

1 Re: I-LEAD CHARTER SCHOOL HEARING
2 [VOL. V]

3
4 BEFORE: Jeffrey D. Litts, Hearing Officer

5 DATE AND TIME: Monday, February 8, 2016
6 at 9:32 a.m.

7 LOCATION: Reading School District
8 Administration Building
9 800 Washington Street
10 Board Room
11 Reading, Pennsylvania

12 APPEARANCES:

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18 Representing Reading School District

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25

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I N D E X

| <u>WITNESS</u> | <u>EXAMINED BY</u> | <u>PAGE</u> |
|---------------------|--------------------|-------------|
| Angel Figueroa | Mr. Stacey | 828 |
| | Ms. Petersen | 852 |
| | Mr. Stacey | 862 |
| Dr. Robert Natalini | Mr. Stacey | 863 |
| | Ms. Petersen | 893 |
| | Mr. Stacey | 968 |
| | Hearing Officer | 973 |

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P R O C E E D I N G S

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THE HEARING OFFICER: Good morning.

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We are here to reconvene the public hearing

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involving the Reading School District and I-LEAD

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Charter School. For those in attendance, I would

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remind them if they please could either turn off

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or silence their cell phones.

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And when we last were here, the

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Charter School was in the process of presenting

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its witnesses. So at this point in time, I will

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turn it back over to Mr. Stacey to continue to

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call any witnesses that he has. Mr. Stacey.

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MR. STACEY: The Charter School calls

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Angel Figueroa.

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ANGEL FIGUEROA, was sworn.

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BY MR. STACEY:

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Q Good morning, Mr. Figueroa.

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A Good morning.

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Q would you please state and spell your

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name for the record?

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A Angel Figueroa, A-n-g-e-l,

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F-i-g-u-e-r-o-a.

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Q Thank you. Mr. Figueroa, what is

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your position at I-LEAD Charter School?

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| <p>1 A I'm currently the chief executive 2 officer. 3 Q And how long have you held that 4 position? 5 A Since roughly January of 2015. 6 Q And prior to holding that position, 7 were you employed by the charter school? 8 A Yes. 9 Q In what position? 10 A I was chief operating officer for 11 about a year. And prior to chief operating 12 officer, on a part-time capacity as vice president 13 resource development for the charter school. 14 Q And have you been employed by the 15 charter school since its inception? 16 A Yes. 17 Q Have you also been employed by I-LEAD 18 Inc.? 19 A Yes. 20 Q Can you describe that for us? 21 A My employment with I-LEAD Inc. 22 started in 2002. I was hired to be a leadership 23 development trainer for the organization and 24 worked my way up, eventually becoming the vice 25 president resource development for I-LEAD Inc.</p> <p style="text-align: right;">829</p> | <p>1 of the institute. I went through I-LEAD in 2 roughly 1995. I'm proud to say that I was one of 3 David Castro's first students in the Leadership 4 Training Program. This was in the city of 5 Lancaster. 6 I actually did the training program 7 for about two and a half, three years, and stayed 8 in touch with David Castro and eventually circled 9 back into the life of the organization in 2002. 10 Q Just so we are all on the same page, 11 can you describe what that program was? 12 A So the I-LEAD Leadership Training 13 Program is a very comprehensive training program 14 for adults. And the intent was and has been to go 15 into distressed communities and give adults an 16 opportunity to acquire certain tools and certain 17 skills similar to other trainings like, you know, 18 Steven Covey type training or Peter Singe type 19 training. 20 And it's much more comprehensive. 21 It's an integrated approach to leadership. And 22 many have benefited from that training program. 23 So have I. 24 Q So you went through that program in 25 the 1990s.</p> <p style="text-align: right;">831</p> |
| <p>1 Q So you were involved with Inc. about 2 nine years before the charter school began 3 operation. 4 A Yes. 5 Q What is your educational background, 6 and what did you do prior to joining I-LEAD Inc.? 7 A I currently hold a Bachelor Degree in 8 Business Administration from Albright College. I 9 also have a Master's in Business Administration 10 from Kutztown University. 11 Prior to working with I-LEAD Inc., I 12 was a financial specialist for First Union 13 National Bank, managing multimillion-dollar 14 portfolios with the bank. I went through the 15 merger with First Union Bank as Wachovia Bank 16 acquired First Union. 17 Prior to that, I'm a proud member, I 18 was, of the Pennsylvania Army National Guard. I 19 served in the U.S. Army for about four and a half 20 years. And prior to that, I held different retail 21 jobs. That's the extent of my career. 22 Q Prior to becoming employed with 23 I-LEAD Inc., did you have any experience working 24 with the organization? 25 A I did. Actually, I'm a proud product</p> <p style="text-align: right;">830</p> | <p>1 A Yes. And that training program was 2 in part what inspired me to be the person that I 3 am today. It radically changed my life. It gave 4 me a certain skill set that I never had prior. 5 Honestly, I don't think I would be where I'm at 6 had I not gone through that training program. 7 Q Did you participate in the 8 development of the charter application for the 9 school? 10 A I did not participate in the 11 application process as it relates to the writing 12 of the application. My role in the beginning was 13 to serve as the point of contact for the founding 14 coalition. And I worked on, you know, the 15 community town hall meetings. So I did everything 16 else to start the charter school other than the 17 application. 18 Q When the charter was granted, what 19 was your position? Were you hired by the charter 20 school? 21 A I was. And again, my role was vice 22 president resource development. I became sort of 23 the public relations/community relations 24 individual for the charter school. 25 Q And were you also employed by I-LEAD</p> <p style="text-align: right;">832</p> |

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| <p>1 Inc. at that time?</p> <p>2 A Yes.</p> <p>3 Q At what point after the school began</p> <p>4 operations did your position at the charter school</p> <p>5 change?</p> <p>6 A So I want to say in roughly</p> <p>7 2014-2015, with the departure of Dr. Sanchez, I</p> <p>8 became much more involved with the operations of</p> <p>9 the school and, obviously, working collaboratively</p> <p>10 with Dr. Smith. And I basically did everything</p> <p>11 that was nonacademic, you know, anything that</p> <p>12 included operations for the school. That was my</p> <p>13 role at that time.</p> <p>14 Q So the vice president of resource</p> <p>15 development, you held that position from the</p> <p>16 beginning of the charter school until Dr. Sanchez</p> <p>17 left.</p> <p>18 A Correct.</p> <p>19 Q And then when Dr. Sanchez left, your</p> <p>20 role changed.</p> <p>21 A Correct.</p> <p>22 Q Were you present for Chris Celmer's</p> <p>23 testimony on Friday, February 5th?</p> <p>24 A Yes.</p> <p>25 Q Do you recall his testimony that he</p> <p style="text-align: right;">833</p> | <p>1 2014 there was a meeting between school district</p> <p>2 administrators and the charter school to discuss</p> <p>3 academic goals?</p> <p>4 A Yes.</p> <p>5 Q Were you present at that meeting?</p> <p>6 A Yes.</p> <p>7 Q Can you describe to the room what</p> <p>8 that meeting consisted of?</p> <p>9 A So -- and that was on top of other</p> <p>10 meetings that we had. And if I could recall, the</p> <p>11 meeting consisted of myself, Dr. Smith, Ryan</p> <p>12 Gruber, the Director of Special Ed Kara Schmidt,</p> <p>13 at which Mr. -- Dr. Juliette Pennyman I believe</p> <p>14 was involved in that meeting.</p> <p>15 And the idea of the meeting was to</p> <p>16 revisit our academic program and to develop some</p> <p>17 sort of framework around the program. And the</p> <p>18 objective was to try to build consensus through</p> <p>19 the Reading School District administration and our</p> <p>20 administration to bring back to the Reading School</p> <p>21 Board of Directors.</p> <p>22 Q Mr. Celmer also testified about</p> <p>23 attending and testifying before the Zoning Appeal</p> <p>24 Board in December of 2014. Do you recall that</p> <p>25 testimony?</p> <p style="text-align: right;">835</p> |
| <p>1 had received from the charter school in February</p> <p>2 of 2015 zero statements of financial interest for</p> <p>3 administrators for the charter school?</p> <p>4 A Yes.</p> <p>5 Q In your role as CEO, have you</p> <p>6 personally filed statements of financial interest</p> <p>7 with the charter school?</p> <p>8 A Yes.</p> <p>9 Q Did you file those statements after</p> <p>10 February of 2015?</p> <p>11 A Yes.</p> <p>12 Q To your knowledge, after February of</p> <p>13 2015 were those statements ever requested by</p> <p>14 Mr. Celmer or anybody else from the Reading School</p> <p>15 District?</p> <p>16 A No.</p> <p>17 Q To your knowledge, have statements of</p> <p>18 financial interest been filed with the charter</p> <p>19 school by any other administrative level position?</p> <p>20 A Yes.</p> <p>21 Q Do you know who those individuals</p> <p>22 would be?</p> <p>23 A Barbara Sykes.</p> <p>24 Q Were you present for Mr. Celmer's</p> <p>25 testimony when he stated that in the summer of</p> <p style="text-align: right;">834</p> | <p>1 A Yes.</p> <p>2 Q He stated that you were at the</p> <p>3 hearing as well. Is that, in fact, true?</p> <p>4 A Yes.</p> <p>5 Q So you attended that hearing?</p> <p>6 A Yes.</p> <p>7 Q And you testified at that hearing?</p> <p>8 A Yes.</p> <p>9 Q Have you reviewed any records of that</p> <p>10 proceeding?</p> <p>11 A I have not.</p> <p>12 Q To your recollection, what was the</p> <p>13 purpose of that hearing at the Zoning Appeal</p> <p>14 Board?</p> <p>15 A So the objective of the hearing was</p> <p>16 to go before the zoning hearing board, at which</p> <p>17 the Reading School District administrators were</p> <p>18 basically doing what they were advised to do by</p> <p>19 the Board of Directors of Reading --</p> <p>20 MS. PETERSEN: I'm going to object to</p> <p>21 this testimony because he's testifying about what</p> <p>22 the objective of the School District was, and that</p> <p>23 calls for speculation.</p> <p>24 THE HEARING OFFICER: I'll sustain</p> <p>25 that objection.</p> <p style="text-align: right;">836</p> |

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| <p>1 BY MR. STACEY:</p> <p>2 Q Who is Francis Acosta?</p> <p>3 A Francis Acosta is the individual who</p> <p>4 just got indicted by the FBI. And he's also the</p> <p>5 husband of Rebecca Acosta.</p> <p>6 Q Do you know what positions with the</p> <p>7 city Francis Acosta held during any point of</p> <p>8 I-LEAD Charter School's existence?</p> <p>9 A He was council president.</p> <p>10 MS. PETERSEN: I have an objection to</p> <p>11 that.</p> <p>12 THE HEARING OFFICER: Where are we</p> <p>13 going with this, Mr. Stacey?</p> <p>14 MR. STACEY: I have several questions</p> <p>15 and several exhibits that have to do with bias</p> <p>16 against the charter school. The relevance of bias</p> <p>17 to me is very clear. And that will be established</p> <p>18 through questions and these exhibits.</p> <p>19 We have been claiming since day one</p> <p>20 bias in this proceeding. We claimed it in our</p> <p>21 letters to the Reading School Board president</p> <p>22 about the appointment of the hearing examiner. We</p> <p>23 claimed it in our appeal to the CAB that was taken</p> <p>24 regarding the amendment. And each time we have</p> <p>25 claimed bias, the response is, Well, the Charter</p> <p style="text-align: right;">837</p> | <p>1 officer to not make a decision for the board but</p> <p>2 to make a recommendation. There have not been</p> <p>3 continuing objections to anything pertaining to</p> <p>4 that process as we move forward with this hearing.</p> <p>5 And therefore, I don't understand</p> <p>6 what the basis of a bias argument could be on this</p> <p>7 particular line of questioning. And I will</p> <p>8 certainly have additional arguments to be made if</p> <p>9 other documents are being introduced. But I don't</p> <p>10 understand the basis of the bias argument.</p> <p>11 THE HEARING OFFICER: I'm not sure I</p> <p>12 understand it at this point in time, so this is</p> <p>13 what I'm going to do. I'm going to ask Mr. Stacey</p> <p>14 to move on to a different area of questioning. We</p> <p>15 will, inevitably, have a break. And then if there</p> <p>16 are certain exhibits, I would like to talk to</p> <p>17 counsel off the record. If we can't resolve it</p> <p>18 I'll let you have an opportunity to preserve this.</p> <p>19 But I don't want to go too far</p> <p>20 afield. And then maybe better understanding the</p> <p>21 facts that you can give me off the record, you can</p> <p>22 clear that up; and then, hopefully, we can move on</p> <p>23 in a way that both counsel can agree with.</p> <p>24 But at this point, whether there is a</p> <p>25 city official that did or didn't do something, I</p> <p style="text-align: right;">839</p> |
| <p>1 School Appeal Board will cure any bias in the</p> <p>2 process.</p> <p>3 The commonwealth court in the</p> <p>4 Northside Urban Pathways case and in other cases</p> <p>5 has made it very clear that the Charter School</p> <p>6 Appeal Board is charged with regulating the</p> <p>7 inherent bias of school districts against charter</p> <p>8 schools.</p> <p>9 In order to cure any bias, it needs</p> <p>10 to be in the record. We don't have much. But</p> <p>11 what we do have is supported by documentary</p> <p>12 evidence, and we need to put it in the record.</p> <p>13 THE HEARING OFFICER: Ms. Petersen?</p> <p>14 MS. PETERSEN: Thank you. I don't</p> <p>15 understand the basis of an argument that someone</p> <p>16 who is unaffiliated with the school district could</p> <p>17 be the basis of the bias for the school district.</p> <p>18 Notwithstanding that, Ms. Acosta is no longer a</p> <p>19 school board member for the Reading School</p> <p>20 District Board of School Directors.</p> <p>21 She will not be making any decision</p> <p>22 in this matter and, therefore, could not form the</p> <p>23 basis of a bias argument for whatever the ultimate</p> <p>24 outcome of the proceedings are. These matters</p> <p>25 have been assigned to Mr. Litts as the hearing</p> <p style="text-align: right;">838</p> | <p>1 don't know how that reflects on the school</p> <p>2 district. So let's move on to something else, and</p> <p>3 we will revisit the issue.</p> <p>4 MR. STACEY: Sure.</p> <p>5 BY MR. STACEY:</p> <p>6 Q Who is Rebecca Acosta?</p> <p>7 A Rebecca Acosta was the former school</p> <p>8 board president of the Reading School District.</p> <p>9 Q She's the wife of Francis Acosta?</p> <p>10 A That is correct.</p> <p>11 Q Were you involved for I-LEAD Charter</p> <p>12 School in any other charter applications made to</p> <p>13 the Reading School District, other than the one</p> <p>14 we're talking about today?</p> <p>15 A Yes.</p> <p>16 Q Which one was that?</p> <p>17 A We had submitted a request for a</p> <p>18 middle school charter application, at which we had</p> <p>19 presented to the board -- at that time, Mr. Cooper</p> <p>20 was the board president and Mrs. Rebecca Acosta</p> <p>21 also served on the board at that time.</p> <p>22 Q Was Ms. Acosta on the school board at</p> <p>23 the time of I-LEAD Charter School's renewal in</p> <p>24 October of 2013?</p> <p>25 A Yes.</p> <p style="text-align: right;">840</p> |

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| <p>1 Q You mentioned she held leadership 2 positions. Do you know when she have may have 3 been elected to those leadership positions? 4 A She was elected to the school board 5 presidency in 2014. So the December 2013 6 reorganization she was elected to the board 7 presidency when new members also had joined the 8 board. 9 Q Was Ms. Acosta on the board at the 10 time the district sought to appeal the charter 11 school zoning permit? 12 A Yes. 13 Q Were you present for Mr. Celmer's 14 testimony when he spoke to the existence of an 15 appeal the school district had filed regarding the 16 tax assessment for 401 Penn Street? 17 A Yes. 18 Q Would Ms. Acosta have been on the 19 school board at the time the district sought to 20 challenge that tax assessment? 21 A Yes. 22 Q Were you here for Mr. Celmer's 23 testimony when he stated that following the 24 August 27, 2014, zoning board hearing that the 25 school district's appeal was denied?</p> <p style="text-align: right;">841</p> | <p>1 because of things that aren't contained in the 2 revocation notice but for other reasons. 3 And we're not here just spitballing 4 either. We have documents that show this, which 5 is why we're trying to get this stuff into the 6 record. 7 So the relevance is clear because it 8 has to do with the property or it has to do with 9 the charter school or it has to do with how 10 decisions at the school board level have been 11 made, which I think the Charter School Appeal 12 Board would certainly be interested in. 13 MS. PETERSEN: Well, may I? 14 THE HEARING OFFICER: Sure. 15 MS. PETERSEN: The charges against 16 the school are the charges. They speak for 17 themselves in terms of the issues presented within 18 them and the basis on which any decision would be 19 made. There would not be additional reasons set 20 forth in the decision as to whether it's 21 ultimately revoked or not revoked or whether the 22 charter is ultimately amended or not amended. 23 That would be the basis for the decision. 24 In addition, there has been no 25 establishment that the folks who are ultimately</p> <p style="text-align: right;">843</p> |
| <p>1 A Yes. 2 Q During that time to the time of the 3 institution of revocation proceedings, can you 4 describe your interactions with Mr. Acosta 5 regarding the charter school? 6 MS. PETERSEN: Objection. 7 MR. STACEY: Do you want to respond? 8 MR. STACEY: Yes. And I also want to 9 respond to something said previously. We're not 10 talking about bias in a decision ultimately that 11 will be made in this case because, obviously, we 12 recognize that Ms. Acosta is no longer on the 13 school board. We're talking about a larger bias 14 that has to do with why we're here in the first 15 place. 16 Mr. Figueroa has had multiple 17 interactions with these individuals. And some of 18 these interactions directly go towards whether 19 this proceeding was instituted because board 20 members actually sought to revoke the charter on 21 the basis of the charges herein or for some other 22 reason. That is improper. 23 And Mr. Figueroa's livelihood and the 24 place where 520 kids go to school is on the line 25 in these proceedings. And it might be on the line</p> <p style="text-align: right;">842</p> | <p>1 making the decision are the same folks who are 2 involved in any predecessor actions in that 3 regard. 4 Plus, Ms. Acosta is one board member. 5 There is a board of nine who would be making the 6 decision. And I'm not hearing any information 7 from Mr. Stacey or others regarding how there is 8 alleged tainting of the entirety of the board as 9 opposed to issues pertaining to one person. 10 THE HEARING OFFICER: I'm going to 11 sustain the objection. Again, I want to revisit 12 this off the record and see what these exhibits 13 are. 14 I mean, the bottom line is this. The 15 revocation notice just as the amended request, 16 that's what I'm reviewing. There could be 17 motivations on both sides as to why those things 18 were submitted. 19 At the end of the day, we are going 20 to apply the law, the actual facts that are in the 21 record, decide if there is a basis to grant the 22 amendment request or there's facts in the record 23 to support the revocation request. And I haven't 24 prejudged that. I don't know who Ms. Acosta is or 25 Mr. Acosta is.</p> <p style="text-align: right;">844</p> |

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| <p>1 The other thing would be if -- I</p> <p>2 agree with Ms. Petersen. If there are individual</p> <p>3 discussions that may or may not have taken place</p> <p>4 between individuals, that doesn't reflect the</p> <p>5 board. Only the board can act in its entirety.</p> <p>6 So what I would like to do is I'll</p> <p>7 revisit this line of questioning off the record</p> <p>8 with you. And you might be able to convince me,</p> <p>9 and then we will come back on the record.</p> <p>10 But you have preserved I think so far</p> <p>11 for the record on this. But I'm not going to go</p> <p>12 on a wild speculation as to stuff that really</p> <p>13 isn't relevant whether or not there's factual</p> <p>14 basis for the issues that are purported. So let's</p> <p>15 move on with something else.</p> <p>16 MR. STACEY: Well, what I have left</p> <p>17 with Mr. Figueroa are the exhibits that we</p> <p>18 intended to set forth. So maybe we should have</p> <p>19 that discussion now.</p> <p>20 THE HEARING OFFICER: All right. Why</p> <p>21 don't we take a recess now.</p> <p>22 (Brief recess.)</p> <p>23 THE HEARING OFFICER: We'll go back</p> <p>24 on the record. It's 10:05 a.m. I had a recess</p> <p>25 with Attorney Stacey and Attorney Petersen to talk</p> <p style="text-align: right;">845</p> | <p>1 campaigns to include not just local but state and</p> <p>2 even national candidates.</p> <p>3 Q And how long have you known</p> <p>4 Ms. Acosta?</p> <p>5 A Ms. Acosta, I knew of her since I</p> <p>6 want to say 2006 by way of her husband, Francis</p> <p>7 Acosta. I never had no involvement with</p> <p>8 Mrs. Acosta directly until she became elected to</p> <p>9 the Reading School Board of Directors.</p> <p>10 But her husband, who ran for City</p> <p>11 Council in 2009 for the same district I used to</p> <p>12 represent, we had played a role in supporting his</p> <p>13 candidacy then. So to the extent that my</p> <p>14 involvement became more with Mrs. Acosta, it was</p> <p>15 when she became a member of the Reading School</p> <p>16 Board of Directors.</p> <p>17 Q And you testified earlier that she</p> <p>18 became president of the Reading School Board.</p> <p>19 A She did.</p> <p>20 Q And do you know when that was?</p> <p>21 A If I could recall, it was during the</p> <p>22 reorganization. But she also -- I remember</p> <p>23 clearly because Ms. Acosta personally had called</p> <p>24 me to inform me that --</p> <p>25 MS. PETERSEN: Objection.</p> <p style="text-align: right;">847</p> |
| <p>1 with counsel directly with regards to the scope of</p> <p>2 the direct examination that was previously</p> <p>3 underway in light of the objections.</p> <p>4 I think we have a mutual</p> <p>5 understanding on how we're going to proceed,</p> <p>6 noting counsel probably for both sides aren't</p> <p>7 perfectly happy with the results, and we will have</p> <p>8 some objections preserved for the record.</p> <p>9 But with that understanding, I will</p> <p>10 let Mr. Stacey continue with his direct</p> <p>11 examination.</p> <p>12 BY MR. STACEY:</p> <p>13 Q Mr. Figueroa, how long have you lived</p> <p>14 in Reading?</p> <p>15 A I moved to Reading in 1999 right</p> <p>16 after I came out of the military. So I've been</p> <p>17 living in Reading since.</p> <p>18 Q Have you been involved in any</p> <p>19 campaigns for elected office in Reading?</p> <p>20 A I have. I have been involved</p> <p>21 personally. I was elected into public office in</p> <p>22 2002 to the City Council District 1 seat. After</p> <p>23 that, I also ran for mayor of the City of Reading</p> <p>24 in 2007, losing to the democratic incumbent at</p> <p>25 that time. I also have actively worked on</p> <p style="text-align: right;">846</p> | <p>1 THE HEARING OFFICER: Just if you can</p> <p>2 answer Mr. Stacey's questions. Do you recall when</p> <p>3 she became school board president?</p> <p>4 THE WITNESS: Yes.</p> <p>5 THE HEARING OFFICER: And when was</p> <p>6 that, sir?</p> <p>7 THE WITNESS: December of the</p> <p>8 reorganization I believe in 2013. And she served</p> <p>9 for a whole year.</p> <p>10 THE HEARING OFFICER: And to the best</p> <p>11 of your recollection, how long did she serve in</p> <p>12 that capacity till?</p> <p>13 THE WITNESS: Up till her term had</p> <p>14 ended, which was last year.</p> <p>15 THE HEARING OFFICER: So it would</p> <p>16 have been December of 2015?</p> <p>17 THE WITNESS: Yes.</p> <p>18 THE HEARING OFFICER: Mr. Stacey, you</p> <p>19 can continue.</p> <p>20 BY MR. STACEY:</p> <p>21 Q In 2015, to your knowledge, did Ms.</p> <p>22 Acosta run for political office in Reading?</p> <p>23 MS. PETERSEN: Objection. Relevance.</p> <p>24 THE HEARING OFFICER: Overruled.</p> <p>25 BY MR. STACEY:</p> <p style="text-align: right;">848</p> |

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| <p>1 Q You can answer.</p> <p>2 A Yes.</p> <p>3 Q And what was that for?</p> <p>4 A She ran for district justice in the</p> <p>5 south side of Reading. That's the seat that she</p> <p>6 ran for.</p> <p>7 Q When was the primary election for</p> <p>8 that seat to be held?</p> <p>9 A It was May of 2015. She was running</p> <p>10 against an incumbent district justice at that</p> <p>11 time, and she lost the election.</p> <p>12 Q Did she ever ask for your support in</p> <p>13 that race?</p> <p>14 MS. PETERSEN: Objection.</p> <p>15 THE HEARING OFFICER: Overruled.</p> <p>16 THE WITNESS: She did. Not only did</p> <p>17 she ask for support to sign her petition, which I</p> <p>18 refused, she also made several attempts to have me</p> <p>19 involved in her candidacy for district justice.</p> <p>20 And I refused multiple times to assist her.</p> <p>21 BY MR. STACEY:</p> <p>22 Q Did she ever link your support of her</p> <p>23 candidacy with issues regarding the charter</p> <p>24 school?</p> <p>25 MS. PETERSEN: Objection.</p> <p style="text-align: right;">849</p> | <p>1 because now we're talking about settlement</p> <p>2 discussions I believe.</p> <p>3 THE HEARING OFFICER: I believe the</p> <p>4 answer is beyond the scope of the question. So,</p> <p>5 Mr. Stacey, if you would ask another question.</p> <p>6 And I'll direct the witness to please answer the</p> <p>7 question that's being asked.</p> <p>8 BY MR. STACEY:</p> <p>9 Q Did Ms. Acosta ever tie your support</p> <p>10 of her candidacy with the revocation of I-LEAD</p> <p>11 Charter School?</p> <p>12 A She did.</p> <p>13 Q Can you describe that?</p> <p>14 MS. PETERSEN: Same objection.</p> <p>15 THE HEARING OFFICER: Overruled.</p> <p>16 THE WITNESS: So when she lost her</p> <p>17 candidacy, immediately after the loss of her</p> <p>18 candidacy, I believe that there were some talks --</p> <p>19 the last five years there's always been talk</p> <p>20 around the possibility of some sort of threat of</p> <p>21 revocation; hence, why I made it a very proactive</p> <p>22 stance to work collaboratively with the district,</p> <p>23 to engage the district, going through five</p> <p>24 superintendents, with no success.</p> <p>25 So when she was school board</p> <p style="text-align: right;">851</p> |
| <p>1 THE HEARING OFFICER: Overruled.</p> <p>2 THE WITNESS: She did.</p> <p>3 BY MR. STACEY:</p> <p>4 Q Could you describe that?</p> <p>5 A I remember clearly during her</p> <p>6 petition process, we were in the middle of, and we</p> <p>7 are still in the middle, of our tax case with the</p> <p>8 district, at which she made it very clear that if</p> <p>9 I were to sign her petition she could back off the</p> <p>10 heat from the district as far as the tax case.</p> <p>11 I said to her, I don't operate in</p> <p>12 this fashion, I don't do quid pro quos, and all</p> <p>13 I'm asking you is to follow the law because we are</p> <p>14 a nonprofit and we deserve our tax exemption.</p> <p>15 And she did arrange to have a meeting</p> <p>16 with her counsel, at which I was present with</p> <p>17 Mr. Castro. And I believe who was present also</p> <p>18 was Mr. Wayne Gehris representing the district.</p> <p>19 And if I can recall, Mr. Chris Celmer also was</p> <p>20 present with their attorneys.</p> <p>21 We talked in length. I'm trying to</p> <p>22 come to some senses in terms of mediation with the</p> <p>23 tax case. And there was discussions about an</p> <p>24 appraisal, an assessment of what --</p> <p>25 MS. PETERSEN: I'm going to object</p> <p style="text-align: right;">850</p> | <p>1 president, she would use her power to try to</p> <p>2 negotiate, you know, this attempt around</p> <p>3 revocation. And I recall in the main meeting when</p> <p>4 she was during her campaign, I believe she was not</p> <p>5 present. And then in August and June, her</p> <p>6 husband, Francis Acosta, charges were filed</p> <p>7 against him. And roughly about August I believe</p> <p>8 that she was deciding vote to issue the revocation</p> <p>9 charges.</p> <p>10 MR. STACEY: That's all I have for</p> <p>11 Mr. Figueroa.</p> <p>12 THE HEARING OFFICER: Cross</p> <p>13 examination?</p> <p>14 MS. PETERSEN: Yes, thank you.</p> <p>15 BY MS. PETERSEN:</p> <p>16 Q Mr. Figueroa, Ms. Acosta is no longer</p> <p>17 on the Reading School District School Board,</p> <p>18 correct?</p> <p>19 A Yes.</p> <p>20 Q She's not been on the board since</p> <p>21 December of 2015, correct?</p> <p>22 A Yes.</p> <p>23 Q And are you familiar with what the</p> <p>24 vote tally was on the revocation notice?</p> <p>25 A Yes.</p> <p style="text-align: right;">852</p> |

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| <p>1 Q And you were present that night, 2 correct, at the school board meeting? 3 A No. 4 Q So you are aware that Ms. Acosta 5 didn't unilaterally issue the revocation notice to 6 the charter school, correct? 7 A I'm sorry. Repeat your question. 8 Q Unilaterally, by herself; do you 9 understand that? 10 A I do. 11 Q You are aware that Ms. Acosta did not 12 unilaterally issue the revocation notice on behalf 13 of the Reading School Board, correct? 14 A Correct. 15 Q There were five other board members 16 that voted to approve and move forward with 17 revocation proceedings? 18 A Correct. 19 Q And none of their husbands or wives 20 are on city council. 21 A No. 22 Q So you had testified earlier about 23 your background. I just want to clarify some 24 things. You have worked for the charter school 25 since its inception, correct?</p> <p style="text-align: right;">853</p> | <p>1 Inc. 2 A Yes. 3 Q At that same time? 4 A Correct. 5 Q And in what role were you working for 6 the Inc.? 7 A Vice president resource development. 8 Q Same title for both entities? 9 A Yes. 10 Q And how often were you working for 11 the Inc. during that period of time? 12 A I want to say at any given week, 13 roughly between 20 to 30 hours. 14 Q And were you compensated by both 15 entities? 16 A Yes. 17 Q And then you moved into the position 18 as chief operating officer for the charter school. 19 Is that correct? 20 A Yes. 21 Q And was that a full-time or a 22 part-time position? 23 A It was still full time for the 24 charter school. 25 Q And were you also serving as in the</p> <p style="text-align: right;">855</p> |
| <p>1 A Yes. 2 Q And you have moved from -- the first 3 position that you held with the charter school was 4 the part-time vice president of resource 5 development. Is that correct? 6 A Yes. 7 Q And so that would have been from 8 roughly August of 2011 until what date? 9 A Until the departure of Dr. Sanchez. 10 Q And when was that, sir? 11 A Dr. Sanchez resigned January of 2014 12 I believe. 13 Q So from the beginning of this charter 14 school's existence to January of 2014, you were in 15 that part-time position, correct? 16 A Correct. 17 Q And how many hours a week 18 approximately did you work during that time period 19 for the charter school? 20 A I've worked many hours for the 21 charter school, beyond 40. 22 Q But you were only part time? 23 A Correct. 24 Q And were you also working for the 25 Inc., the I-LEAD Incorporated? I'll call it the</p> <p style="text-align: right;">854</p> | <p>1 role of vice president of resource development for 2 the Inc. when you became COO of the charter 3 school? 4 A No. 5 Q That changed? 6 A In 2014 when I became chief operating 7 officer, while I was full time, I still played a 8 part-time role with Inc. So the title still 9 remained the same as vice president resource 10 development, and then eventually phasing out in 11 June of 2015. 12 Q So your testimony -- and I want to 13 make sure I understand it -- is that you were 14 still working for the Inc. until June of 2015? 15 A Correct. 16 Q And were you compensated up until 17 June of 2015 by the Inc.? 18 A Correct. 19 Q And you were compensated by the 20 charter school as being COO? 21 A Correct. 22 Q What was your compensation for the 23 Inc. as of June of 2015? 24 A I want to say it was -- the 25 percentage was about 20/80 at that time; a little</p> <p style="text-align: right;">856</p> |

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| <p>1 bit under \$31,000 for the Inc. 2 Q As of June 2015? 3 A Correct. 4 Q And what was your compensation for 5 the charter school? 6 A Roughly by about \$72,000. 7 Q And then in June of 2015, did you 8 resign from the Inc.? 9 A Yes. I mean, I didn't resign. You 10 know, I phased into the charter school. I was 11 phased out. 12 Q Since June of 2015, have you received 13 compensation from the Inc.? 14 A No. 15 Q And since June of 2015, has your 16 compensation at the charter school changed? 17 A Yes. 18 Q And how much are you currently making 19 for the charter school? 20 A Currently, \$140,000. 21 Q And you had also testified I believe 22 that your title at the charter school changed in 23 January of 2015. 24 A Yes. 25 Q And you became the CEO at that point</p> <p style="text-align: right;">857</p> | <p>1 You know, and I could go into some more details if 2 you want me to. 3 Q No; just generally. 4 A Yeah. 5 Q You also testified about the filing 6 of statements of financial interest. I want to 7 make sure I understood your testimony. You 8 indicated that you filed a statement of financial 9 interest after February of 2015. 10 A Correct. 11 Q When was it filed? 12 A I don't know the exact dates. I do 13 know that, you know, the HR Department, you know, 14 managed that for me. 15 Q Prior to February of 2015, had you 16 ever filed a statement of financial interest? 17 A No. 18 Q In terms of the statement of 19 financial interest that you filed after February 20 of 2015, for what year was that document for? 21 A I don't recall the date. 22 Q And am I correct that that document 23 was not in existence at the time that the charter 24 school responded to the school district's 25 information request?</p> <p style="text-align: right;">859</p> |
| <p>1 in time, correct? 2 A Yes. 3 Q And your title has not changed since 4 January of 2015 for the charter school. 5 A No. 6 Q And just clarity in terms of your 7 degree. When did you earn your bachelor's degree? 8 A I earned it in I want to say 2005. 9 Q And when did you earn your MBA from 10 Kutztown? 11 A I started in 2007 and finished it in 12 '08-'09. 13 Q So in terms of the timeframe in which 14 you took the leadership training that was offered 15 by I-LEAD Inc. in 1995 I believe, you did not have 16 a college degree at that point in time? 17 A No. 18 Q What was the purpose of the 19 leadership training? 20 A It was a -- at that time of my life, 21 I wanted to participate in anything that would 22 expand my knowledge. And it was for free. So, 23 you know, in terms of the details of the training, 24 it's a two-and-a-half-year training program that 25 really focuses on different elements of growth.</p> <p style="text-align: right;">858</p> | <p>1 A Correct. 2 Q Have you filed multiple statements of 3 financial interest since filing that first one? 4 A I believe I filed two, so yes. 5 Q And they have not been presented to 6 us here. 7 A I'm not aware if they are. 8 Q And you also testified that Ms. Sykes 9 filed a statement of financial interest. 10 A Correct. 11 Q And she filed one after February of 12 2015? 13 A Correct. 14 Q Are you aware of whether she had ever 15 filed one with the charter school prior to 16 February of 2015? 17 A Yes. 18 Q She had filed one? 19 A I believe she did. 20 Q And were you responsible for 21 responding to the school district's document 22 request from February 16th, 2015? 23 A Which document request? 24 Q If you turn to Joint Exhibit 25. Are 25 you there, sir?</p> <p style="text-align: right;">860</p> |

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| <p>1 A Yes.</p> <p>2 Q Is that your signature at the bottom</p> <p>3 of Joint Exhibit 25?</p> <p>4 A Yes.</p> <p>5 Q And you supplied the school district</p> <p>6 with statements of financial interest as part of</p> <p>7 this response. Is that correct?</p> <p>8 A Are they in here?</p> <p>9 Q Well, do you recall?</p> <p>10 A I supplied to Mr. Celmer everything</p> <p>11 that was included in the table of contents.</p> <p>12 Q So in terms of -- turn to Joint</p> <p>13 Exhibit 28.</p> <p>14 A Yes.</p> <p>15 Q Are you familiar with these</p> <p>16 documents?</p> <p>17 A Yes.</p> <p>18 Q These are the statements of financial</p> <p>19 interest that were supplied with your letter of</p> <p>20 February 26, 2015?</p> <p>21 A Correct.</p> <p>22 Q I can represent to you, sir, that</p> <p>23 there is no statement of financial interest</p> <p>24 supplied with respect to Ms. Sykes within this</p> <p>25 document. Are you aware of whether one had been</p> <p style="text-align: right;">861</p> | <p>1 A No.</p> <p>2 MR. STACEY: Nothing further.</p> <p>3 MS. PETERSEN: That's it.</p> <p>4 THE HEARING OFFICER: Any reason why</p> <p>5 this witness can't be excused?</p> <p>6 MS. PETERSEN: No.</p> <p>7 THE HEARING OFFICER: You're excused,</p> <p>8 sir. Thank you.</p> <p>9 MR. STACEY: Can I request a</p> <p>10 five-minute break?</p> <p>11 THE HEARING OFFICER: Sure. We'll</p> <p>12 take a five-minute recess.</p> <p>13 (Brief recess.)</p> <p>14 THE HEARING OFFICER: We are back</p> <p>15 from our recess. And, Mr. Stacey, you can call</p> <p>16 your next witness.</p> <p>17 MR. STACEY: The charter school</p> <p>18 calls Robert Natalini.</p> <p>19 _____</p> <p>20 DR. ROBERT NATALINI, was sworn.</p> <p>21 BY MR. STACEY:</p> <p>22 Q Good morning, Dr. Natalini. Could</p> <p>23 you state and spell your name for the record?</p> <p>24 A Robert S. Natalini, N-a-t-a-l-i-n-i.</p> <p>25 Q Where are you currently employed?</p> <p style="text-align: right;">863</p> |
| <p>1 submitted for Ms. Sykes to the charter school</p> <p>2 prior to February 26, 2015?</p> <p>3 A I'm not aware.</p> <p>4 Q You had also testified about some</p> <p>5 meetings that were held with various</p> <p>6 representatives of the school district. And I</p> <p>7 thought you had testified that there was a meeting</p> <p>8 in July that Dr. Pennyman was a part of. Was that</p> <p>9 your testimony?</p> <p>10 A I believe it was. There have been so</p> <p>11 many meetings that I have had with the district.</p> <p>12 And I think that at that time meeting, if my</p> <p>13 memory serves me well, was not with Dr. Juliette</p> <p>14 Pennyman. So I don't know exactly who the meeting</p> <p>15 -- I do know that there was a meeting afterwards</p> <p>16 with Dr. Pennyman.</p> <p>17 MS. PETERSEN: That's all I have.</p> <p>18 Thank you.</p> <p>19 THE HEARING OFFICER: Any redirect,</p> <p>20 Mr. Stacey?</p> <p>21 BY MR. STACEY:</p> <p>22 Q Mr. Figueroa, to your knowledge, has</p> <p>23 I-LEAD Inc. ever rendered any services to any</p> <p>24 other charter school in the Commonwealth of</p> <p>25 Pennsylvania?</p> <p style="text-align: right;">862</p> | <p>1 A University of Pennsylvania. I hold</p> <p>2 an adjunct faculty position.</p> <p>3 Q And what do you do at the University</p> <p>4 of Pennsylvania?</p> <p>5 A I teach courses in American History,</p> <p>6 American Legal and Constitutional History in the</p> <p>7 School of Arts and Sciences.</p> <p>8 MS. PETERSEN: Can you keep your</p> <p>9 voice up a little bit?</p> <p>10 THE WITNESS: I will try. My throat</p> <p>11 is a little dry and scratchy this morning.</p> <p>12 THE HEARING OFFICER: Do you want a</p> <p>13 water?</p> <p>14 THE WITNESS: I would love some.</p> <p>15 Thank you.</p> <p>16 BY MR. STACEY:</p> <p>17 Q Do you currently hold a position with</p> <p>18 I-LEAD Charter School?</p> <p>19 A Yes. I'm the chairman of the Board</p> <p>20 of Trustees.</p> <p>21 Q Are you employed by I-LEAD Charter</p> <p>22 School?</p> <p>23 A No, I'm not.</p> <p>24 Q Since when have you been on the board</p> <p>25 of I-LEAD Charter School?</p> <p style="text-align: right;">864</p> |

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| <p>1 A From 2011 since its inception. I 2 believe it was April of 2011.</p> <p>3 Q So you were a board member from 4 inception until when?</p> <p>5 A Until the present. I became chairman 6 of the board in August of 2014.</p> <p>7 Q Have you ever been affiliated with 8 I-LEAD Inc.?</p> <p>9 A Yes. I was a member of the board of 10 directors of I-LEAD Inc. from its inception in 11 1995 until 2011 when I resigned in March. I 12 believe that was in 2011.</p> <p>13 Q And did you resign from the I-LEAD 14 Inc. position prior to becoming a member of the 15 board of I-LEAD Charter School?</p> <p>16 A Yes.</p> <p>17 Q And what was the purpose of that?</p> <p>18 A So that I could become a member of 19 the charter school's board of directors. Kind of 20 personally why? That's something I dreamed of 21 doing ever since I was in high school myself. My 22 grandfather was a member of the board of directors 23 of our public school district where I grew up and 24 had been the president. And I've always wanted to 25 be on the school board but never wanted to run for</p> <p style="text-align: right;">865</p> | <p>1 who can benefit from some additional attention in 2 the classroom, learners who have difficulty 3 staying on task and therefore might end up staring 4 into space or disruptive.</p> <p>5 Most rewarding is probably working 6 with English language learners who speak very 7 little English. I speak very little Spanish. But 8 I speak Italian. And there's math. So between 9 us, we have four languages, and it works. It's 10 really rewarding.</p> <p>11 This year, I have started helping out 12 in biology class as well. And in the past, I have 13 done individual and small group tutoring in SAT 14 preparation.</p> <p>15 Q And the binder that says I-LEAD 16 Charter School Exhibits 1 of 2, can I have you 17 turn to Tab 33, please?</p> <p>18 A All right.</p> <p>19 Q Do you recognize this document?</p> <p>20 A I do.</p> <p>21 Q Can you tell us what it is?</p> <p>22 A These are the minutes from the board 23 meeting of October 15th, 2015.</p> <p>24 Q And you were in attendance at that 25 board meeting?</p> <p style="text-align: right;">867</p> |
| <p>1 office. I recognized I would be a public 2 official, but at least I would not have that.</p> <p>3 So beyond the personal reason, it 4 provided for there to be a member of our school 5 board unaffiliated with I-LEAD, Incorporated so 6 that in the event that a situation arose where it 7 was important to not have any potential conflict 8 of interest, I could do the work for the charter 9 school board.</p> <p>10 Q I'll get to that in a minute. But 11 can you describe for us the amount of time you 12 spend at the school, if any, and the frequency of 13 that?</p> <p>14 A Yes. I am at the school weekly for 15 one day at least, sometimes more, with the 16 exception of inability due to weather or illness 17 or that sort of thing.</p> <p>18 Beyond board matters, the reason I go 19 weekly is to help out with math primarily. I've 20 been, for the last four years now, I have been 21 helping in a variety of ways. Sometimes it 22 involves tutoring individual learners on a 23 one-on-one basis during the school day or 24 afterwards, working with small groups, and also 25 involved helping in the classroom with learners</p> <p style="text-align: right;">866</p> | <p>1 A Yes, I was.</p> <p>2 Q Can you tell us generally what 3 actions the board took at that meeting?</p> <p>4 A Yes. We -- and also present were 5 board members Robert Jefferson and Dr. Joseph 6 Amprey. We passed several resolutions involving a 7 secured promissory note and ratifying a lease for 8 the premises at the 401 Penn Street location.</p> <p>9 Q And is the -- so under Roman Numeral 10 VI is what you're --</p> <p>11 A Yes, motion to adopt resolution. Oh, 12 and I -- excuse me. I jumped over -- the first 13 resolution was to adopt the promissory note with 14 regard to loans from I-LEAD, Incorporated.</p> <p>15 Q And is that first resolution attached 16 to these minutes?</p> <p>17 A It is.</p> <p>18 Q And is that what we see on Page 3 of 19 this exhibit?</p> <p>20 A Yes, it is.</p> <p>21 Q And then what is contained in the 22 rest of the exhibit?</p> <p>23 A The rest of the exhibit is the 24 secured promissory note that I executed and that 25 Robert Jefferson witnessed. He witnessed my</p> <p style="text-align: right;">868</p> |

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| <p>1 signature.</p> <p>2 Q And this is a promissory note signed</p> <p>3 by the charter school?</p> <p>4 A That is correct.</p> <p>5 Q Meaning that the charter school was</p> <p>6 authorized to borrow money.</p> <p>7 A That is correct.</p> <p>8 Q From which entity?</p> <p>9 A From I-LEAD, Incorporated.</p> <p>10 Q And what is the interest charged</p> <p>11 under this promissory note?</p> <p>12 A There is no interest.</p> <p>13 Q Go back to Page 2 of that exhibit.</p> <p>14 You had mentioned that the board had ratified a</p> <p>15 lease. Is that motion contained on Page 2?</p> <p>16 A That is correct. The board hereby</p> <p>17 reconfirms ratification of the lease as modified</p> <p>18 for the premises located at 401 Penn Street,</p> <p>19 Reading, PA, dated as of April 1, 2014 between</p> <p>20 I-LEAD Charter School and the Institute for</p> <p>21 Leadership, Education, Advancement and</p> <p>22 Development. That's I-LEAD Inc.</p> <p>23 Q If you turn to Exhibit 34.</p> <p>24 A Yes.</p> <p>25 Q Do you recognize this document?</p> <p style="text-align: right;">869</p> | <p>1 involved with Mr. Jefferson and negotiated with</p> <p>2 Mr. Castro, David Castro, on behalf of I-LEAD,</p> <p>3 Inc.</p> <p>4 Q Were you present for Mr. Celmer's</p> <p>5 testimony on Friday, February 5th?</p> <p>6 A I arrived about 1:45 on Friday, so I</p> <p>7 was present for the rest of that testimony.</p> <p>8 Excuse me. Friday. Forgive me. That was</p> <p>9 Thursday. I was here for his Friday testimony. I</p> <p>10 apologize.</p> <p>11 Q Can you turn a few pages to Exhibit</p> <p>12 C, please?</p> <p>13 A Yes.</p> <p>14 Q Does this page describe the rent to</p> <p>15 be paid under the lease?</p> <p>16 A Yes, it does.</p> <p>17 Q Can you tell me what that exhibit</p> <p>18 says?</p> <p>19 A It says that from April 1st to</p> <p>20 July 21, 2014, our rent payment shall be zero</p> <p>21 dollars. From August 1 to December 31st of 2014</p> <p>22 the monthly rent payment shall be \$33,307.80. And</p> <p>23 from December 31, 2014 and afterward, the monthly</p> <p>24 rent payment shall be \$40,225.05.</p> <p>25 Q During the negotiations, how were</p> <p style="text-align: right;">871</p> |
| <p>1 A I do.</p> <p>2 Q Is this the lease document to which</p> <p>3 you just referred?</p> <p>4 A Yes, it is.</p> <p>5 Q Did you sign this lease on behalf of</p> <p>6 the charter school?</p> <p>7 A I did.</p> <p>8 Q Could you turn to Page 9, please?</p> <p>9 A Yes. That is my signature.</p> <p>10 Q That is your signature?</p> <p>11 A Yes.</p> <p>12 Q Can you tell us what is meant by</p> <p>13 Independent Committee of the Board of I-LEAD</p> <p>14 Charter School?</p> <p>15 A Yes. That's the committee that was</p> <p>16 created comprising Mr. Jefferson and me. It was</p> <p>17 created for the purposes of negotiating our lease</p> <p>18 arrangement with I-LEAD Inc., which we did.</p> <p>19 Q Can you tell us about that</p> <p>20 negotiation?</p> <p>21 A It was -- I've been involved in</p> <p>22 various negotiations in my life, and it was among</p> <p>23 the easiest and most rewarding. It was -- the</p> <p>24 lease agreement is staggeringly beneficial to our</p> <p>25 school. And it was a pleasure to be involved,</p> <p style="text-align: right;">870</p> | <p>1 those payments derived, to your knowledge?</p> <p>2 A The goal in deriving the rental</p> <p>3 payment was that our school's rent not ever exceed</p> <p>4 the operating costs that I-LEAD Inc. incurred in</p> <p>5 the building. So that beyond the operating costs,</p> <p>6 we had the occupancy and use of the premises rent</p> <p>7 free. That was the intent in deriving those</p> <p>8 numbers.</p> <p>9 Q What would be included in operating</p> <p>10 costs?</p> <p>11 A Daily upkeep and operation of a</p> <p>12 quarter-million-square-foot building, maintenance,</p> <p>13 things like that.</p> <p>14 Q Can you turn to Page 2, Exhibit D?</p> <p>15 A Yes.</p> <p>16 Q And can you tell us what is contained</p> <p>17 on this page?</p> <p>18 A This is part of the amended aspect of</p> <p>19 this April 1st lease. This is very -- I think</p> <p>20 it's really ingenious. And I can say that because</p> <p>21 I did not create it. I can't take credit.</p> <p>22 This provides the way, and it</p> <p>23 clarifies, that if we should ever for whatever</p> <p>24 reason pay one cent to I-LEAD Inc. in rent above</p> <p>25 the operating costs, I think we give it right</p> <p style="text-align: right;">872</p> |

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| <p>1 back.</p> <p>2 Q And what is the manner in which</p> <p>3 I-LEAD Inc. would give it right back?</p> <p>4 A It defines the annual operating</p> <p>5 expenses, the kinds of things I mentioned a moment</p> <p>6 ago. And then it defines an annual operating</p> <p>7 surplus, which means in excess of the annual rent</p> <p>8 that we pay, if any, over and above those</p> <p>9 operating expenses, and that it provides that for</p> <p>10 the term of the lease that I-LEAD Inc. will pay</p> <p>11 any surplus right back to us.</p> <p>12 Q There is a very large binder over</p> <p>13 there somewhere. We need you to keep this one</p> <p>14 close, but also open that large binder. It's</p> <p>15 Charter School Binder 2 of 2. Do you recognize</p> <p>16 this exhibit?</p> <p>17 A I do.</p> <p>18 Q Can you tell us generally what it is?</p> <p>19 A Yes. This is hard copy printouts of</p> <p>20 the transcripts that our school maintains and has</p> <p>21 maintained over the course of its existence for</p> <p>22 every learner who has enrolled in our school.</p> <p>23 Q So this was generated by I-LEAD</p> <p>24 Charter School.</p> <p>25 A That is correct.</p> <p style="text-align: right;">873</p> | <p>1 transcript into ESchool Plus, and we maintain</p> <p>2 academic records using ESchool Plus.</p> <p>3 Q While keeping that spot in the Binder</p> <p>4 1 of 2, can you turn to Charter School Exhibit 9?</p> <p>5 Do you recognize this document?</p> <p>6 A Yes, I do.</p> <p>7 Q Can you tell us generally what it is?</p> <p>8 A This document sets forth in tabular</p> <p>9 and graphic and narrative form the results of the</p> <p>10 analysis that I described a moment ago, the</p> <p>11 project that I described a moment ago.</p> <p>12 Q Are you the author of this document?</p> <p>13 A Yes, I am.</p> <p>14 Q On the left-hand side of the page</p> <p>15 where we see those charts, can you tell me how</p> <p>16 those numbers came to be in those various columns</p> <p>17 and what they mean?</p> <p>18 A Yes. I'll do my best. As I</p> <p>19 mentioned ago, a team that included me, our</p> <p>20 registrar, our PIMS administrator, two of our</p> <p>21 empowerment coaches, an administrator who had</p> <p>22 previously been our literacy specialist, and for a</p> <p>23 very brief time during the several-day process</p> <p>24 Dr. Jim Bohan at the beginning for about an hour,</p> <p>25 reviewed each of these transcript records that are</p> <p style="text-align: right;">875</p> |
| <p>1 Q Have you reviewed this information</p> <p>2 prior to today?</p> <p>3 A Yes, I have.</p> <p>4 Q Can you generally describe that</p> <p>5 review?</p> <p>6 A Yes. I and a team of colleagues at</p> <p>7 the school reviewed all of these transcripts for</p> <p>8 purposes of an analysis of the performance at</p> <p>9 their prior schools of all the learners we have</p> <p>10 enrolled.</p> <p>11 The purpose of the project was to get</p> <p>12 a sense and communicate at this hearing what --</p> <p>13 where our learners are academically when they</p> <p>14 arrive at our school, where they have been over</p> <p>15 the course of our existence, as evidenced by the</p> <p>16 grades they have earned at the prior schools.</p> <p>17 Q Before we get to the results of that</p> <p>18 review, can you tell us how Charter School</p> <p>19 Exhibit 10 came to be?</p> <p>20 A Yes. I asked our registrar to print</p> <p>21 out these records. They are maintained in ESchool</p> <p>22 Plus. When a learner comes to our school with a</p> <p>23 high school transcript, our staff or registrar,</p> <p>24 administrative staff -- I don't believe she does</p> <p>25 them all -- enter the information on their</p> <p style="text-align: right;">874</p> | <p>1 contained in Exhibit 10 to gather the data.</p> <p>2 It's a very simple and</p> <p>3 straightforward design. We counted grades. We</p> <p>4 counted grades. And we used a little tick; you</p> <p>5 know, one, two, three, four, cross with five. We</p> <p>6 counted the grades, the number of A's, the number</p> <p>7 of B's, et cetera.</p> <p>8 And we did so; we broke out the</p> <p>9 grades that our learners earned when they were in</p> <p>10 Grade 9 at their previous schools, Grade 10 at</p> <p>11 their previous schools, Grade 11 at their previous</p> <p>12 schools, and Grade 12 at their previous schools.</p> <p>13 And that's what you see at the top and those two</p> <p>14 top charts on the left on the first page of</p> <p>15 Exhibit 9.</p> <p>16 The second one is the totals. We</p> <p>17 took each person's number of ticks on their sheet,</p> <p>18 and we counted them up and double-checked them.</p> <p>19 And then we added each person's sheets, the total</p> <p>20 from each person's sheets together. And so as you</p> <p>21 see on the column in that second chart under for</p> <p>22 Grade 9, we counted a total.</p> <p>23 Our learners had earned a total of,</p> <p>24 in Grade 9, of 910 A's, 1,252 B's, 1,803 C's,</p> <p>25 2,025 D's, and 1,989 F's. The total number of</p> <p style="text-align: right;">876</p> |

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| <p>1 grades was 7,779; and so forth for grades 10, 11, 2 and 12.</p> <p>3 Q And what constituted a B, for 4 example?</p> <p>5 A A B included grades of B-plus, B, and 6 B-minus. For the purpose of simplifying the 7 project, we did that reasoning that over the 8 course of thousands of grades there was likely to 9 be as many pluses as minuses and as many minuses 10 as pluses. So a B-minus would count as a B, and 11 B-plus was counted as a B.</p> <p>12 Q So I see on the chart on the right 13 that this says all subjects. So are the charts on 14 the left for grades earned by incoming students at 15 their previous schools in all subjects?</p> <p>16 A That is correct.</p> <p>17 Q So that would include a math course?</p> <p>18 A A math course, an algebra course, 19 gym, wellness.</p> <p>20 Q Any and all courses.</p> <p>21 A Any and all courses.</p> <p>22 Q In the big binder there's a red tab. 23 Can you flip to that red tab?</p> <p>24 A So as I do, that top pair of tables 25 and that draft is the set -- the results for the</p> <p style="text-align: right;">877</p> | <p>1 And so they are in the printouts, but we didn't 2 count their grades. We were counting grades that 3 they had earned at their previous schools.</p> <p>4 Q Could you flip to that red tab?</p> <p>5 MS. PETERSEN: I don't have a red 6 tab.</p> <p>7 THE HEARING OFFICER: There's a red 8 page in CS-10.</p> <p>9 MS. PETERSEN: Can you --</p> <p>10 THE HEARING OFFICER: There it is. 11 Got it?</p> <p>12 MS. PETERSEN: Got it.</p> <p>13 THE HEARING OFFICER: All there?</p> <p>14 MR. STACEY: Let the record reflect.</p> <p>15 MS. PETERSEN: I have a red tab.</p> <p>16 THE HEARING OFFICER: Okay. All 17 counsel is in the right place. Mr. Stacey, please 18 continue to question.</p> <p>19 BY MR. STACEY:</p> <p>20 Q The first page after the red tab that 21 everybody has, is that first student A.G., with 22 the initials A.G.?</p> <p>23 A Yes.</p> <p>24 Q Can you just describe as an example 25 how information from this page would have ended up</p> <p style="text-align: right;">879</p> |
| <p>1 set of all learners, all subjects.</p> <p>2 To be completely correct in this 3 description, a very small number of learners who 4 have come to us from schools that did not use the 5 letter grade system, a couple percent of all total 6 students. Most of those were from schools outside 7 the United States. We did not attempt to 8 translate those. Those were number grades up to 9 the hundred point scale. We did not attempt to 10 try to translate those numbers into letter grades.</p> <p>11 Originally, it was twofold. One, 12 there were so few. We reasoned that it would not 13 affect the results. The second reason was that we 14 saw no reason to believe that the performance of 15 those students in those schools that use that kind 16 of system was any better or worse than the rest of 17 the students.</p> <p>18 Q Are there students at I-LEAD Charter 19 School who would not be represented in this 20 transcript document other than the ones that you 21 just described?</p> <p>22 A There are none who are not 23 represented. There are some -- some students 24 arrive to us with no high school transcripts. And 25 their first year of high school may be our school.</p> <p style="text-align: right;">878</p> | <p>1 in Charter School Exhibit 9?</p> <p>2 A Yes. As I said before, we counted 3 grades. So one further point of clarification. 4 Occasionally, a student came and their high school 5 transcript reflected a course, like A.G.'s does in 6 8th grade Spanish, occasionally, that was algebra. 7 We counted those.</p> <p>8 Again, these are very, very few as 9 well. We counted them for reasons of we thought 10 were reasonable and relevant. In a moment, I can 11 explain that.</p> <p>12 So looking at the first year is Grade 13 9, for which he has many, very many grades. In 14 Grade 9 he earned seven C's. So that contributes 15 to those 1,803 C's in Exhibit 9. One A, that 16 contributes to that 710 A's in Exhibit 9; and one 17 B, which contributes to that 1,252 B's in Grade 9 18 in Exhibit 9, and so forth for all of those, all 19 of the grades earned at all of the learners' 20 previous schools.</p> <p>21 Q And going back to -- keep that spot, 22 but going back to Charter School Exhibit 9, after 23 you conducted that review of the transcript 24 information, what did the data show?</p> <p>25 A The data showed the raw number counts</p> <p style="text-align: right;">880</p> |

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| <p>1 that are in that table we have been looking at. 2 We then calculated the percentages that each of 3 those grades, each of the letter grades 4 constitutes of all the grades in a given year. 5 So as we can see, for Grade 9, the 6 learners earned a total of 710 grades. Excuse me. 7 Our learners earned a total of 710 A's. There was 8 a total of 7,779 grades. So do the math, do the 9 division, and A's were 9 percent of the grades 10 earned by our learners in their courses at their 11 previous schools. B's, 16 percent of all those 12 grades in that year. 13 Q So you're describing that chart on 14 the top left? 15 A The top left, yes. C's, 23 percent 16 of the grades were C's, 26 percent were D's, and 17 26 percent of their grades were F's. 18 Q And was that information translated 19 into the graph on the right on the top? 20 A Yes. Excel does that nicely. 21 Q What did that graph tell you? 22 A That graph shows in visual form those 23 results. A's are, in each -- it's a bar chart. 24 In each bar -- I think it's called a cumulative 25 bar chart. Dr. Mumin could tell us if he were</p> <p style="text-align: right;">881</p> | <p>1 When we did the review on the first 2 day, we -- our practice was when somebody saw a 3 course that appeared that it might be relevant to 4 literature for the first time, they asked the 5 group, asked the team. That was a time where 6 there was a registrar, PIMS administrator, former 7 literacy specialist. Dr. Bohan and I were 8 working, and we decided as a team. I suppose I 9 might have had a veto over a decision, but I never 10 exercised it. 11 Q And how did information from Charter 12 School Exhibit 10 come to be in the bottom Page 1 13 on Charter School Exhibit 9? 14 A We did exactly the same thing for -- 15 with regard to these core course only that we had 16 previously done for the set of all courses for all 17 learners. We counted grades. We counted grades 18 in algebra. We counted grades in biology. And we 19 counted grades in the courses that we reasoned 20 were relative to the literature examination. 21 Q Did you count every attempt made by 22 students in these courses prior to coming to 23 I-LEAD Charter School? 24 A We did not. And the reason was 25 because of the purpose of our project, which was</p> <p style="text-align: right;">883</p> |
| <p>1 here. I think that's right. 2 The red represents the percentages of 3 A's. Gray is B's. Yellow is C's. Orange is D's. 4 Red is F's. So you could see in -- if you add up 5 26 -- 52 percent of the grades that our learners 6 earned in Grade 9 at their previous schools were 7 D's and F's. And you can see the color reflects 8 that. 9 In Grade 10, the percentage of D's 10 and F's goes up, in Grade 11 even more, and in 11 Grade 12 even more, up to about 78 percent of the 12 grades they earned were D's or F's. 13 Q Did your teams review also include 14 the review of grades for students' core courses? 15 A We did. Core courses as we defined 16 core courses were courses that were related to, 17 relevant to the subjects that are tested on the 18 Pennsylvania State Standardized tests. Algebra 19 and biology are I think self-explanatory. 20 Literature is a little, as literature 21 is relative to algebra anyway, vaguer, more vague. 22 Literature courses were courses that we reasoned 23 were relevant to the literature exam. So they 24 might include reading courses entitled English, 25 American Literature, World Literature.</p> <p style="text-align: right;">882</p> | <p>1 to understand and communicate at this hearing our 2 learners' academic standing, their level on 3 enrollment. So this is what happened. 4 In many cases, learners attempted 5 algebra or biology one or more times and failed 6 before subsequently passing algebra or biology. 7 We counted only the passing grade in our analysis. 8 We excluded the failing grades 9 because our reasoning was maybe they didn't learn 10 anything the first couple times they tried it, 11 tried one or two. On the second or third try, 12 they learned enough to earn a typically an F -- or 13 excuse me -- typically a D. We reasoned that that 14 reflected what they had -- their status coming in. 15 As a result, that has a couple of 16 results for our -- for the result -- a couple of 17 consequences for the results that are shown in 18 Exhibit 9 that I can describe if you would like. 19 Q Before we get there, the results do 20 have failing grades. So can you explain how an F 21 would have been recorded in the core courses 22 section? 23 A Yes. If the learner tried algebra 24 once and they failed it, an F was counted. 25 Q So after you performed that review,</p> <p style="text-align: right;">884</p> |

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| <p>1 what did that data show?</p> <p>2 A That data shows that in the core</p> <p>3 courses overall we did not break it out, as you</p> <p>4 can see by year. These are across all years in</p> <p>5 which students took these core courses that we</p> <p>6 recorded and counted at their previous schools</p> <p>7 that their grade results were even lower than</p> <p>8 their grade results were as a whole when you count</p> <p>9 all the courses, including course like phys ed,</p> <p>10 these kinds of things.</p> <p>11 So in algebra, 61 percent of our</p> <p>12 learners who had grades in algebra had gotten D's</p> <p>13 or F's. So that's 61 percent. 65 percent of the</p> <p>14 grades in biology were D's or F's. And 69 percent</p> <p>15 of the grades they earned in the courses that we</p> <p>16 reasoned were relative to the literature exam on</p> <p>17 the state standardized test were D's or F's.</p> <p>18 Q In Charter School Exhibit 9, can you</p> <p>19 turn the page.</p> <p>20 A Yes.</p> <p>21 Q Can you describe to me the review</p> <p>22 that you performed that led to what we see on this</p> <p>23 page?</p> <p>24 A Yes. As we did the review of all the</p> <p>25 transcripts for all learners, when we finished the</p> <p style="text-align: right;">885</p> | <p>1 social promotion.</p> <p>2 In any event, we reasoned that since</p> <p>3 it was over five credits per year you would have</p> <p>4 to average, and students might be able to make up</p> <p>5 credits in later years, perhaps during the school</p> <p>6 year, perhaps in summer work, to ultimately</p> <p>7 graduate in four years.</p> <p>8 But as the number of credits they</p> <p>9 earned in that year from which they had been</p> <p>10 promoted was so few, those number of credits drop,</p> <p>11 the less likely it is that the learner will often</p> <p>12 succeed in obtaining a high school degree. And we</p> <p>13 chose on that reasoning that cut-off.</p> <p>14 Q So that was just your definition of</p> <p>15 social promotion.</p> <p>16 A Yes. That was the label we chose.</p> <p>17 You could apply any label you would like. That's</p> <p>18 what we did.</p> <p>19 Q Can you tell us which of the</p> <p>20 transcripts in Exhibit 10 has that criteria?</p> <p>21 A It is the transcripts that is before</p> <p>22 the red heavy stock page.</p> <p>23 Q So from page 1 until that stock page?</p> <p>24 A That's right.</p> <p>25 Q And your team's review of those</p> <p style="text-align: right;">887</p> |
| <p>1 transcript we set it into a pile. One of those</p> <p>2 piles was for -- included -- we put those</p> <p>3 transcripts of learners who had been promoted as</p> <p>4 shown on their high school transcripts that we</p> <p>5 received at their prior school from one grade to</p> <p>6 another while having earned fewer than four</p> <p>7 credits in the grade from which they were</p> <p>8 promoted.</p> <p>9 So a learner was promoted from 9th</p> <p>10 grade to 10th or 10th to 11th, et cetera, having</p> <p>11 earned, as it works out, 3.83 credits or fewer.</p> <p>12 Q How did you arrive at that criteria?</p> <p>13 A We thought that required for</p> <p>14 graduation if I'm -- my understanding is, and I</p> <p>15 believe Mr. Celmer testified, 23 credits to</p> <p>16 graduate high school. We reasoned that a student</p> <p>17 -- students who earned that few credits were</p> <p>18 unlikely to experience academic success in their</p> <p>19 future and that, if you do the math, it would be</p> <p>20 five and three-quarters credits per year over the</p> <p>21 course of four years I would add to the requisite</p> <p>22 number of credits.</p> <p>23 Although I have to say, I was</p> <p>24 thinking 21 at the time. So I might have even</p> <p>25 chosen a higher number of credits to qualify for</p> <p style="text-align: right;">886</p> | <p>1 documents led to what was on Page 2 of Charter</p> <p>2 School Exhibit 9?</p> <p>3 A That's correct.</p> <p>4 Q And after you performed that review,</p> <p>5 what did the data show?</p> <p>6 A The story is even sadder for these</p> <p>7 learners. As you can see in the tables and</p> <p>8 especially in the bar graphs, there -- it is just</p> <p>9 a sad, sad story. They fail two-thirds of the</p> <p>10 algebra courses. Nearly three-quarters of their</p> <p>11 grades in biology were F's. 70 percent of their</p> <p>12 grades in literature and related courses were F's.</p> <p>13 D's and F's were 92, 93, and 90 percent</p> <p>14 respectively for algebra and biology.</p> <p>15 Q Thank you. Could you turn the page?</p> <p>16 Did you perform the calculations we see on this</p> <p>17 page?</p> <p>18 A I performed them by hand and then</p> <p>19 checked them with a calculator.</p> <p>20 Q Can you tell us what is contained in</p> <p>21 that first section?</p> <p>22 A Yes. As it states, it's the GPA for</p> <p>23 all courses, all learners by grade level upon</p> <p>24 enrollment. So this is the -- the GPA is for all</p> <p>25 learners, all courses.</p> <p style="text-align: right;">888</p> |

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| <p>1 So if you flip back to the first</p> <p>2 page, maybe keeping Page 3 handy, we used the</p> <p>3 standard 4, 3, 2, 1, 0 grade point scale for A, B,</p> <p>4 C, D, and F respectively.</p> <p>5 So again, it's very simple. There</p> <p>6 are 710 A's. We multiply by 4. That's 2,840</p> <p>7 quality points. The B's, 1,252 B's times 3 is</p> <p>8 3,756 quality points. Two times 1,803 C's is</p> <p>9 3,606. D's are one point each, 2,025. F, of</p> <p>10 course, is zero.</p> <p>11 You get these products, you add them</p> <p>12 up, and you get total quality points. Divide</p> <p>13 total quality points by the total number of</p> <p>14 grades, and for Grade 9 the result is a grade</p> <p>15 point average of 1.57. For Grade 10, the same</p> <p>16 thing, 1.41; Grade 1.60; and Grade 12, 0.77 were</p> <p>17 the average grade point averages of the learners</p> <p>18 who enrolled in our school.</p> <p>19 Q And so did you do that calculation</p> <p>20 using the core course set for all learners?</p> <p>21 A Yes, we did. And as you can see,</p> <p>22 those are even lower than the grade point averages</p> <p>23 for the overall, for the all grades set, which</p> <p>24 included, of course, not just the core courses but</p> <p>25 the nonacademic courses.</p> <p style="text-align: right;">889</p> | <p>1 BY MR. STACEY:</p> <p>2 Q When you performed these calculations</p> <p>3 on Page 3 that you're calling GPA, what weight did</p> <p>4 you accord each grade?</p> <p>5 A And if I didn't say it, it's a grade</p> <p>6 point average, GPA. We weighted each course</p> <p>7 equally, one. That's despite the fact that in non</p> <p>8 core course such as gym, phys ed, you know,</p> <p>9 wellness, these are fractional credit courses. So</p> <p>10 the grades in the fractional credit courses, we</p> <p>11 weighted them the same for purposes of not</p> <p>12 creating a really complex math algorithm for</p> <p>13 ourselves.</p> <p>14 So the result is that we gave these</p> <p>15 non core course -- some of them are academic. I</p> <p>16 mean, I teach history, so I consider history just</p> <p>17 as rigorous as algebra.</p> <p>18 In any event, these courses like gym</p> <p>19 and wellness and the like that may be worth --</p> <p>20 that are worth fractional credits and on which the</p> <p>21 learners as a whole score higher, earn higher</p> <p>22 grades than they do in their core courses, were</p> <p>23 over-weighted in our study, as a result which</p> <p>24 these -- our GPA's will be calculated as low as</p> <p>25 they are, but the reality is even lower.</p> <p style="text-align: right;">891</p> |
| <p>1 And you can conclude from that that</p> <p>2 grades earned, performance in the nonacademic type</p> <p>3 courses like gym and such, were higher than the</p> <p>4 performance in the core courses. The performance</p> <p>5 in those kind of course brought up, as it were,</p> <p>6 the GPA's, made them higher overall then the GPA's</p> <p>7 in the core courses.</p> <p>8 So for algebra, 1.32. This is for</p> <p>9 core courses, all learners. Biology, 1.24; for</p> <p>10 literature, 1.16. The learners that come to us</p> <p>11 are -- they are D students in their core courses.</p> <p>12 Q And did you do that calculation for</p> <p>13 the selection of Charter School Exhibit 10 that</p> <p>14 you had defined as being socially promoted?</p> <p>15 A Yes. This just breaks your heart.</p> <p>16 MS. PETERSEN: Objection. Motion to</p> <p>17 strike.</p> <p>18 THE WITNESS: Algebra 0.44, biology</p> <p>19 0.36, literature 0.42. I suppose if there were an</p> <p>20 F-plus, that would be the letter grade. I should</p> <p>21 explain --</p> <p>22 THE HEARING OFFICER: No question,</p> <p>23 Dr. Natalini.</p> <p>24 THE WITNESS: The teacher wants to</p> <p>25 talk.</p> <p style="text-align: right;">890</p> | <p>1 Q Thank you. Switching gears, have you</p> <p>2 ever received compensation from I-LEAD Charter</p> <p>3 School?</p> <p>4 A I-LEAD Charter School provides me</p> <p>5 parking at the Chiarelli Garage on Third Street.</p> <p>6 I have this card.</p> <p>7 Q Other than providing you with that</p> <p>8 card, have they ever compensated you in any way?</p> <p>9 A No.</p> <p>10 Q Have you ever personally contributed</p> <p>11 money to the charter school?</p> <p>12 A Susan and I have, yes. Except for a</p> <p>13 couple of people --</p> <p>14 MS. PETERSEN: I'm sorry. Can you</p> <p>15 keep your voice up, sir?</p> <p>16 THE WITNESS: Except for a couple of</p> <p>17 people who had to know, it was anonymous till now.</p> <p>18 BY MR. STACEY:</p> <p>19 Q Did the value of that contribution</p> <p>20 exceed, do you know, the reimbursement you get for</p> <p>21 parking?</p> <p>22 A Yes.</p> <p>23 MR. STACEY: That's all I have.</p> <p>24 THE HEARING OFFICER: Cross-examine.</p> <p>25 MS. PETERSEN: May I have a few</p> <p style="text-align: right;">892</p> |

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| <p>1 minutes, please?</p> <p>2 THE HEARING OFFICER: Why don't we</p> <p>3 take a five-minute recess.</p> <p>4 (Brief recess.)</p> <p>5 THE HEARING OFFICER: We'll go back</p> <p>6 on the record. It's 11:23 by my account. And</p> <p>7 Ms. Petersen can cross-examine the witness.</p> <p>8 MS. PETERSEN: Thank you.</p> <p>9 BY MS. PETERSEN:</p> <p>10 Q Good morning, Dr. Natalini. Doctor,</p> <p>11 correct?</p> <p>12 A Yes.</p> <p>13 Q I just want to go back over a few</p> <p>14 things that you testified about at the beginning</p> <p>15 of your testimony. You are employed by the</p> <p>16 University of Pennsylvania?</p> <p>17 A Yes.</p> <p>18 Q And what subjects are you teaching as</p> <p>19 an adjunct faculty member?</p> <p>20 A American Legal and Constitutional</p> <p>21 History this semester. I've taught other courses</p> <p>22 at Penn.</p> <p>23 Q So you're teaching history courses.</p> <p>24 Is that fair to say?</p> <p>25 A I have taught history courses. I</p> <p style="text-align: right;">893</p> | <p>1 do you have any certificates in Pennsylvania?</p> <p>2 A No.</p> <p>3 Q So you don't have any teaching</p> <p>4 certificates or any administrative certifications</p> <p>5 issued by the Pennsylvania Department of</p> <p>6 Education?</p> <p>7 A That's right.</p> <p>8 Q And have you ever taught in a public</p> <p>9 school K to 12 in Pennsylvania?</p> <p>10 A Only as a tutor, but not as a faculty</p> <p>11 member.</p> <p>12 Q Okay. Fair enough. Have you ever</p> <p>13 served in an administrative capacity in any public</p> <p>14 school in Pennsylvania?</p> <p>15 A No.</p> <p>16 Q Is your experience serving as a board</p> <p>17 member for I-LEAD Charter School your first</p> <p>18 experience serving in any capacity with respect to</p> <p>19 a public K to 12 school in Pennsylvania?</p> <p>20 A Yes. It's my first one.</p> <p>21 Q You don't have any degrees in</p> <p>22 statistics?</p> <p>23 A I do not.</p> <p>24 Q Did you have any degrees in</p> <p>25 educational policy?</p> <p style="text-align: right;">895</p> |
| <p>1 have also taught courses in theory and principles</p> <p>2 and methods of leadership and immigration and</p> <p>3 ethnicity.</p> <p>4 Q And what is your bachelor's degree</p> <p>5 in?</p> <p>6 A My bachelor's degree is in</p> <p>7 psychology, with minors in education and history.</p> <p>8 I completed all of the course work and practicum</p> <p>9 requirements for certification in K through 6 in</p> <p>10 Massachusetts, except for a semester of student</p> <p>11 teaching.</p> <p>12 Q Let me make sure I understand that.</p> <p>13 So your bachelor's degree is in psychology, and</p> <p>14 you have a minor in education and also history?</p> <p>15 A That is right.</p> <p>16 Q Do you have a master's degree?</p> <p>17 A I do not have a master's degree.</p> <p>18 Q Do you have a doctorate?</p> <p>19 A I have a doctorate.</p> <p>20 Q And what is your doctorate in?</p> <p>21 A In history. I also have a law</p> <p>22 degree.</p> <p>23 Q Can you please keep your --</p> <p>24 A I also have a law degree.</p> <p>25 Q And in terms of your certification,</p> <p style="text-align: right;">894</p> | <p>1 A No.</p> <p>2 Q And are you familiar with FERPA?</p> <p>3 A Yes.</p> <p>4 Q What is FERPA?</p> <p>5 A It's a Federal School Privacy Act.</p> <p>6 Q Relating to the privacy of student</p> <p>7 records?</p> <p>8 A Yes.</p> <p>9 Q Are you familiar with whether FERPA</p> <p>10 would permit a board member of a charter school to</p> <p>11 receive student records?</p> <p>12 A No. I believe -- I should say I'm</p> <p>13 not certain. I believe that there are contexts in</p> <p>14 which it is, but I can't --</p> <p>15 Q I'm sorry. I'm having a hard time</p> <p>16 hearing you.</p> <p>17 A Sitting here today, I cannot say for</p> <p>18 sure.</p> <p>19 Q Okay. Did you take or research that</p> <p>20 issue or ask for any legal guidance on that issue</p> <p>21 prior to receiving and reviewing all the student</p> <p>22 transcripts that you referenced in your testimony?</p> <p>23 A No.</p> <p>24 Q Do you have clearances in</p> <p>25 Pennsylvania, sir?</p> <p style="text-align: right;">896</p> |

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| <p>1 A Yes.</p> <p>2 Q What clearances do you have?</p> <p>3 A There are three. There are three</p> <p>4 required. I was informed by our administrative</p> <p>5 staff, and I have them.</p> <p>6 There is the federal check. There's</p> <p>7 the criminal background check. There's the</p> <p>8 child-related background check. And I hope I'm</p> <p>9 describing them correctly.</p> <p>10 Q And when did you obtain your</p> <p>11 clearances?</p> <p>12 A About a year ago.</p> <p>13 Q Were you working with students in the</p> <p>14 charter school prior to that time?</p> <p>15 A Yes.</p> <p>16 Q You did not have clearances at that</p> <p>17 point in time?</p> <p>18 A I did not.</p> <p>19 Q Now, your attorney went through</p> <p>20 multiple documents, and we're going to try to do</p> <p>21 this in the most expeditious fashion.</p> <p>22 If you would turn to -- you have</p> <p>23 multiple documents in front of you -- Charter</p> <p>24 School Exhibit 10, which is the transcript, as</p> <p>25 well as Charter School -- the binder with the</p> <p style="text-align: right;">897</p> | <p>1 together?</p> <p>2 A Yes. No. She typed. She typed.</p> <p>3 Administrative, essentially.</p> <p>4 Q Was anyone at the charter school, any</p> <p>5 employee of the charter school involved in the</p> <p>6 preparation of Charter School Exhibit 9?</p> <p>7 A No. Our PIMS administrator I</p> <p>8 believe, if I recall correctly, reviewed</p> <p>9 Exhibit 9.</p> <p>10 Q Who is the PIMS administrator?</p> <p>11 A Jennifer Koch, K-o-c-h.</p> <p>12 Q And she reviewed what you and your</p> <p>13 wife had prepared, correct?</p> <p>14 A If I recall correctly.</p> <p>15 Q What role does your wife have at the</p> <p>16 I-LEAD Charter School?</p> <p>17 A None. She was a volunteer in this</p> <p>18 regard.</p> <p>19 Q Now, in terms of the preparation of</p> <p>20 Exhibit 9, would you agree with me that the notes</p> <p>21 that are included in Charter School Exhibit 29</p> <p>22 were used to prepare that document?</p> <p>23 MR. STACEY: Objection. There was no</p> <p>24 testimony to Charter School Exhibit 29. We didn't</p> <p>25 introduce it. We didn't seek to introduce it. It</p> <p style="text-align: right;">899</p> |
| <p>1 Charter School exhibits. And I'm going to have</p> <p>2 you first turn to Charter School Exhibit 29,</p> <p>3 please.</p> <p>4 A Yes.</p> <p>5 Q Are you there?</p> <p>6 A Yes.</p> <p>7 Q And you had testified regarding</p> <p>8 Charter School Exhibit 9.</p> <p>9 A Yes.</p> <p>10 Q That there was a team of people who</p> <p>11 were responsible for putting that document</p> <p>12 together. Is that correct?</p> <p>13 A Correct.</p> <p>14 Q Did you prepare the document</p> <p>15 yourself, Charter School 9?</p> <p>16 A With my wife. She had her fingers on</p> <p>17 the keyboard and mouse and input what I asked her</p> <p>18 to using Excel.</p> <p>19 Q And what did your wife do with</p> <p>20 respect to the preparation of Exhibit 9?</p> <p>21 A What I just told you.</p> <p>22 Q Did you provide her with the grade</p> <p>23 information regarding these students?</p> <p>24 A Yes.</p> <p>25 Q And she then put the document</p> <p style="text-align: right;">898</p> | <p>1 simply is in this binder.</p> <p>2 THE HEARING OFFICER: Well, why don't</p> <p>3 you rephrase the question.</p> <p>4 MS. PETERSEN: Sure.</p> <p>5 BY MS. PETERSEN:</p> <p>6 Q Are you familiar with Charter School</p> <p>7 Exhibit 29?</p> <p>8 A Yes. I created it.</p> <p>9 Q You created this document?</p> <p>10 A Yes.</p> <p>11 Q And is the information that's in</p> <p>12 Charter School Exhibit 29 reflective of the</p> <p>13 information that's in Charter School 9?</p> <p>14 A To the -- how do I answer this so</p> <p>15 that it's clear. The information of Charter</p> <p>16 School 29, the numbers of grades were input, use</p> <p>17 710, 1252 -- this is for Grade 9 -- through F.</p> <p>18 And Excel did the addition. I did it. Excel --</p> <p>19 the program did the addition with regard to</p> <p>20 Charter School 9. And what is shown on Charter</p> <p>21 School 29 is my manual -- my manual math.</p> <p>22 Q So Charter School 29 was prepared by</p> <p>23 you to assist you in preparing Charter School 9.</p> <p>24 A No. It was -- I didn't want to rely</p> <p>25 on my -- I think my math is right. I just -- we</p> <p style="text-align: right;">900</p> |

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| <p>1 entered the grade, raw grade numbers and the 2 quantities, the grade counts. And then Excel can 3 calculate, add them up, and calculate the 4 percentages. 5 Q Am I correct, sir, that the 6 calculations that appear in Charter School 29 are 7 reflected, if you look at the first page of 29, 8 are reflected in the GPA calculations that are in 9 Charter School 9 on Page 3? 10 A Oh, yes, the Page 3, yes. I thought 11 you were referring to Page 1 of Charter School 9. 12 Page 3, yes; those are the grade point 13 calculations are reflected on Page 3. 14 Q And is this all your handwriting in 15 Charter School 29? 16 A Yes, it is. 17 Q And you made those calculations 18 yourself? 19 A Yes. 20 Q And if you turn to the second page of 21 Charter School 29. 22 A Yes. 23 Q That information that's conveyed 24 there with respect to the GPA calculations is 25 reflected also in Charter School Exhibit 9?</p> <p style="text-align: right;">901</p> | <p>1 grades summary at the top. Do you see that? 2 A Yes. 3 Q Whose handwriting appears on this 4 page? 5 A That is mine and all mine except for 6 the column for J.F.B. That refers to Dr. Bohan. 7 But I don't know if that is his handwriting. 8 Q Okay. So all of the handwriting on 9 this page is yours with the exception of the two 10 columns that at the top are labeled J.F.B. 1 and 11 J.F.B. 2? 12 A Correct. 13 Q Now, whose initials appear, other 14 than Dr. Bohan in the first two columns, whose 15 initials appear at the top of the first page? 16 A Mine, Kristin Perez, K.P. 17 Q And are you R.S.N.? 18 A I am R.S.N. 19 Q When you identify each person, 20 indicate their initials, please. 21 A R.S.N. is me. E.D., Erica DeLuigi. 22 I have might not have given Erica DeLuigi credit. 23 She is a school administrator. 24 Q What position is she in? 25 A She is in counseling. I don't recall</p> <p style="text-align: right;">903</p> |
| <p>1 THE HEARING OFFICER: On the third 2 page? 3 MS. PETERSEN: Correct. 4 THE WITNESS: Yes. 5 BY MS. PETERSEN: 6 Q And if you turn to the third page of 7 Charter 29, the GPA calculations that appear on 8 that page are reflective of the GPA calculations 9 -- 10 A I beg your pardon. 11 Q If you turn to the third page of 12 Charter School 29, those GPA calculations are 13 reflected also on Page 3 of Charter 9? 14 A Yes. 15 Q And those are all calculations that 16 you made, sir? 17 A Yes. 18 Q And that's your handwriting? 19 A Yes. 20 Q Turn to the fourth page of Charter 21 29, please. 22 A I have a blank. 23 Q So this may be double-sided. I'm 24 asking you to look at this page that says transfer 25 student -- I'm sorry -- transfer student incoming</p> <p style="text-align: right;">902</p> | <p>1 her title offhand. 2 Q She's an administrator, however? 3 A A school administrator, yes. 4 Q Okay. You had mentioned Kristin 5 Perez is K.P.? 6 A Yes. 7 Q And what position is she in? 8 A The registrar. 9 Q Okay. Keep going, please. 10 A And J.M.K. is Jennifer Koch, the PIMS 11 administrator. J.S. is Jorie Simon, the 12 administrator who had previously been literacy 13 specialist, who I mentioned earlier. 14 Q And R.S.N. in that last column is 15 also you? 16 A Yes. 17 Q So you and Jorie Simon both reviewed 18 the documents reflected in the right-hand column? 19 A No. This is the totals from our 20 counting sheets. There was one, if I recall 21 correctly, that Jorie Simon started and I -- when 22 she took a break or went to do other things, I 23 just counted on the same sheet. So that was a 24 sheet that we both used to make our tick marks to 25 count grades.</p> <p style="text-align: right;">904</p> |

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| <p>1 Q Did you review the work of the other 2 folks involved in this project? 3 A I did, and Ms. Koch did. 4 Q And by review, I mean did you watch 5 them count each number off of the transcript in 6 terms of the grade? 7 A We all sat in the same room and did 8 it. Not everybody was in the room all the time. 9 It took place over several days. The team did it. 10 When I was not there, Ms. Koch and Ms. Perez were 11 there. And they did more than anybody else, if I 12 recall correctly, of the counting. 13 Q And they did their work independently 14 and then ultimately was tallied up and included in 15 this sheet? 16 A That's correct. 17 Q I want to try to understand what 18 records were reviewed to create this sheet and 19 then create Charter School Exhibit 9. I'm not 20 sure I totally understood that. So bear with me. 21 So is it your position that every 22 transcript that's included in Charter School 23 Exhibit 10 is reflected in Charter School 29 and 24 Charter School 9? 25 A No, that's not correct. I mentioned</p> <p style="text-align: right;">905</p> | <p>1 wasn't included. 2 A We had no high school data for them. 3 They only attended high school for us. They 4 didn't attend high school elsewhere. 5 Q There are students reflected in 6 Charter School 10 in the transcript who started 7 I-LEAD Charter School in 9th grade, correct? 8 A Yes. 9 Q Are you suggesting then, sir, that 10 their 8th grade data that might appear in the 11 transcript in Charter School 10 is not reflected 12 in Charter School 9? 13 A No. We have in -- for these -- in 14 the transcripts, we have these very small number 15 of, as you can see in like A.G.'s, he took a 16 Spanish course. And that's all we have. And as 17 you flip through and if you review them all, 18 there's very occasionally one like that. These 19 are the records that we have. So these are the 20 ones we identified, we analyzed. 21 Q I don't think you answered my 22 question. So my question is, for a student that 23 started in the charter school in Grade 9 and would 24 not have any high school data at any other school, 25 are their grades reflected in Charter School 9?</p> <p style="text-align: right;">907</p> |
| <p>1 before that there are -- these are the charter -- 2 the transcripts are two-sided, and these are 3 transcripts of all learners who have enrolled in 4 our school. 5 Some learners did not attend other 6 schools, high schools before enrolling in our 7 school. Their transcripts are in this pile too. 8 We did not count any grades of theirs because we 9 were counting grades that they had earned in their 10 prior schools. 11 All of the transcripts that were used 12 to create Exhibit 9 are in Exhibit 10. Not all 13 the transcripts that are in Exhibit 10 were used 14 to create Exhibit 9 because some of the 15 transcripts in Exhibit 10 were for students who 16 only attended high school at our school. 17 Q So how do we know sitting here today 18 which transcripts in Charter School 10 are 19 reflected in Charter School 9? 20 A Every transcript that has grades for 21 learners who attended school elsewhere previously, 22 all of those grades are included in Exhibit 9. 23 Q Well, you just said that if a student 24 only attended I-LEAD Charter School for high 25 school, their data wasn't -- their previous data</p> <p style="text-align: right;">906</p> | <p>1 A No. This is just their high school 2 data at other schools. 3 THE HEARING OFFICER: Could I ask a 4 question here to follow up on that? So if we have 5 a student who would have enrolled in the charter 6 school in Grade 9, I thought you had testified 7 earlier that in some instances you may have had 8 grades from 8th grade if it reflected that a 9 student had took something like Algebra 1. 10 THE WITNESS: Correct. 11 THE HEARING OFFICER: So with that in 12 mind, if you had a student who came directly from 13 8th grade somewhere else, enrolled in the charter 14 school, the only time you may have counted that 15 particular type of student is if they took an 16 Algebra 1 class in that grade? 17 THE WITNESS: Yes, and it's reflected 18 on their high school transcript. 19 THE HEARING OFFICER: Thank you. 20 BY MS. PETERSEN: 21 Q So how do we know which student's 22 grades that are reflected in Charter School 10 are 23 actually in Charter School 9? 24 A If the transcript is for a learner 25 who attended another school as shown on the hard</p> <p style="text-align: right;">908</p> |

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| <p>1 copy transcript we have, we counted the grades 2 that they earned at the schools that they attended 3 that are shown on these transcripts in Exhibit 10. 4 Q Well, what I'm really getting to is 5 can you, sitting here today, identify each and 6 every kid who's included in Charter School 10 7 that's included in Charter School 9? 8 A I suppose I could if you would like 9 to go through the 1600-plus transcripts. And I 10 should show you this one yes, this one no, because 11 this student learner's transcript shows only high 12 school grades at our school. 13 If you look at that transcript, I can 14 tell you, if we look at a transcript that shows 15 only grades earned in high school at our school, I 16 can tell you that student's grades were not 17 included. 18 Q Well, did anyone mark which 19 transcripts were included in Charter School 9 20 versus the ones that weren't? 21 A I put a slash through it. I have the 22 ones that I did that were just our school. But it 23 wasn't necessary because if it was only grades 24 from our school, they were not included. 25 Q Well, you only did a certain number 909</p> | <p>1 doing, and that's what we did. 2 Q So you can't identify a single one 3 sitting here. 4 A Identify a single one that I did or 5 that was not included? 6 Q That you did. 7 A (Witness reviewed documents.) 8 There are none in the first hundred 9 or so. 10 Q So that's beyond the red page and 11 into the next set, correct? 12 A This is in the red. These are all -- 13 I'm sorry. I started beyond the red. I don't see 14 any as I flip through. 15 Q How many total students are included 16 in Charter School 10? 17 A Over 1600. 18 Q And in terms of the date when this 19 was completed, when was that date? 20 A This was in the fall, in the 21 September-October timeframe. 22 Q How many students had the charter 23 school enrolled in its totality from the date of 24 inception from the charter school up until the 25 '15-'16 school year when this review was being 911</p> |
| <p>1 of them, correct, sir? 2 A Yes. 3 Q And you didn't review the ones that 4 other folks did, correct? 5 A That is correct. 6 Q So what did other folks do to make 7 that determination? 8 A They looked at the transcript just as 9 I did. If there were grades from high school, 10 from another school, we counted those grades. If 11 there were not, there were grades only from I-LEAD 12 Charter School, we did not count those grades. 13 Q And you're making an assumption that 14 that's what they did. 15 A I'm telling you what the directions 16 were given to all of the people who were involved. 17 Q And can you point out in there where 18 the ones were that you reviewed? 19 A I can't point all of them out. I 20 mean, potentially, if we page through 1,246, we 21 could. Although I must tell you, I don't remember 22 sitting here today that I put a slash through 23 every one that was just one of our students. 24 But everybody who participated in the 25 counting was directed that this was what we were 910</p> | <p>1 conducted? 2 A This was -- about that number. This 3 was all that we had when we pulled the transcripts 4 at that time. 5 Q And these are all transcripts in 6 Charter School 10 that were prepared by the 7 charter school? 8 A Correct. 9 Q And before you undertook your 10 project, did you go back and check student records 11 to determine if the transcripts were true and 12 accurate or whether they contained errors? 13 A I did not. 14 Q So you relied on what was in the 15 transcripts? 16 A Correct. 17 Q I just want to make sure I 18 understood. You had said in Charter School 10 19 that the ones before the red tab -- 20 A Where those -- 21 Q That you claim were socially 22 promoted. 23 A What it is, is those who were 24 promoted as shown on their transcripts from one 25 grade to another with having earned fewer than 912</p> |

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| <p>1 four credits in the grade from which they were 2 promoted.</p> <p>3 Now, I should point out, since they 4 are a two-sided copy, there could be in there a 5 learner that doesn't meet that. But their grades 6 were not counted in the sense of labeled socially 7 promoted. They just happened to be on the backs, 8 on the B side, as it were, on the printout.</p> <p>9 Q I'm not sure I understand that.</p> <p>10 A We printed two-sided copies to 11 conserve paper. So using the old record 12 terminology, A side, B side, the A side was a 13 student who had been promoted, labeled socially 14 promoted. It's possible that there's on the B 15 side a student who didn't meet that definition. 16 So we didn't count them within the set of socially 17 promoted students. We did not include any student 18 in that -- that's socially promoted whose 19 transcripts did not include promotion from 20 one grade to the next with fewer than four 21 credits.</p> <p>22 Q How many students total are 23 referenced in the social promotion?</p> <p>24 A About 120.</p> <p>25 Q Out of 1600 students?</p> <p style="text-align: right;">913</p> | <p>1 explaining a moment ago. That student is not 2 counted. His transcript just happened to be 3 printed on the reverse of a student that, if you 4 flip to the front side, the first page of it, did 5 attend Reading High then after 3.83 credits in 6 Grade 9 was shown as in Grade 10.</p> <p>7 Q So you're saying that student with 8 the initials S.A. is part of the social promotion, 9 but K.A. is not?</p> <p>10 A Correct. K.A. is not included in the 11 social promotion, or the all learners, because 12 he -- he or she did not attend. We had no records 13 from him or her attending high school other than 14 I-LEAD Charter School.</p> <p>15 Q So why is K.R.'s transcript included 16 in Charter School 10?</p> <p>17 MR. STACEY: Objection. I think this 18 question has been asked and answered.</p> <p>19 THE HEARING OFFICER: I believe it's 20 been asked and answered. The witness testified 21 that these were printed double-sided. Is that 22 correct?</p> <p>23 THE WITNESS: That's correct. We did 24 not -- they are included. We did not include in 25 this pile of paper. They were not included in the</p> <p style="text-align: right;">915</p> |
| <p>1 A About that, yes.</p> <p>2 Q And you would agree with me that all 3 of these 120 students enrolled at varying years 4 over the charter school's history, correct?</p> <p>5 A That's correct.</p> <p>6 Q So it's not 120 in one year.</p> <p>7 A That's correct.</p> <p>8 Q And if you just turn to the first few 9 pages of Charter School 10.</p> <p>10 A Yes.</p> <p>11 Q So it looks like the first transcript 12 with the initials K.R., that student was enrolling 13 in the charter school in 9th grade in the '13-'14 14 school year.</p> <p>15 A My first page with a student is 16 initials S.A.</p> <p>17 Q Oh, I apologize, second page. So 18 that student's initials are K.R., correct?</p> <p>19 A Correct.</p> <p>20 Q There's no information for student 21 K.R. from a previous school experience, correct?</p> <p>22 A Correct.</p> <p>23 Q Yet this student is included in the 24 social promotion section?</p> <p>25 A This was one of the B sides I was</p> <p style="text-align: right;">914</p> | <p>1 counting of grades.</p> <p>2 MS. PETERSEN: Okay. I'll move on.</p> <p>3 BY MS. PETERSEN:</p> <p>4 Q Turn to the third page, please. Do 5 you see the student with the initials D.T.?</p> <p>6 A I do.</p> <p>7 Q So this student came to the charter 8 school in the '11-'12 school year, correct?</p> <p>9 A Correct.</p> <p>10 Q Now, in terms of this student's 11 grades, how many grades from this transcript were 12 included in Charter School 9?</p> <p>13 A The grades from the 2009-2010 year, 14 there were two, four, six, eight, nine grades. 15 The grades from the 2010-2011 year, two, four, 16 six, eight, nine grades.</p> <p>17 Q So in '11-'12, this student was in 18 attendance at the I-LEAD Charter School, correct?</p> <p>19 A Correct.</p> <p>20 Q Did you include grades from the 21 charter school in Charter School 9?</p> <p>22 A I apologize for my lack of clarity. 23 I thought I had said clearly we did not.</p> <p>24 Q Well, my last question was which 25 grades on this transcript were included in Charter</p> <p style="text-align: right;">916</p> |

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| <p>1 School 9?</p> <p>2 A Their grades from their previous</p> <p>3 schools, the grades from the 2009-2010 school year</p> <p>4 and from the 2010-2011 school year.</p> <p>5 Q So all the students' grades that they</p> <p>6 earned in 9th grade in the 2009-2010 school year</p> <p>7 and in 10th grade in the 2010-2011 school year</p> <p>8 were included in Charter School 9?</p> <p>9 A Correct.</p> <p>10 Q So if a student is reflected in the</p> <p>11 transcript as having multiple years in one of the</p> <p>12 high school grades, so 9th, 10th, 11th, or 12th in</p> <p>13 another school such as Reading Senior High School,</p> <p>14 the totality of their grades in the Reading Senior</p> <p>15 High School were included in Charter School 9?</p> <p>16 A Yes. So you'll see in the 2009-2010</p> <p>17 year for this student, D.T., those grades are</p> <p>18 included in Charter School 9 under -- in the table</p> <p>19 that says -- that counts up the grades and</p> <p>20 displays them in Grade 9, the Grade 9 column.</p> <p>21 The grades for the 2010 that the</p> <p>22 student earned in the 2010-2011 year are included</p> <p>23 in the counts under Grade 10. Plus, if they took</p> <p>24 core course, they are reflected in the grade</p> <p>25 counts for core courses.</p> <p style="text-align: right;">917</p> | <p>1 completed at that other school, those are entered</p> <p>2 into ESchool Plus.</p> <p>3 Q You would agree with me that Tables 1</p> <p>4 and 2 in Charter School 9 don't tell us at which</p> <p>5 grade the student entered the charter school.</p> <p>6 A That's correct.</p> <p>7 Q And you would agree with me that</p> <p>8 Tables 1 and 2 are not reflective of the</p> <p>9 individual performance of any student, correct?</p> <p>10 A Correct. This is the universal</p> <p>11 performance of students as a whole.</p> <p>12 Q So a student might have had an F in</p> <p>13 one subject but had A's and B's in others.</p> <p>14 A That happens, yes.</p> <p>15 Q Some students --</p> <p>16 A Students who made F's in my review --</p> <p>17 Q Hold on. There is no question</p> <p>18 pending.</p> <p>19 There are some students that came to</p> <p>20 you mid-year, correct?</p> <p>21 A That happens, yes, I'm informed by</p> <p>22 our registrar.</p> <p>23 Q So they would only have midyear</p> <p>24 grades or grades at some point in time from the</p> <p>25 last school that they attended, correct?</p> <p style="text-align: right;">919</p> |
| <p>1 Q So in terms of the labels at the top</p> <p>2 of Charter School 9 where it says incoming</p> <p>3 learners grades, that is not reflective of their</p> <p>4 grades in the year preceding them arriving at</p> <p>5 I-LEAD Charter School only.</p> <p>6 A That's correct. So some learners</p> <p>7 came with -- their transcripts showed they have</p> <p>8 high school grades in 9th grade. Some have grades</p> <p>9 in 9th grade and 10th grade.</p> <p>10 Q Are you saying then that there are</p> <p>11 1600 students represented in the first two tables?</p> <p>12 A Approximately. No, no.</p> <p>13 Approximately 1600 transcripts were. We have 1600</p> <p>14 and I think it was 46 transcripts altogether.</p> <p>15 Q And that's irregardless of when they</p> <p>16 arrived at the charter school.</p> <p>17 A Regardless of when they arrived.</p> <p>18 Q And is it irregardless whether they</p> <p>19 arrived in the middle of the school year or in the</p> <p>20 beginning of a school year?</p> <p>21 A Occasionally, if the student arrived</p> <p>22 in the middle of a school year and had completed</p> <p>23 courses, the registrar has informed me that we</p> <p>24 will get a mid-year grade report, a report that</p> <p>25 shows their grades and such courses that they have</p> <p style="text-align: right;">918</p> | <p>1 A They would have grades for any</p> <p>2 courses they had completed during the year before</p> <p>3 they came to us. That is what our registrar</p> <p>4 informed me, that we received that information.</p> <p>5 Q So if a student came to you let's say</p> <p>6 in January and had only completed half of the year</p> <p>7 of a full year course at Reading High, for</p> <p>8 example, were the grades for the first semester at</p> <p>9 Reading High included in this Charter School 9?</p> <p>10 A No; just grades for courses that were</p> <p>11 completed.</p> <p>12 Q In their prior year?</p> <p>13 A In their prior career at their other</p> <p>14 school. As I said a moment ago, if there were</p> <p>15 a -- I'm informed by the registrar that if a</p> <p>16 course is completed and it's not a four-year</p> <p>17 course but it's completed, that we do get some of</p> <p>18 those. That happens occasionally.</p> <p>19 Q So if you got first quarter and/or</p> <p>20 second quarter grades for any particular student,</p> <p>21 you didn't use those for purposes of Charter</p> <p>22 School 9.</p> <p>23 A Correct. If they completed a course</p> <p>24 that was a half-year course, the course is over,</p> <p>25 they get a grade.</p> <p style="text-align: right;">920</p> |

1 Q Now, not all the students that have
2 grades reflective in Charter School 9 have
3 remained at the charter school until graduation,
4 correct?
5 A That's correct.
6 Q Some of those students have dropped
7 out?
8 A Dropped out or transferred or they're
9 not -- whatever they did, they did not complete
10 their high school at I-LEAD Charter School.
11 Q And Charter School 9 does not reflect
12 when those students may have left the charter
13 school, correct?
14 A That's correct.
15 Q Do you know sitting here today how
16 many students arrived at the charter school
17 failing all courses?
18 A No, I don't know that sitting here
19 today.
20 Q Do you know how many students arrived
21 failing one course?
22 A The precise number, no. Many.
23 Q Do you know how many arrived having
24 not failed any courses?
25 A Sitting here today, no.

921

1 Q If you look at Charter School 9, you
2 would agree with me that the largest number of
3 grades reflected in Table 2 are concentrated in
4 9th grade, correct?
5 A Yes. The number of grades goes from
6 about 7800 and fewer in Grade 10, fewer in Grade
7 11, fewer --
8 Q And that's because many or a majority
9 of students enrolling in the charter school are in
10 grades 9 or 10, correct?
11 A That's because those were the most
12 grades that were shown grades on the transcript
13 were grades earned in the 9th, 10th, et cetera
14 grades. Beyond that, I don't have a
15 representation to make to you or agree with you.
16 Q Now, in terms Table 3 and 4 --
17 THE HEARING OFFICER: Which exhibit?
18 MS. PETERSEN: Charter School 9.
19 BY MS. PETERSEN:
20 Q This is reflective of only core
21 courses, correct?
22 A That includes our counts of grades in
23 core courses.
24 Q And you were defining core courses as
25 only the Keystone tested grades, correct?

922

1 A That's our label for Keystone tested
2 grades -- courses, yes.
3 Q In terms of the label for algebra,
4 for a course to be included in -- or the grade for
5 a course to be included in Table 3 and Table 4,
6 what course did it have to be?
7 A It had to be an algebra course that
8 was passed. That was passed. That's not correct.
9 It included algebra or Algebra 2. There are a
10 small number of students who took Algebra 2 before
11 they came to our school.
12 Q So did you look at a course of
13 studies book for Reading Senior High School before
14 making this document?
15 A For Reading or any other school, no.
16 Q So you weren't familiar with how
17 GPA's at Reading Senior High School were
18 calculated.
19 A No.
20 Q You weren't familiar with graduation
21 credit requirements at Reading Senior High School
22 before make this document.
23 A I believe they were 21; but if I
24 heard Mr. Celmer correctly, it's 23.
25 Q Actually, I think it was Mr. Turman.

923

1 A Mr. Turman.
2 Q And he said 23, correct?
3 A Correct.
4 Q Did you hear him testify that it's
5 been 23 credits for the entire time that the
6 charter school has been in existence?
7 A I don't recall him testifying that.
8 Q But you didn't review any course of
9 studies books that reflect that, correct?
10 A That's correct.
11 Q And did you review any course of
12 studies books or any other documents that define
13 what courses offered in the Reading School
14 District are algebra courses?
15 A No.
16 Q Or that trigger a Keystone exam
17 requirement.
18 A I understood algebra to trigger a
19 Keystone exam requirement, but I did not
20 investigate it for the purposes of this project.
21 Q So in terms of the algebra courses
22 that were included in Tables 2 and 4 in Charter
23 School 9, which algebra grades are reflected here
24 from the student's transcript?
25 A We counted -- and I should point out

924

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| <p>1 that we included our registrar and PIMS</p> <p>2 coordinator who are familiar with those Reading</p> <p>3 High School documents that you mentioned.</p> <p>4 We counted an algebra grade which the</p> <p>5 student had a grade for, except for those cases in</p> <p>6 which the student failed algebra one or more times</p> <p>7 and then subsequently received a passing grade.</p> <p>8 We counted only the passing grade.</p> <p>9 Q So if a student had actually passed</p> <p>10 Algebra 1 at Reading Senior High School or at</p> <p>11 another school prior to coming to the charter</p> <p>12 school and was taking Algebra 2 prior to coming to</p> <p>13 the charter school, did you count Algebra 2 grade?</p> <p>14 A Yes, we counted. And that's any</p> <p>15 school. We had a smattering, a handful of student</p> <p>16 who come from other school districts besides</p> <p>17 Reading, a small number.</p> <p>18 Q And how many of the student whose</p> <p>19 grades were included in Tables 3 and 4 in Charter</p> <p>20 School 9 had passed the Keystone exams in any of</p> <p>21 those subjects?</p> <p>22 A We did not assess that.</p> <p>23 Q And you didn't assess that for either</p> <p>24 before they arrived at the charter school or even</p> <p>25 thereafter?</p> <p style="text-align: right;">925</p> | <p>1 not be true because there may be a few learners in</p> <p>2 Tables 1 and 2 who hadn't taken an algebra course</p> <p>3 or a biology course. I don't recall specifically</p> <p>4 that being the case. But the numbers are about</p> <p>5 the same. It could be a small percentage fewer in</p> <p>6 3 and 4.</p> <p>7 Q Now, with respect to literature, you</p> <p>8 had said in your direct testimony that a decision</p> <p>9 was made to include grades that the team deemed</p> <p>10 were relevant to literature courses.</p> <p>11 A After discussing that, you know, we</p> <p>12 decided that were relevant, yes. It was through</p> <p>13 discussion. And like I said, I could have, I</p> <p>14 suppose, exercised a veto on inclusion of a</p> <p>15 course. But I didn't. It was --</p> <p>16 Q So in terms of the grades that are</p> <p>17 included under the heading literature or lit,</p> <p>18 I-i-t, in Tables 3 and 4, what course grades from</p> <p>19 the transcripts are reflected in that column?</p> <p>20 A The course grades for all those</p> <p>21 courses that we included.</p> <p>22 Q So I asked which courses did you</p> <p>23 include.</p> <p>24 A Taking D.T.'s transcript, for</p> <p>25 example, in the 2009-2010 school year, lit and</p> <p style="text-align: right;">927</p> |
| <p>1 A That's correct. Our project was to</p> <p>2 use evidence that consisted of their grades that</p> <p>3 they had earned at their schools.</p> <p>4 Q And am I correct that the students</p> <p>5 included in 3 and 4 are also students that were</p> <p>6 enrolled at the charter school throughout its</p> <p>7 entire existence?</p> <p>8 A None of them --</p> <p>9 Q Let me rephrase that question. It</p> <p>10 wasn't very artfully worded.</p> <p>11 The students who were included in the</p> <p>12 calculations in Tables 3 and 4 are from the time</p> <p>13 throughout the time the charter school has been in</p> <p>14 existence, correct?</p> <p>15 A Yes.</p> <p>16 Q So it's not a snapshot in time for a</p> <p>17 particular school year, correct?</p> <p>18 A Correct.</p> <p>19 Q And how many students are reflected</p> <p>20 in Tables 3 and 4?</p> <p>21 A The same number of -- that are</p> <p>22 reflected in the first tables, all that we</p> <p>23 counted, all that met our criteria for having</p> <p>24 earned grades.</p> <p>25 Well, I should say, for -- that may</p> <p style="text-align: right;">926</p> | <p>1 writing/reading would have been included.</p> <p>2 Literature and writing would have been included.</p> <p>3 Q So let's stop there for a second. So</p> <p>4 that's in the '9-'10 school year when this student</p> <p>5 was in Grade 9 at Reading High.</p> <p>6 A Correct.</p> <p>7 Q The student actually took two</p> <p>8 literature and writing courses in that school</p> <p>9 year. Do you see that?</p> <p>10 A I do.</p> <p>11 Q With two different grades.</p> <p>12 A Correct.</p> <p>13 Q So both of those grades were</p> <p>14 included?</p> <p>15 A Correct.</p> <p>16 Q And were you here for the entire</p> <p>17 testimony of Mr. Turman?</p> <p>18 A No, I was not.</p> <p>19 Q Are you familiar with when Reading</p> <p>20 Senior High School tests students in literature on</p> <p>21 the Keystone exam or what triggers that?</p> <p>22 A No.</p> <p>23 Q So you're not aware that he testified</p> <p>24 that students are in a Keystone-triggering</p> <p>25 literature course until at least 10th grade.</p> <p style="text-align: right;">928</p> |

1 A I did not -- if I heard that
2 testimony, I don't recall it sitting here today.
3 I don't recall hearing it.
4 Q So then moving on to 10th grade for
5 this student with the initials D.T., were any
6 grades included for literature in 10th grade?
7 A The grades for literary concepts and
8 then literary concepts/reading would have been
9 included.
10 Q So both of those courses in that same
11 year.
12 A Correct.
13 Q And would that have been the same for
14 all other students, that even if they took more
15 than one literature course they were included even
16 if there were multiple courses in one year?
17 A Because it was consistent with the
18 purposes of our study to understand where
19 students -- how they came to us based upon their
20 grades earned in all of their prior schools before
21 coming to us, yes, they were included.
22 Q I'm going to have you turn two more
23 pages in Charter School 10 to a student with the
24 initials C.S.
25 A Yes.

929

1 Q Now, you see with C.S., the
2 transcripts indicate that the student arrived at
3 I-LEAD Charter School in the 2005-2006 school
4 year.
5 A Yes. That appears to be an error to
6 me.
7 Q So that is an error. You would agree
8 with me?
9 A Yes. That should probably read
10 Reading High.
11 Q Were these students -- were the
12 grades of this student in 2005 and 2006 included
13 in the Charter School 9?
14 A I'm not certain.
15 Q If you look at the grade then for the
16 student for the following year, which is the
17 2006-2007 school year, were the grades for that
18 student included?
19 A I suspect that they were since it is
20 labeled Reading High.
21 Q You see there it says math EHS. Do
22 you know what that means?
23 A I don't recall sitting here today. I
24 believe I did at one point, but I don't recall
25 today.

930

1 Q And that doesn't indicate the student
2 took algebra, correct?
3 A That's correct; it does not say
4 algebra.
5 Q The last grades on file for this
6 student with the initials C.S. were from the
7 2007-2008 school year, correct?
8 A That is the last -- those are the
9 last grades for which we have of in ESchool.
10 Q And were these grades all included in
11 Charter School 9?
12 A I don't have personal knowledge just
13 sitting here today. But I suspect they were, they
14 would have met the criteria.
15 Q Even though the charter didn't open
16 until three or four years later, four years later.
17 A Is that a question?
18 Q Yes.
19 A I'll agree with your statement.
20 Q Go back to charter school 9, please,
21 and turn to the second page. Now, in terms of the
22 social promotion, you said that that was based
23 upon criteria that the team came up with.
24 A We discussed it, but I made the
25 decision.

931

1 Q And your decision was that social
2 promotion would be defined by what?
3 A Promotion from one grade level to
4 another, having earned fewer than four credits at
5 the grade level from which the learner was
6 promoted.
7 Q And you did that without reviewing
8 the high school's -- Reading Senior High School's
9 course of study book, correct?
10 A That's correct.
11 Q And how many students are reflective
12 in Tables 4 -- I'm sorry -- Tables 5 and 6 on Page
13 2?
14 A About 120.
15 Q So the same as the number of
16 transcripts that you referenced in your previous
17 testimony?
18 A Correct.
19 Q Now, there were students included in
20 the tables on Page 2 that have grades of B's, C's
21 and D's, correct?
22 A Correct.
23 Q You would agree with me that students
24 who earn a D are not failing a course, correct?
25 A F is failing; D is D.

932

1 Q Okay. So students who earn a D are
2 earning credit for the course.
3 A That is correct.
4 Q How many different students earn only
5 F's that are included in these two tables?
6 A I can't tell you for certain because
7 there may have been students who earned F's before
8 earning a D. We did not count their F's. We
9 counted their passing grade.
10 Q So these tables also include multiple
11 grades over multiple years in the same subject,
12 correct?
13 A No, they do not. They include
14 only -- if they are multiple grades and the first
15 one is an F, the next one is a passing grade, we
16 include only the passing grade.
17 Q But if you had a student who you had
18 data for for multiple years in high school prior
19 to their arrival at the charter school, you
20 included multiple grades for all of those subjects
21 for those high school grades, correct?
22 A May I have the question read back? I
23 don't believe I understand it.
24 Q You know what. Let's strike that.
25 Do you know what the Reading School

933

1 District's definition of socially promoted is?
2 A No, I don't.
3 Q You didn't ask anybody about that
4 before creating this chart?
5 A This is a label we applied to
6 describe, to label, to just -- as a title for, as
7 a term for those that we -- that I explained to
8 you a moment ago. So we did not adopt Reading
9 High School's terminology for this.
10 Q What is the minimum amount of credits
11 that a student has to earn at the charter school
12 each year?
13 A I'm not certain.
14 Q Okay. In terms of how the charter
15 school matriculates students from grade to grade,
16 would you agree with me that a student could fail
17 a course at the charter school yet earn enough
18 grades -- earn enough credits -- excuse me -- to
19 matriculate to the next grade level?
20 A You would have to ask our academic
21 administrators that question.
22 Q So you don't know the answer to any
23 of those types of questions?
24 A That's not my role as a --
25 Q So you would agree with me then that

934

1 it could be quite possible that students are being
2 socially promoted at the charter school based upon
3 the definition that you provided?
4 A That would be speculating.
5 Q You don't know one way or the other?
6 A I will not speculate as you're asking
7 me to do.
8 Q So turn to the following page on
9 Charter School 9, please. Now, we've talked about
10 this a bit, and I'm not going to rehash what we
11 already established; but you used the term GPA.
12 You're talking about grade point average?
13 A Grade point average.
14 Q And that was based upon a calculation
15 that you created?
16 A Yes.
17 Q And that calculation has no reference
18 to the GPA calculated at Reading Senior High
19 School, correct?
20 A We did not adopt any of Reading
21 Senior High School's calculation and definitions.
22 Q How is GPA calculated at the charter
23 school?
24 A I don't calculate it. You would have
25 to ask the academic team for that.

935

1 Q So the manner in which you calculated
2 GPA for purposes of Charter School 9 may be
3 totally different than how the charter school
4 calculates GPA for purposes of the academic
5 performance of its students.
6 A I wouldn't speculate on that.
7 Q You don't know one way or the other?
8 A I can't say. I do not know. I don't
9 know yes or no.
10 Q So you used a 4.0 scale, correct?
11 A Yes. This is based on my 15 years in
12 teaching.
13 Q Some of the students whose grades are
14 included within the GPA calculations have come in
15 with A's and B's, correct?
16 A If you look at the table on Page 1,
17 you will see the numbers of A's, B's, et cetera,
18 for each of the grades.
19 Q So the GPA data that's on Page 3 of
20 Charter 9 is not reflective of any particularly
21 students, correct?
22 A It's reflective of all students.
23 Q But it's not, for example, an average
24 of individual student GPA's.
25 A As it says on the document, all

936

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| <p>1 learners.</p> <p>2 Q Okay. Maybe you're misunderstanding.</p> <p>3 So the methodology by which you use or by which</p> <p>4 you calculate GPA's was not to take the actual GPA</p> <p>5 as shown on the transcript of the student in, for</p> <p>6 example, their year prior to enrolling in the</p> <p>7 charter school, taking all of those GPA's and then</p> <p>8 averaging them by the total number of students,</p> <p>9 correct?</p> <p>10 A That's correct.</p> <p>11 Q You actually looked at individual</p> <p>12 grades and totaled the grades regardless of who</p> <p>13 earned those grades, correct?</p> <p>14 A Yes. And that contributed to us</p> <p>15 overweighting the non core courses on the GPA's we</p> <p>16 calculated lower than the reality. If we had done</p> <p>17 what you had suggested, I believe then the GPA</p> <p>18 results would have been higher.</p> <p>19 Q Did you do what I suggested?</p> <p>20 A We did not.</p> <p>21 Q So you don't know that sitting here</p> <p>22 today.</p> <p>23 A The GPA's, if we did what you</p> <p>24 suggested, would be even lower than what we got.</p> <p>25 We did not to do what you suggested.</p> <p style="text-align: right;">937</p> | <p>1 no, it doesn't, and we didn't refer to anything.</p> <p>2 Would that be accurate?</p> <p>3 THE WITNESS: That's correct.</p> <p>4 THE HEARING OFFICER: So unless --</p> <p>5 MS. PETERSEN: I was just clarifying</p> <p>6 that the actual values that are in the transcript,</p> <p>7 which I hadn't asked him before, are reflective --</p> <p>8 or are not reflective of the manner in which it</p> <p>9 was weighted.</p> <p>10 THE WITNESS: Do you mean fractional</p> <p>11 credit?</p> <p>12 MS. PETERSEN: Correct.</p> <p>13 THE WITNESS: That's correct. We</p> <p>14 weighted everything as one, which causes our</p> <p>15 result to be higher, I believe, than if we had --</p> <p>16 certainly higher than if we had ever used those</p> <p>17 fractional values. That leaves our GPA's to paint</p> <p>18 a -- our results to overstate the performance.</p> <p>19 The performance as evidenced by the grades are</p> <p>20 even less than what you see in Charter School --</p> <p>21 BY MS. PETERSEN:</p> <p>22 Q But you didn't actually do those</p> <p>23 calculations, sir, correct, to average all of the</p> <p>24 students' GPA's that they entered with.</p> <p>25 A That's correct, for the third time,</p> <p style="text-align: right;">939</p> |
| <p>1 Q But you didn't do those calculations,</p> <p>2 correct?</p> <p>3 A What you just you suggested?</p> <p>4 Q Yes.</p> <p>5 A I thought I just said no.</p> <p>6 Q I'm just conforming because you said</p> <p>7 a couple different things.</p> <p>8 In terms of course weighting, are you</p> <p>9 familiar with how Reading Senior High School</p> <p>10 weights the courses?</p> <p>11 A We did not base our calculations on</p> <p>12 Reading High School's methods.</p> <p>13 Q So in terms of the number of credits</p> <p>14 that are reflected in the transfer for how many</p> <p>15 credits the course is worth, you did not actually</p> <p>16 utilize those credit values when calculating the</p> <p>17 GPA, correct?</p> <p>18 MR. STACEY: I'm going to object on</p> <p>19 the basis of asked and answered. I don't think</p> <p>20 the question has been phrased like that. But that</p> <p>21 same question has been asked multiple times now.</p> <p>22 THE HEARING OFFICER: I think that</p> <p>23 the question is does the data reflected on Page 4</p> <p>24 of Exhibit Charter School 9, does it reflect</p> <p>25 weighting of credits. And I think the answer was</p> <p style="text-align: right;">938</p> | <p>1 or fourth.</p> <p>2 Q If you turn to the -- back to Charter</p> <p>3 School 29, and keep a finger on the Charter School</p> <p>4 9.</p> <p>5 A In which I made a math error on Page</p> <p>6 2.</p> <p>7 Q I'm sorry. You said you made a math</p> <p>8 error?</p> <p>9 A I did. 21 times 4 should be 84, not</p> <p>10 4. So it should be --</p> <p>11 Q So the math error is reflected on</p> <p>12 Page 2 of Charter 29?</p> <p>13 A Yes. So that should be -- the GPA</p> <p>14 should be 183 divided by 131, which is going to be</p> <p>15 one point.</p> <p>16 Q And not the point .77 that you --</p> <p>17 A That's correct.</p> <p>18 Q -- or that's included in Charter</p> <p>19 School 9.</p> <p>20 A That's correct.</p> <p>21 Q If you could flip to the --</p> <p>22 MR. STACEY: To the extent that we</p> <p>23 have done that, can we make that correction?</p> <p>24 MS. PETERSEN: Well, he can deal with</p> <p>25 it on --</p> <p style="text-align: right;">940</p> |

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| <p>1 MR. STACEY: I mean, just so the</p> <p>2 record -- so 9 reflects that calculation.</p> <p>3 THE HEARING OFFICER: Deal with it on</p> <p>4 redirect.</p> <p>5 MR. STACEY: Sure.</p> <p>6 BY MS. PETERSEN:</p> <p>7 Q Sir, if you could turn to the summary</p> <p>8 page in Charter 29, so on the far left-hand side</p> <p>9 of the page, who tallied up the numbers there?</p> <p>10 A I did, and then Ms. Koch checked</p> <p>11 them.</p> <p>12 Q And who wrote in the numbers under</p> <p>13 each individual's column?</p> <p>14 A As I testified before, all the</p> <p>15 handwriting except the two under J.F.B. is mine.</p> <p>16 So I wrote those in. Except in those two columns</p> <p>17 the J.F.B. 1 and 2, I don't know whose handwriting</p> <p>18 that is. I believe it is Ms. Koch's, but I'm not</p> <p>19 certain.</p> <p>20 Q Did you go back and double-check</p> <p>21 their tallies based upon the hash sheets that are</p> <p>22 thereafter included?</p> <p>23 A Those were all double-checked, yes.</p> <p>24 I did not double-check them all myself. I added</p> <p>25 many of them up the first time, and then I think I</p> <p style="text-align: right;">941</p> | <p>1 certain.</p> <p>2 Q And if you look further down the</p> <p>3 page, it says 115 D's under Dr. Bohan. But</p> <p>4 there's only 113 included on the summary page. Do</p> <p>5 you see that?</p> <p>6 A Yes, I do. I suspect that was</p> <p>7 another caught in the double-check, but I can't</p> <p>8 say for sure.</p> <p>9 Q And if you look on the next page,</p> <p>10 which appears to be Dr. Bohan 2, you would agree</p> <p>11 with me that in Grade 9 the number of B's is</p> <p>12 actually 13?</p> <p>13 A May I have that again? When you were</p> <p>14 asking, I was looking for that J.F.B.-2 page. May</p> <p>15 I have that question read back?</p> <p>16 Q Sure. So on the J.F.B.-2 hash page,</p> <p>17 the number of B's in Grade 9 is identified as 13,</p> <p>18 correct? Is that correct?</p> <p>19 A Let's see. B's, yes. And you can</p> <p>20 see how that was caught. And that's 12 in the</p> <p>21 summary. Somebody, you see that, did five, ten,</p> <p>22 started and squiggled out in this next bunch, and</p> <p>23 then there's kind of two more. That's 12. It</p> <p>24 says 13 there. But then it was double-checked,</p> <p>25 and it looks like it was caught again. 12 B's. I</p> <p style="text-align: right;">943</p> |
| <p>1 was getting Ms. Koch, and some others did too.</p> <p>2 And I believe it was Ms. Koch who double-checked</p> <p>3 them all.</p> <p>4 Q So if you flip through the following</p> <p>5 page, this is the hash marks for Dr. Bohan, Number</p> <p>6 1. Is that correct?</p> <p>7 A Mine says J.F.B. Oh, yes, that is</p> <p>8 correct.</p> <p>9 THE HEARING OFFICER: J.F.B. dash 1?</p> <p>10 MS. PETERSEN: Yes.</p> <p>11 THE HEARING OFFICER: Okay. Thank</p> <p>12 you.</p> <p>13 BY MS. PETERSEN:</p> <p>14 Q There's a tally to the left-hand side</p> <p>15 of that page. Do you see that?</p> <p>16 A Yes.</p> <p>17 Q And it says 29?</p> <p>18 A Yes.</p> <p>19 Q But in the preceding summary page, it</p> <p>20 only says 28 A's.</p> <p>21 A That 29 is wrong. It's 28 on the</p> <p>22 summary page.</p> <p>23 Q And did anyone --</p> <p>24 A That was probably caught in the</p> <p>25 double-check is my guess, but I can't say for</p> <p style="text-align: right;">942</p> | <p>1 see where -- yes.</p> <p>2 Q Are you certain sitting here today</p> <p>3 that they squiggled out all of those?</p> <p>4 A That looks like the intent to me. It</p> <p>5 would be speculating to say that that was certain.</p> <p>6 Q And if you look down further, Grade</p> <p>7 10, the number of B's is listed as eight.</p> <p>8 A Yes.</p> <p>9 Q And on the summary page, the number</p> <p>10 of B's is listed as seven.</p> <p>11 A Yes.</p> <p>12 Q But you didn't go back through and</p> <p>13 personally check any of these to see if the hash</p> <p>14 mark matched up with the actual page, information</p> <p>15 on the summary page?</p> <p>16 A I did not. Other people did the</p> <p>17 double-checking.</p> <p>18 Q Now, sir, I just want to -- if I</p> <p>19 asked you this, I apologize. In terms of the</p> <p>20 transcripts that are included in Charter School</p> <p>21 10, did you go back to double-check that every</p> <p>22 transcript of every student that ever walked</p> <p>23 through the doors of the charter school, other</p> <p>24 than the few exceptions you described today, are</p> <p>25 included in this document?</p> <p style="text-align: right;">944</p> |

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| <p>1 A I relied on our registrar.</p> <p>2 Q Now, let's turn to Charter School 33,</p> <p>3 please. So Charter School 33 are the board</p> <p>4 meeting minutes from October of 2015, correct?</p> <p>5 A October 15, right, 2015.</p> <p>6 Q And if you look down the page, you</p> <p>7 would agree with me that at the meeting, the board</p> <p>8 is taking action to approve three sets of minutes</p> <p>9 from prior meetings, correct?</p> <p>10 A Correct.</p> <p>11 Q Those meeting minutes from June 22nd,</p> <p>12 2015 and August 27th, 2015 have not been supplied</p> <p>13 to us today, correct?</p> <p>14 A I don't know.</p> <p>15 Q Was there a reason that the board</p> <p>16 meeting minutes had not been approved for the</p> <p>17 December meeting or the June meeting prior to</p> <p>18 October 2015?</p> <p>19 A The answer is yes, but I don't recall</p> <p>20 sitting here today what it was.</p> <p>21 Q So you believe that there was a</p> <p>22 reason that they weren't approved, but you don't</p> <p>23 know what it is?</p> <p>24 A I believe there is a reason for</p> <p>25 everything.</p> <p style="text-align: right;">945</p> | <p>1 meeting?</p> <p>2 A No, they didn't. And I can tell you</p> <p>3 the reason for that.</p> <p>4 Q And what was it?</p> <p>5 A My oversight. My father suffered a</p> <p>6 terrible accident a couple days after the meeting,</p> <p>7 and our lives were in uproar. And it was my</p> <p>8 oversight. It's my fault.</p> <p>9 Q And since that time, the board has</p> <p>10 not taken any action to approve those minutes?</p> <p>11 A No. That's going to be our next</p> <p>12 board meeting. I realized my oversight subsequent</p> <p>13 to that.</p> <p>14 Q So other than the June 5th, 2015</p> <p>15 board meeting, were there any other board meetings</p> <p>16 between December 11, 2014, and June 22nd, 2015?</p> <p>17 A December 11 and August 17, no, there</p> <p>18 were not. I'm sorry. Please rephrase.</p> <p>19 Q The timeframe was December 11th, 2014</p> <p>20 through June 22nd, 2015.</p> <p>21 A Oh, forgive me. Sitting here today,</p> <p>22 I don't recall any others.</p> <p>23 Q The board minutes that had been</p> <p>24 supplied to the school district by the charter</p> <p>25 school in February of 2015, the last minutes were</p> <p style="text-align: right;">947</p> |
| <p>1 Q But -- so you don't know what the</p> <p>2 reason was why those minutes were not approved at</p> <p>3 the next board meeting after those two meetings.</p> <p>4 A I don't recall sitting here today.</p> <p>5 Q Am I correct that there were not any</p> <p>6 other board meetings held between December 11,</p> <p>7 2014 and June 22nd, 2015?</p> <p>8 A There was a June 5th meeting.</p> <p>9 Q There was a June 5th meeting of the</p> <p>10 board?</p> <p>11 A It was a quarterly June meeting. I</p> <p>12 believe it was the 5th.</p> <p>13 THE HEARING OFFICER: What year?</p> <p>14 THE WITNESS: Excuse me. 2015.</p> <p>15 BY MS. PETERSEN:</p> <p>16 Q So you believe that there was a</p> <p>17 June 5th, 2015 board meeting?</p> <p>18 A There was a board meeting. And I'm</p> <p>19 pretty certain it -- there was a June 5th, 2015</p> <p>20 meeting. That's correct.</p> <p>21 Q Was that meeting -- were minutes</p> <p>22 taken at that meeting?</p> <p>23 A Yes, there were.</p> <p>24 Q Did the board -- has the board ever</p> <p>25 acted to approve the meeting minutes for that</p> <p style="text-align: right;">946</p> | <p>1 from that December 11th meeting. There was a</p> <p>2 reference in those minutes to a board meeting on</p> <p>3 March 19th, 2015 that was to come. Did that ever</p> <p>4 occur?</p> <p>5 A No. That meeting was canceled.</p> <p>6 Q Have any board meetings been held</p> <p>7 since October 15th, 2015?</p> <p>8 A Yes. In December, the 17th I believe</p> <p>9 it was, 2015.</p> <p>10 Q And were any board meetings held</p> <p>11 between August 17th, 2015 and December 17th, 2015?</p> <p>12 A Yes. There was one, if my memory</p> <p>13 serves, one meeting that was on a Thursday that</p> <p>14 was published in the Eagle.</p> <p>15 Q I'm sorry. I didn't hear that.</p> <p>16 A Notice was published in the Eagle,</p> <p>17 public notice.</p> <p>18 Q Were there any board meetings held</p> <p>19 between August 17th, 2015, and October 15th, 2015?</p> <p>20 A As I sit here today, that might have</p> <p>21 been the meeting that I was referring to a moment</p> <p>22 ago.</p> <p>23 Q And I apologize. I didn't mean to</p> <p>24 confuse you. If you look at the meeting minutes,</p> <p>25 there is a reference to who was in attendance at</p> <p style="text-align: right;">948</p> |

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| <p>1 the top. Do you see that?</p> <p>2 A Yes.</p> <p>3 Q So your testimony is that at this</p> <p>4 time, October 5th, 2015, the board members on the</p> <p>5 charter school board were yourself, Mr. Jefferson,</p> <p>6 and Mr. Amprey.</p> <p>7 A Yes.</p> <p>8 Q And the others who are listed there,</p> <p>9 Mr. Figueroa, Mr. Castro, and Ms. Sykes, are not</p> <p>10 board members, correct?</p> <p>11 A Correct.</p> <p>12 Q Ms. Sykes and Mr. Figueroa are</p> <p>13 employees, correct?</p> <p>14 A Correct.</p> <p>15 Q And Mr. Castro is serving as pro bono</p> <p>16 counsel.</p> <p>17 A And friend.</p> <p>18 Q And Mr. Castro is serving as counsel</p> <p>19 for the charter school?</p> <p>20 A Yes.</p> <p>21 Q And he is giving legal advice to the</p> <p>22 charter school, correct?</p> <p>23 A He did not that I recall.</p> <p>24 Q Did he give any legal advice? And I</p> <p>25 won't ask you what it is.</p> <p style="text-align: right;">949</p> | <p>1 Q And then under Section 6, this is</p> <p>2 where the resolutions are that you testified about</p> <p>3 earlier, correct?</p> <p>4 A Correct.</p> <p>5 Q And there's three different</p> <p>6 resolutions that were actually being moved forward</p> <p>7 at this meeting?</p> <p>8 A Yes.</p> <p>9 Q And the first one is related to the</p> <p>10 promissory note that is attached in Exhibit 33?</p> <p>11 A Yes.</p> <p>12 Q And the second one relates to the</p> <p>13 lease that you identified in Charter School</p> <p>14 Exhibit 34. Is that correct?</p> <p>15 MR. STACEY: Objection. I think</p> <p>16 that's mischaracterizing the evidence. Are you</p> <p>17 talking about the motions on the bottom?</p> <p>18 THE HEARING OFFICER: She said she</p> <p>19 was referring to three different resolutions, the</p> <p>20 first being the promissory note, which I believe</p> <p>21 the answer was yes. The second as far as the</p> <p>22 question goes was the lease. And then there was</p> <p>23 an objection.</p> <p>24 MR. STACEY: I think there's one</p> <p>25 before the lease. There's three total, and the</p> <p style="text-align: right;">951</p> |
| <p>1 A I don't recall if he was acting as</p> <p>2 legal counsel there at all.</p> <p>3 Q What role did he take then at that</p> <p>4 meeting?</p> <p>5 A I don't recall. I volunteer. I do</p> <p>6 what I do. My recollection is he did not provide</p> <p>7 any legal advice.</p> <p>8 Q So what role then is he having if he</p> <p>9 is there and listed as being in attendance?</p> <p>10 A An attendee of our meeting.</p> <p>11 Q You see in Section 4 it indicates</p> <p>12 financial report. And then it says Barbara</p> <p>13 Wilkinson. That's Ms. Sykes, correct?</p> <p>14 A That's correct.</p> <p>15 Q There is no indication that the board</p> <p>16 is taking any action on the financial report in</p> <p>17 the minutes, correct?</p> <p>18 A Correct.</p> <p>19 Q And then there's a report in Section</p> <p>20 5 for the Executive Committee?</p> <p>21 A Correct.</p> <p>22 Q And the board is not taking any</p> <p>23 action relative to things reported out of the</p> <p>24 executive committee, correct?</p> <p>25 A That's what it says, or does not say.</p> <p style="text-align: right;">950</p> | <p>1 lease is attached to Number 3, top of that page.</p> <p>2 MS. PETERSEN: Okay. Let me</p> <p>3 backtrack.</p> <p>4 BY MS. PETERSEN:</p> <p>5 Q Dr. Natalini, so the first resolution</p> <p>6 relates to what?</p> <p>7 A The Executive Committee is authorized</p> <p>8 to borrow funds pursuant to this resolution and</p> <p>9 secured with the following promissory note</p> <p>10 attached hereto without prior approval by the</p> <p>11 board provided that at no time shall the aggregate</p> <p>12 sum of funds owing to I-LEAD by virtue of action</p> <p>13 on Executive Committee as authorized by this</p> <p>14 resolution exceeds \$500,000.</p> <p>15 Q That's actually the second</p> <p>16 resolution, correct, related as Number 2?</p> <p>17 A Oh, I'm sorry.</p> <p>18 Q So I think this -- I want to make</p> <p>19 sure we understand what the first resolution is</p> <p>20 versus the second.</p> <p>21 THE HEARING OFFICER: Off the record.</p> <p>22 (Discussion off the record.)</p> <p>23 THE HEARING OFFICER: The witness has</p> <p>24 had the opportunity to review the resolution</p> <p>25 referenced in Charter School 33. And,</p> <p style="text-align: right;">952</p> |

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| <p>1 Ms. Petersen, you can continue your questioning.</p> <p>2 BY MS. PETERSEN:</p> <p>3 Q Dr. Natalini, there's three</p> <p>4 resolutions here.</p> <p>5 A That is correct.</p> <p>6 Q I just want to be clear on which one</p> <p>7 is which.</p> <p>8 A I do too. I believe I was less than</p> <p>9 clear a moment ago.</p> <p>10 Q Okay. So in terms of what the first</p> <p>11 resolution is, is that reflected in Page 3 of</p> <p>12 Charter School 33?</p> <p>13 A Yes, it is.</p> <p>14 Q So that is the one-page document that</p> <p>15 has whereas clauses there.</p> <p>16 A And it ends with the now and</p> <p>17 therefore.</p> <p>18 Q And then Resolution 2 is actually</p> <p>19 referencing the promissory note?</p> <p>20 A It refers to the promissory note and</p> <p>21 provides further that the -- at no time shall the</p> <p>22 aggregate sums borrowed pursuant and owing to</p> <p>23 I-LEAD Inc. exceed the stated amount of \$500,000.</p> <p>24 Q And the promissory note that's being</p> <p>25 referenced is what is included in Charter School</p> <p style="text-align: right;">953</p> | <p>1 this resolution intended to reflect the amounts</p> <p>2 that are being paid or have been paid to the</p> <p>3 charter school in the '15-'16 school year?</p> <p>4 A It refers to, in the therefore</p> <p>5 clause, simply refers to any monies lent to the</p> <p>6 school to date. So the date of that refers to the</p> <p>7 previous and then the rest exercises me to execute</p> <p>8 the promissory note.</p> <p>9 Q Okay. So, Dr. Natalini, is it your</p> <p>10 understanding as the board chair that this</p> <p>11 document and the promissory note are reflecting</p> <p>12 monies paid to the charter school at any point in</p> <p>13 time that are still outstanding?</p> <p>14 A Do you mean reflecting monies paid by</p> <p>15 the charter school to I-LEAD Inc.?</p> <p>16 Q No; I mean the opposite. Reflective</p> <p>17 of amounts that are being paid by the Inc. to the</p> <p>18 charter school that need to be repaid under the</p> <p>19 terms of the promissory note.</p> <p>20 A I don't recall sitting here now</p> <p>21 whether there was currently outstanding monies</p> <p>22 owing at that time.</p> <p>23 Q So when you voted on this resolution</p> <p>24 on October 15th, 2015, are you saying you did not</p> <p>25 know how much money was outstanding between the</p> <p style="text-align: right;">955</p> |
| <p>1 Exhibit 33.</p> <p>2 A Yes, it is. Beginning page, the</p> <p>3 second page after the end of the minutes.</p> <p>4 Q And then the third resolution is</p> <p>5 related to the lease that was identified as being</p> <p>6 contained in Charter School 34, correct?</p> <p>7 A That is correct.</p> <p>8 (Brief recess.)</p> <p>9 THE HEARING OFFICER: We'll go back</p> <p>10 on the record and continue the cross examination.</p> <p>11 BY MS. PETERSEN:</p> <p>12 Q Dr. Natalini, I'm in Charter School</p> <p>13 33, if you have that open.</p> <p>14 A Yes.</p> <p>15 Q I'm looking at Resolution No. 1,</p> <p>16 which is the one-page document before the</p> <p>17 promissory note. Are you there?</p> <p>18 A Yes.</p> <p>19 Q So the whereas clauses relate to or</p> <p>20 reflect information pertaining to the budget</p> <p>21 impasse in the '15-'16 school year. Do you see</p> <p>22 that?</p> <p>23 A The fourth whereas clause refers to</p> <p>24 that.</p> <p>25 Q So my question for you then was is</p> <p style="text-align: right;">954</p> | <p>1 charter school and the Inc. at that time?</p> <p>2 A No, I am not. I'm saying that</p> <p>3 sitting here now I don't recall what the state was</p> <p>4 then.</p> <p>5 Q Well, this -- we're reflecting the</p> <p>6 October minutes, 2015 minutes.</p> <p>7 A Correct.</p> <p>8 Q And you voted on this resolution at</p> <p>9 that point in time, correct?</p> <p>10 A Correct.</p> <p>11 Q And you voted to approve it at that</p> <p>12 point in time, correct?</p> <p>13 A Correct.</p> <p>14 Q So what was your understanding as of</p> <p>15 October of 2015 as to how much money had been lent</p> <p>16 by the Inc. to the charter school that was being</p> <p>17 memorialized in the promissory note?</p> <p>18 MR. STACEY: Objection. Asked and</p> <p>19 answered.</p> <p>20 THE HEARING OFFICER: The answer is I</p> <p>21 don't know. Is that the answer?</p> <p>22 THE WITNESS: I don't recall sitting</p> <p>23 here at this time what it was then at that time.</p> <p>24 BY MS. PETERSEN:</p> <p>25 Q So then turning to today, how much</p> <p style="text-align: right;">956</p> |

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| <p>1 money has been lent to the charter school from the 2 Inc. that needs to be repaid under the terms of 3 the promissory note? 4 A I believe there's currently 5 outstanding to Inc. -- oh, goodness. I had the 6 number in my head. It's -- I don't recall. I'm 7 sorry. 8 I know that over the course of our 9 existence, Inc. has lent us over \$4 million on 10 no-interest loans, unsecured loans. But I'm 11 sorry; I don't have the current number in my head 12 right now. 13 Q So you don't know how much remains to 14 be paid back to the Inc.? 15 A I want to say sitting here right now 16 it's -- it could be -- oh, goodness. Oh, memory. 17 I don't recall sitting here right now. I can't 18 tell you. 19 Q You would agree with me, if you turn 20 to the promissory note on the next page, that it 21 permits up to \$2 million to be borrowed from the 22 Inc. by the charter school, correct? 23 A It provides \$2 million there in the 24 first paragraph is what it says. 25 Q And then in that first paragraph,</p> <p style="text-align: right;">957</p> | <p>1 A Yes. 2 Q Who signed next to you? 3 A Robert Jefferson. 4 Q That's Mr. Jefferson's signature? 5 A That's correct. 6 Q And this was not signed until 7 December 18th, 2015? 8 A That's correct. 9 Q Why was this not signed 10 contemporaneously with the board approval on 11 October 15th? 12 A I let us leave the building that day, 13 having passed around the resolution but not 14 signing it; so the next time Mr. Jefferson and I 15 were -- another board member and I were together, 16 I signed it, and he witnessed it. 17 Q And you signed this document without 18 seeing or having the schedules attached to it? 19 A I don't recall if they were attached 20 at the time. 21 Q So the third resolution that is 22 referenced in the October meeting minutes is 23 the -- relates to the lease, correct? 24 A Yes. 25 Q And I was a little confused by the</p> <p style="text-align: right;">959</p> |
| <p>1 there is a reference to a Schedule 1 and 2 references what is included in Schedule 1 as, 3 quote, unpaid principal balance of the note, end 4 quote. Do you see that? 5 A Yes. 6 Q And then in the next paragraph, 7 there's a reference to a Schedule 2. Do you see 8 that? 9 A Yes. 10 Q There are no schedules attached to 11 the document contained in Charter School Exhibit 12 33. Do you see that? 13 A I do. 14 Q Have you ever seen those schedules? 15 A I believe there was -- I believe 16 there may have been no outstanding balance at that 17 time. But at this time, I don't recall seeing 18 those schedules, no. 19 Q And you don't recall seeing them at 20 the time that you voted on this resolution in 21 October 15, 2015? 22 A I don't recall. 23 Q And is this your signature on the 24 last page of Charter School 33 under the heading 25 chair, board of trustees?</p> <p style="text-align: right;">958</p> | <p>1 language that was used in the board meeting 2 minutes where it says, quote, The board hereby 3 reconfirms ratification of the lease as modified, 4 end quote. Why was the resolution worded that 5 way? 6 A I believe, to the best of my 7 recollection today, that we had ratified a lease 8 dated March -- in March before that. This was the 9 as-modified lease, the April 1st lease, under 10 which we had been operating, the added that -- the 11 modification being the adding of making it clear 12 about the absence of obligation on our school's 13 part to -- for any rent over operating expenses in 14 the building. 15 Q Let me make sure I understand what 16 you just said. Are you saying that the lease that 17 was entered into in March of 2014 was being 18 amended? 19 A I believe that was what was going on. 20 But I hate to tell you more than I am certain in 21 my recollection as I sit here today. So I must 22 make that clear. 23 Q And you voted to approve the motion 24 that was in front of you on October 2015 related 25 to the lease. It says it was passed unanimously.</p> <p style="text-align: right;">960</p> |

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| <p>1 A Yes, on that exhibit.</p> <p>2 Q Now, was the lease in its prior</p> <p>3 version voted on at a meeting of the board of</p> <p>4 trustees or board of directors for the charter</p> <p>5 school?</p> <p>6 A I don't recall sitting here today.</p> <p>7 Q And you had referenced March of 2014</p> <p>8 as a timeframe. Did you ever go back and check</p> <p>9 the board meeting minutes from that date to see if</p> <p>10 there was board action relative to that lease?</p> <p>11 A I don't recall doing so.</p> <p>12 Q And if you could turn to Joint</p> <p>13 Exhibit 30. Are you there, sir?</p> <p>14 A Yes.</p> <p>15 Q I will represent to you that this was</p> <p>16 the lease agreement that was supplied to the</p> <p>17 school district by Mr. Figueroa with the</p> <p>18 February 26th, 2015 communication. Is this the</p> <p>19 lease --</p> <p>20 A Joint Exhibit 30?</p> <p>21 Q Yes. Oh, I'm sorry.</p> <p>22 A This is the lease dated March 25th,</p> <p>23 2014.</p> <p>24 Q Okay. And your testimony was you are</p> <p>25 not sure if this was ever approved by the board.</p> <p style="text-align: right;">961</p> | <p>1 sitting on that as the chair of that committee.</p> <p>2 Who else served on that committee?</p> <p>3 A Robert Jefferson.</p> <p>4 Q Anyone else?</p> <p>5 A No.</p> <p>6 Q Are there any board minutes that</p> <p>7 reflect actions of that committee?</p> <p>8 A I don't recall. The actions were</p> <p>9 with regard to the lease. The only actions I</p> <p>10 recall are with regard to the lease.</p> <p>11 Q And were actions taken at a public</p> <p>12 meeting that was advertised in accordance with the</p> <p>13 Sunshine Act relative to that Independent</p> <p>14 Committee?</p> <p>15 A Excuse me. I have to correct what I</p> <p>16 said. There were not actions taken. I</p> <p>17 negotiated, as I said, dealt with I-LEAD Inc. on</p> <p>18 creation of the lease.</p> <p>19 Q Okay. But in terms of the approval</p> <p>20 of the lease itself, was that done at a public</p> <p>21 meeting of the Independent Committee that was</p> <p>22 advertised in accordance with the Sunshine Act?</p> <p>23 A I don't recall that we acted as a</p> <p>24 committee to approve and to -- to approve the</p> <p>25 lease. I signed on behalf of the board of</p> <p style="text-align: right;">963</p> |
| <p>1 A I signed it for the board.</p> <p>2 Q And when you say you signed it --</p> <p>3 A It's on Page 10; that's my signature</p> <p>4 on Page 10.</p> <p>5 Q That's your signature there under for</p> <p>6 I-LEAD Charter School, correct?</p> <p>7 A That's correct.</p> <p>8 Q And we have the board meeting minutes</p> <p>9 from March 25th, 2014 in Joint Exhibit 27. I will</p> <p>10 represent to you that there is no indication that</p> <p>11 the board or any members of the board approved the</p> <p>12 lease. Do you have any different recollection of</p> <p>13 that?</p> <p>14 A I don't have a recollection sitting</p> <p>15 here today --</p> <p>16 Q Was there ever -- I'm sorry.</p> <p>17 A -- either in agreement or</p> <p>18 disagreement with that.</p> <p>19 Q To the best of your knowledge and</p> <p>20 memory, was there ever any action taken at a</p> <p>21 public meeting relative to the approval of the</p> <p>22 original lease?</p> <p>23 A Sitting here today, I don't recall.</p> <p>24 Q You had referenced in your testimony</p> <p>25 an Independent Committee of the Board and you</p> <p style="text-align: right;">962</p> | <p>1 directors.</p> <p>2 Q Okay. And in terms of the</p> <p>3 differences between Joint Exhibit 30, which is the</p> <p>4 lease dated March 25th, 2014, and the lease that</p> <p>5 is included as Charter School 34, there are</p> <p>6 differences with respect to the monthly rent</p> <p>7 that's in Exhibit C. Would you agree with that?</p> <p>8 A Exhibit C provides, The operating</p> <p>9 expenses that constitute rent pursuant to Section</p> <p>10 5-A of the lease shall not exceed \$300,000 --</p> <p>11 Q Dr. Natalini, I'm just asking if</p> <p>12 there is a difference between the two exhibit C's.</p> <p>13 A There is, yes.</p> <p>14 Q And there is an Exhibit D that --</p> <p>15 A In the April, in Exhibit 34.</p> <p>16 Q There's an Exhibit D in Exhibit 34</p> <p>17 that's not included in Joint Exhibit 30, correct?</p> <p>18 A Correct.</p> <p>19 Q Are there other differences in the</p> <p>20 documents other than those two exhibits, to your</p> <p>21 knowledge?</p> <p>22 A The only one I see sitting here in</p> <p>23 the moments I've had is the date.</p> <p>24 Q Now, the document that in Charter</p> <p>25 School Exhibit 34 excludes a signature page, which</p> <p style="text-align: right;">964</p> |

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| <p>1 looks like it is just a duplicate of the signature 2 page in Joint Exhibit 30. 3 A 34 and 30, that doesn't look like a 4 duplicate at all to me. 5 Q Let me ask you a different question. 6 When was Charter School 34 signed by you? 7 A Sitting here today, I don't recall 8 the date. The lease is dated, as it says on the 9 front, April. 10 Q So are you saying then that this 11 document was signed by you prior to October 15th, 12 2015? 13 A Yes, to the best of my recollection. 14 Q Did you testify on direct that the 15 building is 250,000 square feet? 16 A No. I said approximately that range. 17 But I am not certain about the square footage. 18 Q Okay. But it's approximately 250,000 19 square feet? 20 A That number is familiar to me. I 21 believe that's ballpark. 22 Q And in terms of the amount that's 23 being paid in rent, what is your understanding of 24 the amount that's being paid on a square footage 25 basis?</p> <p style="text-align: right;">965</p> | <p>1 A Given this number, perhaps a 2 calculator might assist us. 3 Q Sure. I'll give you one in a second. 4 (Ms. Petersen hands calculator to the 5 witness.) 6 A A dollar 92 cents. 7 Q Per square foot. 8 A Correct. 9 Q Is that consistent with market rates 10 in Reading? 11 A It's below, as I understand it. 12 Q What is your understanding of the 13 market rate in Reading? 14 A Higher than that. 15 Q How much higher? 16 A I can't speak to market rates 17 throughout the city of Reading. I believe for 18 this premises, it's multiples of that. But that 19 is a very friendly rate. 20 Q One last question. In terms of the 21 -- 22 A I believe it's -- excuse me. I 23 interrupted you. 24 Q Okay. Are you finished with your 25 answer?</p> <p style="text-align: right;">967</p> |
| <p>1 A When? 2 Q Let's start -- well, it says during 3 the period after December 31st, 2014; so I assume 4 sometime after January -- 5 A In which document? I'm sorry. 6 Q Charter School 34, the lease 7 agreement that the board approved on October 15th, 8 2015. In terms of the amount that's to be paid 9 from January 1st, 2015 forward, what is the amount 10 per square foot that's being paid? 11 A From December 31st forward? 12 Q Correct. 13 A 40 divided by 250,000, 250 -- excuse 14 me -- 40 divided by \$250 per square foot. So if 15 you drop the thousand, it's 40 divided by -- 16 Q So the monthly rent that's there is a 17 monthly rent, correct? 18 A That is correct. 19 Q So you have to multiply that by 20 12 months? 21 A If you said annual, I didn't hear 22 you. 23 Q Okay. So what is -- what is the 24 annual square footage per square foot rate that 25 the charter school is paying?</p> <p style="text-align: right;">966</p> | <p>1 A It's the -- I believe the market 2 rates are much higher than that. That's a very 3 friendly rate. 4 Q In terms of Charter School Exhibit 9, 5 as the board president, who asked you or assigned 6 the task of compiling that document? 7 A Exhibit 9? 8 Q Yes. 9 A It was my idea. I suggested it. 10 MS. PETERSEN: No further questions. 11 THE HEARING OFFICER: Are you 12 prepared for redirect at this time? 13 MR. STACEY: Yes. 14 THE HEARING OFFICER: Proceed. 15 BY MR. STACEY: 16 Q Dr. Natalini, you mentioned that you 17 had seen an error in Charter School Exhibit 29, 18 which I believe was also contained in Charter 19 School Exhibit 9. Can you please clarify that? 20 A Yes. On the second page of Charter 21 Exhibit 29 -- 22 MS. PETERSEN: I would just like to 23 note that I believe he did explain what the error 24 was, so I believe this has been asked and 25 answered.</p> <p style="text-align: right;">968</p> |

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| <p>1 THE HEARING OFFICER: Well, I believe</p> <p>2 I cut him off; and I did provide Mr. Stacey the</p> <p>3 opportunity to allow some questioning on redirect,</p> <p>4 so I'm going to do that.</p> <p>5 THE WITNESS: This is the calculation</p> <p>6 of grade point average as we did it in our</p> <p>7 methodology. And you can see it, A, 21 times 4.</p> <p>8 It says 4. That should be 84. So that the total</p> <p>9 number of grade points should be 183. And if you</p> <p>10 divide 183 by 131, it gives a grade point average</p> <p>11 of 1.39.</p> <p>12 BY MR. STACEY:</p> <p>13 Q 1.39?</p> <p>14 A 1.40.</p> <p>15 THE HEARING OFFICER: That's for</p> <p>16 Grade 12.</p> <p>17 THE WITNESS: That's for Grade 12,</p> <p>18 yes.</p> <p>19 BY MR. STACEY:</p> <p>20 Q And am I correct then on Page 3 of</p> <p>21 Charter School Exhibit 9 --</p> <p>22 A Yes.</p> <p>23 Q That that number you just stated,</p> <p>24 1.49 --</p> <p>25 A 1.40. 1.39 fixed, so 1.40.</p> <p style="text-align: right;">969</p> | <p>1 A There would be none.</p> <p>2 Q So why would somebody have been out</p> <p>3 of school for four years but then their transcript</p> <p>4 information appeared in Charter School Exhibit 10?</p> <p>5 MS. PETERSEN: Objection. Calls for</p> <p>6 speculation.</p> <p>7 THE HEARING OFFICER: I'll let him</p> <p>8 answer it. I may have some questions about this</p> <p>9 page myself.</p> <p>10 THE WITNESS: We exist to serve</p> <p>11 students who are failing or at risk of failing,</p> <p>12 students who are just disengaged from their</p> <p>13 education. And so we have students who come to us</p> <p>14 after having been out of school.</p> <p>15 BY MR. STACEY:</p> <p>16 Q So it's possible that this student</p> <p>17 was disengaged for at least four years prior to</p> <p>18 coming to I-LEAD Charter School?</p> <p>19 A Yes, it was.</p> <p>20 Q Can you turn the page? Not the B</p> <p>21 side, but the next A side, there is student</p> <p>22 initials R.W.?</p> <p>23 A Yes.</p> <p>24 Q And in terms of this transcript, the</p> <p>25 student entered I-LEAD Charter School in the</p> <p style="text-align: right;">971</p> |
| <p>1 Q Excuse me. What is the correct</p> <p>2 number?</p> <p>3 A 1.40.</p> <p>4 Q That should go next to 12.</p> <p>5 A That's correct.</p> <p>6 Q You testified a little bit to some of</p> <p>7 the transcripts in detail. Can you go to the big</p> <p>8 binder again, please?</p> <p>9 THE HEARING OFFICER: 2 of 2 for</p> <p>10 Charter School exhibits?</p> <p>11 MR. STACEY: Yes.</p> <p>12 BY MR. STACEY:</p> <p>13 Q I'm going to have you go one -- turn</p> <p>14 the page twice. Are you there, student initial</p> <p>15 C.S.?</p> <p>16 A Yes.</p> <p>17 Q You had testified that the last</p> <p>18 transcript information data available for the</p> <p>19 student was approximately four years before the</p> <p>20 student entered I-LEAD Charter School?</p> <p>21 A Yes.</p> <p>22 Q Would there be any individuals whose</p> <p>23 transcript information is in Charter School</p> <p>24 Exhibit 10 who had not enrolled at I-LEAD Charter</p> <p>25 School?</p> <p style="text-align: right;">970</p> | <p>1 2011-2012 school year?</p> <p>2 A Yes.</p> <p>3 Q And the only previous information</p> <p>4 goes up to the '09-'10 school year?</p> <p>5 A Yes.</p> <p>6 Q So based on this transcript</p> <p>7 information, there was no transcript data</p> <p>8 available for the 2010-2011 school year.</p> <p>9 A Yes.</p> <p>10 Q What grade was the student in during</p> <p>11 the '11-'12 year?</p> <p>12 A Grade 12.</p> <p>13 Q And that was at I-LEAD Charter</p> <p>14 School?</p> <p>15 A Yes.</p> <p>16 Q Do you know sitting here today</p> <p>17 whether that student would have graduated from</p> <p>18 I-LEAD Charter School?</p> <p>19 A I don't know specifically with regard</p> <p>20 to this particular student. But if I add up the</p> <p>21 total credits earned as reflected on this</p> <p>22 transcript, if I've done my math correctly, it</p> <p>23 is -- it looks like enough credits to graduate.</p> <p>24 But I don't know. I can't tell you that R.W. did</p> <p>25 graduate or not.</p> <p style="text-align: right;">972</p> |

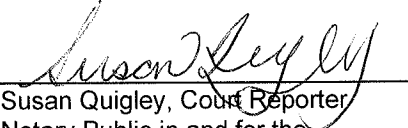
1 Q But from this transcript information
2 it appears that R.W. was not in school during the
3 2010-2011 school year.
4 A That's correct.
5 Q But then came to I-LEAD.
6 A That's correct; and looks to --
7 appeared to have earned the necessary credits to
8 graduate from high school.
9 MR. STACEY: I have nothing further.
10 BY THE HEARING OFFICER:
11 Q Dr. Natalini, I just want to clarify.
12 The transcripts you referred to also identify a
13 birth date for the students you have just
14 testified to?
15 A Yes.
16 Q And we could speculate as to what
17 their chronological age would have been at various
18 times in different schools. Is that correct?
19 A Yes.
20 THE HEARING OFFICER: That's all I
21 wanted ask.
22 MS. PETERSEN: I don't have anything.
23 THE HEARING OFFICER: Anything else
24 based on my questions?
25 MR. STACEY: No, sir.

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1 THE HEARING OFFICER: Any reason that
2 Dr. Natalini can't be excused?
3 MS. PETERSEN: No.
4 THE HEARING OFFICER: All right.
5 Thank you, sir.
6 All right. I believe we had two
7 witnesses today, and that would be it. Is my
8 understanding still correct?
9 MR. STACEY: Yes.
10 THE HEARING OFFICER: So we are going
11 to recess today's hearing until tomorrow morning
12 at 9:30. And then I would like counsel to stick
13 around so we can talk about logistics, and also
14 the court stenographer too.
15 So we will recess until 9:30 tomorrow
16 morning.
17 (Whereupon, the proceedings adjourned
18 at 1:28 p.m.)
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CERTIFICATE

1 I hereby certify that the proceedings and
2 evidence are contained fully and accurately in the
3 notes taken by me, to the best of my ability, in the
4 hearing of the foregoing cause, and that this copy is
5 a correct transcript of the same.
6
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8
9
10 
11 Susan Quigley, Court Reporter
12 Notary Public in and for the
13 Commonwealth of Pennsylvania
14
15 My Commission expires December 18, 2016
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BERKS COURT REPORTING SERVICE

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