address within the District and will open and operate one or more satellite campuses **outside of the District** at a location in the Rogue Valley to be determined no later than four months before the beginning of a school year.*

The initial facilities will provide a foundation for the educational program to continue to succeed and thrive. The size and location of the facilities will be determined by the final enrollment numbers.” (JAA application at page 19)

According to the definition of “sponsor” and “public charter school” the current application should be mute as CQE/JAA has no provisions in this application to build a public charter school in the Pinehurst School District. This proposal, on the facts, should be denied.

ORS 338.045 states “(1) An applicant seeking to establish a public charter school shall submit a written proposal to a school district board.” JAA feels they have “met” ORS 338.045 by simply showing a letter of interest to all of our valley neighboring school districts with no intent of getting final sponsorship from those districts—all in an effort to try and use Pinehurst to slip in to these jurisdictions without having to ask permission. Think about that for a minute. You on the Pinehurst Board, control whether you approve this open-ended charter asking to build exclusively in a neighboring district or whether you say NO. The absurdity and audacity of the Pinehurst District to even consider this is astounding. We, as a tiny rural and remote school district entertaining approval of a 1610+ campus (100 times our enrollment) in someone else’s’ school district threatens to not only ruin our own district, but all but destroys our relationships with any other school District, none of which will stand by allowing a predatory charter school, overseen by the least qualified school district, Pinehurst, located 25 to 40 miles away from JAA’s campus(es). The risk of legal action is high.

Additionally, Charter Schools were not designed as **hostile takeovers** of another district's jurisdiction. In fact, the Oregon Statute ORS 338.005 clearly says:

It is the intent of this chapter that new types of schools, called public charter schools, be created as **a legitimate avenue for parents, educators and community members to take responsible risks to create** new, innovative and more flexible ways of educating children within the public school system. . . The goals of public charter schools shall be to. . .

(4) Build stronger working relationships among educators, parents and other community members;

I refute that this proposal is legitimate, it does not represent a "responsible risk" and it has done **anything but** build stronger working relationships among educators, parents and other community members either in the Pinehurst District or in our relationship with other school districts. The PSD Board should NOT approve this charter school, as it advocates for placing a 450-1610 student Charter School with no permission granted from the neighboring school districts, setting Pinehurst up for an unneeded and unwanted legal battle.

5. **What does it take to sponsor a charter school?** – Pinehurst has zero experience running anything but our own very small district. Charter schools are approved by districts large enough to have the infrastructure to be able to monitor and help them along. Using Medford School District (MSD) as an example, when considering granting a charter, they limit the initial charter to one campus that's ALWAYS located inside their school district. Enrollment initially is capped and growth limited in large part based on enrollment in other schools, students' interest in attending the charter, etc. They limit the initial charter to 3 years so as to better workout any kinks with the new entity. They control the delivery of all special services (including Special Education, English Language Learners, Talented and Gifted, etc.) and insist that standardized test scores meet or exceed the Medford School District average. All special services are handled by the Medford SD, precisely because **in Oregon, the District, not the charter school**, is held responsible for all state and federally mandated programs.

Oversight and monitoring between MSD and the charter school is spelled out in a 40-page charter agreement document¹, so that if there is any non-compliance, MSD can hold them accountable and cancel the contract if need be. The charter proposal before you is WAY beyond the capacity of our little school district to navigate and the terms are not adequate to protect our district from financial collapse.

6. **Why JAA's proposed 99% pass-through of State Fund dollars per ADMw in this proposal WILL NOT work for Pinehurst.** JAA's application is asking to take both the dollars (99% to JAA, 1% to PSD) and the responsibility of delivering all educational services. While this is the model in California, this is NOT how it is done in Oregon. **The district, NOT the charter school, is responsible for compliant delivery of all federal and state mandated programs.** The following is a PARTIAL list of Oregon Statutes that grant **the District** responsibility for providing Special Education to give you an idea of

¹ See Charter Contract between Logos Charter School and Medford School District – **Appendix A**

the complexity that would be required for Pinehurst School District to comply with delivering services to all JAA students. As you read through these, it's worth noting, that these statutes all say "the school district in which a charter school is located." This is further evidence that brick and mortar charter schools initially chartered by a sponsoring district were NEVER designed to be outside of the sponsoring district's borders. Otherwise, these statutes would make no sense. Under this circumstance, for example, the special education services would be provided by Ashland, should JAA site their campus inside the ASD, but that is clearly not who has the responsibility. It all falls to the sponsoring District.

*(2) Charter School Students - **Each school district** in which a charter school is located reports children with disabilities enrolled in the charter schools located in the district and receiving services described in (1), regardless of parental residency. Residency for children enrolled in charter schools is determined in accordance with ORS chapter 338. (OAR 581-015-2010)*

(5) Within 10 days of a student's enrollment in a public charter school, the public charter school shall provide written notice of the student's enrollment to **the school district** in which the public charter school is located if the student does not reside in **the school district** where the public charter school is located.

(6) Within 10 days of receiving the notice described in subsection (5) of this section, the school district in which the public charter school is located shall provide to the student's parent, legal guardian or person in parental relationship written information about:

(a) **The school district's** responsibility to identify, locate and evaluate students enrolled in the public charter school to determine which students may be in need of special education and related services as provided by ORS 338.165 (Special education students); and

(b) The methods by which **the school district** may be contacted to answer questions or provide information related to special education and related services.

.....

(8)(a) If a student described in subsection (5) of this section enrolls in a public charter school and has an individualized education program, the school district in which the public charter school is located must implement the individualized education program and follow the terms of the individualized education program until a new individualized education program is developed. (ORS338.125 emphasis added)

(1)(a) **The school district** in which a public charter school is located shall identify, locate and evaluate students enrolled in the public charter school to determine which students may be in need of special education and related services.

...

(c) **Students who are eligible for special education and related services shall be considered students of the school district in which the public charter school is located for purposes of data collection and reporting.**

...

(2) If a student is enrolled in a public charter school and is eligible for special education and related services, an additional amount shall be added to the ADM of the public charter

school as described in ORS 327.013 (State School Fund distribution computations for school districts) (1)(c)(A)(i). The payment per ADMw in the public charter school that is attributable to the student who is eligible for special education and related services shall equal an amount that is at least equal to:

(a)40 percent of the amount of the General Purpose Grant per ADMw **for the school district** in which the public charter school is located, as calculated under ORS 327.013 (State School Fund distribution computations for school districts), for students who are enrolled in kindergarten through grade eight; and

(b)47.5 percent of the amount of the General Purpose Grant per ADMw **for the school district** in which the public charter school is located, as calculated under ORS 327.013 (State School Fund distribution computations for school districts), for students who are enrolled in grades 9 through 12. (*ORS 338.165 – emphasis added*)

The chart below shows the average percentage of students with special needs enrolled in Oregon Schools over the last 5 years. Using the 2021-22 number of 14.2%, JAA’s projected Fall 2023 student enrollment of 450 students would result in **64 students with special needs** that Pinehurst School District would need to identify, hold Individual Education Plan Meetings for and ensure that those services are in compliance legally and delivered at JAA, 25-40 miles away from PSD. Every time enrollment increases, those numbers go up. In 2032 it would be 227 students with special needs.

Special Education Students Statewide

The percentage of Oregon students receiving special education services under IDEA has averaged 14.0 percent of total enrollment over the last five years. The following table shows the five year trend for special education students as compared to total enrollment.

	2017-18	2018-19	2019-20	2020-21	2021-22
Special Education	78,867	80,436	82,485	79,782	78,716
Total Enrollment	580,684	581,730	582,661	560,917	553,012
% of Total Enrollment	13.6%	13.8%	14.2%	14.2%	14.2%

Sources: December Special Education Child Count, Fall Membership

I point this out to the board as a part of Oregon’s educational rules that fall to **the District** to take care of. **The JAA application, using a California model, is not relevant in Oregon.** Oregon specifically allows Districts to retain 20% of the ADMw State Funds for K-8 and 5% for 9-12 grade students **as well as** the additional weighted funds of 40% for K-8 and 47.5% for Grades 9-12 (ORS 327.013) that’s specifically allowed for special ed. students, **for the purposes of carrying out these services.** Pinehurst, ABSOLUTELY SHOULD NOT PASS THESE FUNDS TO JAA! At a minimum, Pinehurst would need every dollar allowed and even that dollar amount would likely not be sufficient to cover the costs of special education services. ASD Superintendent Samuel Bogdanov’s and MSD Superintendent Bret Champion’s letters to the Pinehurst School Board, both cite costs that their Districts have had concerning special education students that are higher than state funds received. For example, Samuel says “high needs special education students, can cost a district up to \$100,000 annually – K through age 21”. **The application before you DOES NOT provide for the funding Pinehurst will need to fulfill our responsibility, therefore it should be denied.**

- 7. **The risk to Pinehurst is not hyperbole** – Both Medford and Ashland School District Superintendents have expressed surprise that Pinehurst would even consider this undertaking, as they too, know it

would plunge us into a completely different part of the educational system than we have ever known. Paul Dakopolos, PSD attorney, said the most telling thing in an email to the Board². When asked about the risks of litigation that taking on a charter school would entail, he said a certain amount of risk would be covered by the insurance policies of Pinehurst and JAA charter school, but there is one category that is uninsurable by JAA and that's Special Education lawsuits. I spent 24 years serving on the board of the Down Syndrome Assn of Southern Oregon. We worked with parents of children with Down syndrome and advocated on their behalf for "least restricted environment". Many times, we came up against school districts that insisted on putting our kids in self-contained classrooms when what the parents wanted was inclusion. On several occasions, a family would have the motivation and the financial ability to sue the district for non-compliance. It is these lawsuits that Pinehurst SD attorney Paul Dakopolos is referring to in this email:

One thing insurance will not cover is special education disputes. These are very expensive, and outside of PACE's coverage. If a student/parent files a special ed complaint with ODE or a due process hearing, that is on the district entirely. Legal fees can run \$25-100,000, depending on the length of the hearing. If the district loses, you pay the parent's attorney fees. Again, a big expense.

With no check on enrollment numbers or containing the charter school to inside the Pinehurst School District, there is absolutely no way for the district to protect itself from harm that can and will come from increased exposure caused by the number of special education students we would suddenly become responsible for. This is a **significant risk** and one the board is in no way obligated to take when considering whether to grant the JAA charter school. The statute on charter schools at **338.015 - Legislative intent; goals** simply say "**for parents, educators and community members to take responsible risks.**" It is a compelling reason to deny this proposal.

8. **There is nothing "normal" about the proposal before the Pinehurst School**, namely because it is proposed to be located at an undisclosed location OUTSIDE OF THE DISTRICT making it impossible for the board to even know if JAA can reasonably be accessed by ANY Pinehurst student. And also, because it is an "ask-for-the-moon" proposal being directed at a district (US!) that has zero experience in doing any oversight of charter schools, much less monitoring an ambitious, classical educational model and JAA program never before sanctioned in Oregon and with an apparent aggressive agenda to spread this model far and wide. Having no experience, and taking on a responsibility like this immediately sends up major red flags. Free and Appropriate Public Education (FAPE), the Individuals with Disabilities Act (IDEA) and all other state and federally mandated programs FALL exclusively on the school district's [Pinehurst in this case] shoulders.

581-015-2015 Compliance Monitoring School districts involved in the education of children with disabilities will be monitored by the Department on a regular basis to ensure compliance with the requirements of the Individuals with Disabilities Education Act, Oregon Revised Statutes, and Oregon Administrative Rules. Monitoring procedures may include district self-assessment, data collection, analysis and reporting, on-site visits, review of policies and procedures, review of the development and implementation of IEPs, improvement planning, and auditing federal fund use.

² Paul Dakopolos email to board dated Jan 24, 2023 – **Appendix B**

Using the special education numbers above, and adding to those additional responsibilities for English Language learners, Talented and Gifted student testing and reporting, kids that are low poverty, costs and exposure to the district will snowball **each time enrollment increases**. A charter with no limits on growth, enrollment or campuses, and all out of district, becomes a cancerous growth giving Pinehurst no choice but to all but abandon its mission of making sure we give the students that RESIDE IN OUR district a quality education. Pinehurst should reject this Proposal, nothing in it works for maintaining a quality of education for the students we currently serve.

9. **Sponsoring District students get priority enrollment in a charter school** – The problem with this is, for people across the country wanting a JAA-type education, they will move to the Greensprings (and are now!) for the specific reason that if Pinehurst is the sponsor, then anyone residing in the district gets first dibs on enrollment to a school down in the valley. This does two things that are devastating to our district. It means that families attending JAA will fill our community, but not participate in the K-6 school we have in the district. Over time, this will lead to those families overtaking the PSD board and fully merging with the charter school, allowing the K-6 school and district we currently have to be converted to a JAA school up here on the Mountain and giving no alternative for students who do not want that educational model. Having a small, “rural and necessary” one school, school district sponsor a far larger, ambitious charter school like John Adams Academy located outside of our district, makes a takeover not only possible, but probable. This is one of my main concerns with this proposal. I believe approval of this charter school proposal **in any configuration**, significantly alters our community, curtails the education of those remaining in the district and sets up an avenue where we could completely lose our District and the education we have offered our community for the last 115 years. Whether the Charter School services students inside or outside of the Pinehurst School District, the threat enabled by ORS 338.035(6)(b) allows for a charter school to merge with a school district because we fall into the category of a “rural and necessary, single school, school district. We should not be entertaining or approving any version of this Charter School—it threatens our very existence.

10. **JAA takes Pinehurst School District’s focus away from students we are responsible for educating** - Virtually overnight, PSD would become responsible for the education of students far outside our District due to the fact that students enrolled in the charter school would instantly become Pinehurst School District students, and as such, our responsibility. This is not our school’s mission, nor is it anything that neighboring school district want us to do. The JAA charter school, if approved, would be seen as a predatory interloper placing a PSD supervised charter school smack in the middle of other Rogue Valley School Districts leaving Pinehurst in charge and their school districts with no recourse by which to govern the entirety of their own jurisdiction. The burden of oversight, monitoring and ensuring proper delivery of IDEA (Individuals with Disability Education Act and FAPE (Free Appropriate Public Education) for all, would drown our administration in paperwork, constant visits to a distant charter school, mandated public hearings and mediation requiring attorneys to ensure compliance for a population of distant students we know nothing about.³ The risks are overwhelmingly high as is our exposure for lawsuits, that would come at the district if we and/or JAA is out of compliance. The sheer staffing this would require instantly diverts our energy, funds and

³ See Superintendents Bogdanov’s and Champion’s letters to the PSD Board for a laundry list of admin and staff responsibilities this charter school would require.

focus away from Pinehurst resident students, thrusting us into a foreign world of larger school mandates. The board has a responsibility to ensure a quality education for PSD resident students. The shift of focus into uncharted territory and risk that jeopardize what resources would be available for students in district, is grounds for the board to deny this proposal.

11. **Religious School or Public School?** - The JAA proposal and proponents have religious roots which are worrisome in that it appears to be a group wishing to reinject God into schools using public dollars. Both the Classical Quest Board members and Jeanne Randall, who sits on the PSD board and is founder and executive director of the Masterpiece Christian Fine Arts Foundation's Magna Deo project and Classical Quest Religious non-profit she founded, are promoting the JAA model in newsletters, online and in promotional videos. The Spring 2022 Masterpiece Christian Fine Art Foundation newsletter⁴, quoted below, links the Magna Deo project with their new partner, Classical Quest for Education (CQE), where Jeanne's daughter Jenna Hays is president. CQE is the public Benefit nonprofit applying for the JAA charter school proposal before the Board.

Classical Quest and Magna Deo

We are happy to recount favorable momentum on the venture to establish a regional cultural center for the arts in Southern Oregon through **Magna Deo**. This vision will declare the truth, beauty, and nobility of Christianity through the fine arts. Through the pledges and gifts of many generous donors, we are making more significant progress in 2022.

A talented team of leaders has made tremendous headway with the classical school component, and they hope to launch an opening of this new public charter school in the near future alongside a Magna Deo campus. We want to thank our new partner organization, the extraordinary **Classical Quest for Education**, and team members John Mawhood (Project Manager), Jenna Hays, Asa Hoffman, Tanner Cropper, Trevor Peterson, and Kolby Robinson. Learn more about Classical Quest at classicalquest.org.

There are two Magna Deo videos, one completed in 2015⁵ and the other in 2020⁶. Both reference a school component of this project and how the Christian Magna Deo project will encompass the public charter school and be placed on the southeast corner of Exit 19 at the North Ashland I-5 Interchange. The rendering of the campus from the 2015 Magna Deo Film is shown below.

⁴ Masterpiece Christian Fine Arts Foundation – Spring 2022 Newsletter – **Appendix C**

⁵ Magna Deo - Masterpiece Christian Fine Arts Foundation starting at 8:50 -

<https://www.youtube.com/watch?v=WW4V0nrJok>

⁶ Magna Deo - God, the Arts and a big vision – starting at 6 min <https://www.youtube.com/watch?v=SZPkv1wD9YA>



Magna Deo - Masterpiece Christian Fine Arts Foundation



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JAA's mission has absolutely nothing to do with PSD mission and seems rather an attempt to pose as non-religious so that the Charter School can obtain public dollars and use an aggressive business model and agenda to achieve a personal family quest. The proposal is being driven in our community by members of the Randall family, two of whom sit on the Pinehurst board and even if it turns out they have no monetary gain or actual conflict of interest, they appear to have an ethical conflict of interest, mainly because they are valuing the charter school mission, over the school district in which they have been elected to serve, protect and maintain.

An additional worrisome indicator that partnering with a JAA charter school may spell trouble for Pinehurst and that JAA aspires to promote a Christian-centric education, is a YouTube clip of a Constitution Day celebration⁷ at one of the John Adams Academy in California where a speaker is addressing the students and the man recites:

*Speaker: (One stage in front of the audience with representatives of John Adams seated behind).
(The speaker has stepped from behind the podium):*

"[S]tation to which the Laws of Nature and of Nature's God entitle them" ...

Pause, with look of mock apprehension

Speaker: "Nature's God. I can say that... Right? I'm at John Adams. I can say God in school at John Adams? That's cool." (Thumb up to the audience).

⁷ 2018 Constitution Day Celebration at John Adams Academy – starting at 34:20
<https://www.youtube.com/watch?v=HPvJF8-5nvo>

Speaker: *(Continuing with thumb up and becoming more animated)* “Not only do we say God in school”*(becoming increasingly more emphatic as the student body starts to clap, cheer, and laugh)*.

Speaker: *(Over continued applause)* “Not only do we say God in school, we celebrate God in school at John Adams”.

Speaker: *(Brief pause, then pretending to wipe his brow)*. “Whew. I tell ya, this speech is a lot rougher at public school. But I give it anyway.”

I encourage the board to watch the video in order to get the full effect. The link is footnoted below.

It seems instrumental that the JAA model does not desire to leave religious beliefs on the side line, but rather celebrates their relationship with God. It becomes even more likely when the JAA public Charter School will share the same campus as Magna Deo. Our concern is that Pinehurst, as the sponsoring District, will be forced to become the one to make sure that this charter school is indeed nonsecular. The desire to be autonomous, which JAA is asking for in this proposal, may be coming from two motives: 1) to try and retain as much of the public funding per student as possible to preach the word in ways they are able and 2) to have as little interference from the sponsoring district as possible. The video clip with cheering and clapping over celebrating being able to talk about God at John Adams Academy as compared with public schools, stands to put Pinehurst School District in the middle of a national agenda that is well beyond our scope to control and monitor for compliance. Having the JAA public charter school as the school component of the Magna Deo, Great and Magnificent God, project does not alleviate these fears.

12. **Board Member Ethics and Conflicts of Interest** – Pinehurst School District Policy BBFA Ethics and Conflicts of Interest states the following:

No Board member will use his/her official position or office to obtain personal financial benefit or to avoid financial detriment for him or herself, relatives or household members, or for any business with which the Board member, a household member or a relative is associated.

It has become incredibly evident that two board members and the President of Classical Quest for Education have family ties and a strong family interest in seeing the JAA charter school come to fruition. This calling has brought to light an ethical conflict of interest raising questions as to whether the board members are fulfilling their duty to serve the school district or if they are more vested in the outcome of approving the charter school over the interest of the district. I would like to point out that if this charter school were to be approved and financial benefits are incurred to any of the relatives of the current two members of the board or any business owned by any relative of the board members—including construction, hauling jobs to husbands and sons of the three Randall family members, this would be an **actual conflict of interest**. We have heard about Jenna Hayes, Jeanne Randall and Jackee’ Randall’s connections, but additional family members who own businesses such as Hays Services, Randall Services, Box R Rock and Excavation, Box R Ranch Land and Cattle, and any other family businesses related to construction would in no way be allowed to participate in building of the charter school/Magna Deo project. Both Jeanne and Jackee’ clearly have a potential conflict of interest, if not an actual conflict of interest. It is also clear that their loyalties may not be to serve the district.

13. **What we have is unique and well worth preserving** – The opportunity that kids at Pinehurst School are offered is unparalleled. Small classroom size, multigrade classrooms and a community that cares, and has, over the years, provided individually tailored projects, exploratory study through self-directed learning, field trips near and far, students who lead and mentor other students, community member volunteerism and involvement—whether on the board, on school improvement council, in the classroom or on spectacular field trips. These have been some of the highlights and certainly existed when our kids were students. That era was also one when the school was K-8 and the school population fluctuated from 45 students in 1996 down to 28 students in 2008. This is not unusual for our changing community. The enrollment now stands at 15 students K-6. The flexibility and smallness invite parents and community members to be involved. It also is what has made generations of Pinehurst graduates share in an understanding of what it’s like to grow up in a caring multiage large family where older students are often called upon to mentor the younger students.

The school has always had ample opportunity for students to show off their learning through Christmas Plays, Author’s Teas, Character sharing, Self-Directed Learning Project presentations and more. It was this oral skill practice, often performed in front of the whole community, that gave our daughter Eliza, who has Down syndrome, the ability to go on and inspire others with her speeches at regional Down Syndrome Buddy Walks to crowds of up to 1500 people and advocate at the national level in front of peers and educators why she wanted to attend college. It cannot be emphasized enough how a small school in a rural area can positively influence children. Growing up with the neighbors in a small setting often protects kids from some of the larger city challenges that other children face. It can teach compassion and acceptance of others, especially when diverse views are brought under one roof to learn and grow. It can and has been an idyllic education, especially when embraced and supported by the community. I encourage you all to take time to read the letters coming in from alumni—Pinehurst School has significantly shaped many lives. In recent years there has been some staff turnover, but the educational instruction remains high quality and the kids that attend, thrive. In short, it is a school well worth keeping.

14. **A JAA charter school could well pull community volunteerism, students and parents away from serving the community as a whole—embracing diverse views and teaching tolerance would suffer.** By offering JAA as an option in such a small community, the volunteerism, parent involvement and diversity within our K-6 school suffers, resulting in a less robust educational learning opportunity. It also could spell financial trouble simply from losing a critical number of students. Where a “choice school” makes sense in a large school district that has the student population to sustain various educational models and curriculum, it makes no sense in our district where student enrollment is already very small. Losing a portion of the community to a school on or off the mountain will have the same devastating results. One of the true values of a small school, is how it serves as a hub for the community to rally around. It welcomes diversity and allows students, parents and the broader community a chance to rub shoulders and accept differences.
15. **It will NOT make our District rich like proponents are saying** – Audrey Impara, CPA and former 14-year PSD Board member, has studied the numbers JAA wants PSD to accept---99% to JAA and 1% to Pinehurst, as if this is a gift to Pinehurst. While this is California Law, it is not Oregon law. Because the Districts are charged with making sure compliance is met with FAPE and IDEA, it is not in

Pinehurst's best interest to hand over those programs to JAA. Rather Pinehurst School should maintain control of all special ed services, ELL and TAG and other special programs—any that are mandated where the PSD is the responsible party. This would require at a minimum that we retain 20% of the State Funds for K-8 students and 5% of the state funds for 9-12 students as well as any extra weighting given for special education, etc. Even if Pinehurst School District were to retain the maximum dollars allowed of 20% for K-8 students and 5% for 7-12 students, the work, focus and exposure required to take on an unlimited number of students scattered across the Valley would not cover the costs or the risks associated with taking on this charter school. Even the JAA application recognizes that accountability falls to Pinehurst when they say:

Pursuant to ORS 343.045 and 581-015-2005, the District and the Academy will develop a special education program for approval by the Oregon State Superintendent of Public Instruction, in which the program will provide for the provision of special education services by the Academy and the supervision and monitoring of such services by the District. (JAA application at p 26)

ASD Superintendent Bogdanov says, at a minimum Pinehurst would need 2 FTE to simply monitor for compliance a 450-student school. The roughly \$40,000 (1% of the 99% 4.1 million dollars JAA charter would receive initially) does not begin to cover the PSD staff required for oversight and accountability. It is important to know that the 1% JAA is offering would be devastating to the district, ending in a likely collapse of the district. This is not an option and a clear reason to say no to this application.

16. **Why this model of charter school would not be a fit for PSD in any form** – As stated previously, at a bare minimum to protect our district, Pinehurst SD should, under no circumstances, pass on any of our roll and responsibility to deliver federal and state mandated special services to a charter school. Any initial charter proposal, following Medford's lead, should be for 3 years, not 5 years so that the kinks with a new charter can stand a chance of being worked out. The grades served by a Pinehurst sponsored charter should be 7-12 only, located in the district, and limited to the total number of people in the Pinehurst District so that we serve our own, and not take on the risk of those located far from our district. And importantly, the **educational model presented by a 7-12 charter school should complement the educational model that Pinehurst K-6 provides**. The JAA model does not. Pinehurst School is a K-12 district and I believe the district may want to keep the option open to bring back at least the 7th and 8th grades. Approving any charter school in this small district would almost certainly make that more difficult. For those that have their hopes set on a classical quest education, they should encourage CQE/JAA to resubmit their proposal to the Medford School District, which would be happy to entertain a John Adams Academy as a charter school in their district. This would solve the proponents desire to have a JAA charter school in the Rogue Valley and assessable to more students, while falling under the direction of a school district far better equipped to manage it.
17. **Healing is needed** – This process has pointed out a division in our community and the need both for a better process in the future and also a healing from this process. We need to find ways to bring the community together, hopefully under one school house roof. I think there is a groundswell of interest to get involved and work, as a community, to ensure that all of the kids up here in our part of the world get an education that they, and we, can be proud of. While I don't see options for the

present charter proposal or a future charter school to work, I can see that for some families, restoring, at a minimum, Pinehurst School back to K-8 could be helpful. I also think the community as a whole should look for creative ways to provide alternatives in 9-12 that might also include options up here. That is tough in this small school setting, but some of our students have found online programs that meet their needs. If there has been a silver lining to this process, it has been that there has been an increase in community awareness including that to make the quality of education as vibrant as we wish it to be, all of us might need to look at ways we can participate.

Conclusion:

I believe every aspect of this proposal is a bad fit for Pinehurst. Instead of bringing us together for the benefit and quality of education for all our students, it is tearing us apart. Approval would fundamentally change everything we have currently into an impossible task of oversight of an aggressive CA corporation program that cares primarily about spreading an educational philosophy as far as possible. Contrary to what many are parroting—that it will serve only 7-12 and make the district rich—it will do neither. In fact, fractionation over this proposal has already caused student enrollment at Pinehurst School to drop and precious funds of more than \$8000 in attorney and OSBA fees to be spent trying to protect the district. We are a one school, rural and necessary school district who cares deeply about our school and the students that we are lucky to serve. Our school has provided, and will continue to provide, a high quality of education. With the ongoing help of our community members serving on the board, volunteering, participating in the Pinehurst School Foundation fundraisers, we will continue to grow and thrive.

The Pinehurst Board of Directors' Mission statement says that the board's mission is to . . . "vigorously maintain and improve the academic quality and financial stability of the Pinehurst School District and to ensure its continued vitality...". This should guide all decisions.

With this in mind, I respectfully ask the Pinehurst Board to follow your policy and your mission statement and **deny this charter application**.

Sincerely,

Deb Evans

Please include the following Appendices as part of my testimony. They will be forwarded in 3 separate files:

Appendix A – **Charter Contract between Logos Charter School & Medford School District 549C – July 1, 2013 – June 30, 2016**

Appendix B – **Paul Dakopolos, attorney for PSD, email to board dated Jan 24, 2023**

Appendix C - **Masterpiece Christian Fine Arts Foundation – Spring 2022 Newsletter**