

FACILITY ALLOCATION POLICY  
IMPLEMENTATION GUIDELINES

PART A

2/12/2016

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## I. Introduction

Adopted by the Denver Board of Education in February 2015, the Facility Allocation Policy (FAP) “establishes expectations for the District to evaluate facility requests and advance recommendations to the Board concerning the allocation of District facilities and other support that may be provided to meet facility needs for both new and existing schools regardless of governance type.” The FAP seeks to align “resources to advance achievement of the goals defined in the Denver Plan, most specifically Goal 1 calling for ‘Great Schools in Every Neighborhood.’”

To help actualize the FAP, District staff developed an initial set of Implementation Guidelines in spring 2015, in consultation with Collaborative Council. Following Board vetting in May 2015, those Guidelines were first used with a set of facility placements made through a Board vote in October 2015. Following the first implementation of the guidelines, the District facilitated structured conversations – “After Action Reviews” – with stakeholders to capture key learnings from those first uses of the FAP and its Guidelines and to in turn advance continuous improvement.

This set of revised Guidelines reflects those learnings and is designed to articulate transparently the processes used for “the allocation of District facilities.” As noted in the FAP, “it is understood that a perfect facility solution for all concerned stakeholders may not be possible, particularly in a resource-constrained environment.”

Part B of the Implementation Guidelines, to be developed in 2016, will define “other support that may be provided to meet facility needs” and processes to seek such support.

## II. Context

This section outlines at a high level the key components of the Part A Guidelines and the fundamental sections of the Facility Allocation Policy that inform them.

### A. Related Practices and Policies

“The District shall evaluate each school that requests a district-managed facility...based on its alignment with the needs and priorities identified in the District’s Strategic Regional Analysis (SRA), and requested in the annual Call for New Quality Schools (CNQS) process.” – *Facility Allocation Policy*

District facilities become available for school requests through two primary means:

1. Typically released in October of each year, the Strategic Regional Analysis (SRA) defines enrollment trends and performance gaps in the District. The SRA is the primary source the District uses to identify enrollment or capacity needs for new schools, which guides decisions for the construction or acquisition of new facilities.
2. Adopted by the Board of Education in December 2015, the School Performance Compact (SPC) establishes a framework the District uses to identify its most persistently and lowest-performing schools for restart or closure. This policy goes into effect in fall 2016 and will become the primary tool for identifying district closure or restart needs. In most cases, a persistently low performing school will phased out while being replaced by a new school phasing in. In some

cases, a persistently low-performing school may be closed without seeking a restart provider. This may happen, as an example, in cases where area enrollment declines do not require a replacement at that grade configuration.

Typically released in December of each year, the Call for New Quality Schools (CNQS) is both a document and a set of interlinked processes. As a document, the CNQS articulates the District's capacity and restart needs for new schools and formally invites applications to meet these needs from new school developers (charter and District-run) and from previously approved schools. The inclusion of a need in the CNQS indicates that the District assumes resources are, or will be, available to provide a facility to meet that need, although the school selected may initially be placed at a temporary location.

The CNQS entails two processes:

1. The quality review process for new school applications, through which the Board of Education votes to approve or deny a new school application on a quality basis<sup>1</sup>, and
2. The placement process, through which the Board of Education identifies the "best available option" to meet a specific need among placement applicants that have been approved to open, either in the most recent quality review process or in prior Call cycles.

Applicants may apply to open a new school not aligned to the needs identified in the CNQS. Such schools, if approved, go "on the shelf" and may compete in future placement processes to meet a specific need identified at a later point in a District facility.

Applicants that are approved and compete for placement but are not deemed the "best available option" for a specific need also go "on the shelf" and may compete in future placement processes to meet a specific need identified at a later point in a District facility.

Given their autonomous nature, charter applicants, if approved, may open in privately secured, non-District facilities that are suitable for a public school.

## B. Placement Criteria

"The criteria outlined here...place a premium upon academic growth and student achievement (Criteria 1)." – *Facility Allocation Policy*

The FAP establishes three key criteria "to be considered when prioritizing amongst potential facility allocation or investment choices." The criteria are listed in the policy "in order of general importance," with the first criterion holding a "premium." Simultaneously, the District is instructed that "these criteria will be evaluated in aggregate in evaluating the priority and ability to meet the facility need relative to available resources and other needs, and making recommendations to the Board of Education."

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<sup>1</sup> Information about the quality review process can be found at <http://portfolio.dpsk12.org/our-processes/call-for-new-schools/>

### Criteria 1: Academic Growth and Student Achievement

*For providers already operating schools in the District with two or more years of School Performance Framework data: “A track record for maintaining high levels of academic growth and student achievement, as measured by the School Performance Framework (SPF).”*

*For providers new to the District: “A track record of operating other successful schools, demonstrated leadership capability, and/or the quality of its application.”*

### Criteria 2: Alignment to Priority District Needs

These are the needs “requested in the annual Call for New Quality Schools (CNQS) process.” The CNQS document will define the specific requirements for placement including intended grade levels, projected enrollment, phase-in schema, and any specific programming for English Language Learners and students with more significant disabilities. To be considered for placement, an applicant must meet or exceed requirements as defined in the CNQS document.

### Criteria 3: Enrollment Demand

The FAP requires that applicants seeking placement demonstrate “strong enrollment demand and community support” and identifies the following as possible forms of evidence:

- “(i) Extensive student wait lists or ‘intent to enroll’ lists;
- (ii) Petitions and/or other forms of testimony.”

New school applicants should note that “intent to enroll” forms also are a form of evidence used in the quality review process, as indicated by State statute.

#### C. Governance-Type Neutrality

“The Facility Allocation (FA) Policy establishes expectations for the District to evaluate facility requests and advance recommendations to the Board concerning the allocation of District facilities and other support that may be provided to meet facility needs for both new and existing schools **regardless of governance type.**” [Emphasis added.] – *Facility Allocation Policy*

The very first sentence of the FAP mandates that the District approach facility allocation decisions “regardless of governance type.” This means its processes must be consistent and may not favor District-run schools or charter schools and that decisions must be made based on the criteria identified in the policy. Contextually, it is important to note that the District is an operator of schools, including programs that may be competing for placement, as well the authorizer of new schools and the ultimate “decider” about facility placements. The District thus has a particular responsibility to ensure appropriate structures and protections are in place within its processes to offset real or perceived risks of favoritism.

*A note on District-sponsored applications:* In cases where the District is sponsoring a new school and/or placement application, the Chief Schools Officer or his or her designee will serve as the responsible party for the applicant.

## D. Appropriate Community Engagement

“The District is committed to ensuring appropriate community engagement occurs in making school location decisions.

The District commits to providing visibility to the public and Board of Education ahead of required decisions, allowing reasonable time for stakeholders to provide input.”

– *Facility Allocation Policy*

Although it is incumbent on placement applicants to demonstrate “strong enrollment demand and community support” for their programs, the FAP also requires the District to afford appropriate opportunities for community input on placement decisions. The Superintendent will consider evidence both from placement applicants and the District-convened community-matching process in forming a recommendation to the Board. The Board similarly will consider both streams of evidence in making a final placement determination.

## III. Competitive Placements

Competitive placements are those for which the District invites applications through the CNQS process. These facility placement opportunities are open to both new and previously approved providers. The basic process steps are as follows.

### A. STEP ONE: Letter of Intent

All providers seeking to compete for placement must submit a letter of intent by the deadline and in the format specified in the CNQS.

### B. STEP TWO: Executive Summary Submission & Eligibility Pre-Screen

All providers seeking to compete for placement must submit an “executive summary” of the placement application by the deadline specified in the CNQS, which will be used by District staff to pre-screen applicants for placement. For example, an applicant proposing a K-8 school that is seeking to meet a need in the CNQS for a grades 6-8 school will not be invited to submit a placement application. The District will make available on its [website](#) the pre-screen rubric it will use to determine eligibility. The District will make the executive summary available at all District-convened community engagement events designed to secure community input into placement decisions.

### C. STEP THREE: Placement Application

Eligible providers will be invited to submit a placement application by the deadline specified in the CNQS. Based on the FAP criteria, the placement application will include the following sections:

#### 1. Program Summary

This states why the provider believes its program is well suited to meet the needs of students in the specific community identified in the CNQS. This will include a demonstration of understanding of the needs of the specific community and a description of how key elements of the program design align to those needs in terms of:

- a. Culture
- b. Leadership
- c. Education Program
- d. Teaching
- e. Governance

## 2. Academic Growth and Student Achievement

**Replicating providers** (providers that already are operating the same program at the same grade configuration in other schools in the District and possess two or more years of “green” or “blue” status on the SPF in a majority of those schools) should provide the following information:

- a. Provider’s track record of providing high-quality service to *similar students* at the same grade configuration, as measured by indicators included in the School Performance Framework (SPF) and other relevant measures.
- b. Performance targets (using SPF indicators) for the new school, if placed, for each of its first three years of operations, with a clear rationale for those targets.
- c. In cases where placement requirements result in changes to the provider’s typical program design (see “Alignment to Priority District Needs” below), a compelling description of the provider’s readiness to undertake these changes and produce quality outcomes for students. For example, if the provider would operate an MI-S center program for the first time, the provider will need to make a compelling case that it has the capacity to execute with excellence and continue to attain quality outcomes for students.

**New school providers** should provide the following information:

DPS values the opportunity to support new and/or innovative educational models and also recognizes the imperative to place schools with the greatest likelihood of success with students. Recognizing that prior performance is strong evidence for future performance, new school applicants must take particular care to present a compelling case that they will serve students well on day one and immediately provide high levels of “Academic Growth and Student Achievement.”

- a. A description of the founding team’s track record of operating high-quality schools serving *similar students* at the same grade configuration and, building from “1: Program Summary” above, a properly cited analysis of quantitative research demonstrating the proposed model’s effectiveness with *similar student populations*. Student outcomes on standardized assessments should be used to demonstrate track record and effectiveness, and the District must be able to independently verify all data provided and/or research cited.
- b. In cases where the founding team’s track record was created in school(s) with a different model or grade configuration, a compelling description of the leadership team’s readiness to operate the new program and produce quality outcomes for

students. For example, if the intended principal previously ran a high-quality Expeditionary Learning school, and is now proposing a dual language school, the provider will need to make a compelling case that it has the capacity to execute with excellence and continue to attain quality outcomes for students.

- c. Performance targets (using SPF indicators) for the new school, if placed, for each of its first three years of operations, with a clear rationale for those targets.

*Note: New schools complete a separate New School application for quality review purposes, and the District will only consider placement applications from new schools that are approved by the Board of Education on a quality basis. (Board votes on quality will occur prior to placement votes (see “General Timeline” below.) In reviewing placement applications from such providers, the District will also consider any school-specific conditions on approvals as a way to measure “the quality of its application,” which is an Academic Growth and Student Achievement indicator for new schools specifically included in the FAP.*

### 3. Alignment to Priority District Needs

Need requirements will vary by facility site and will be defined in the CNQS. Typically, these will include:

- a. Grade configuration
- b. Enrollment
- c. Phase-in schema
- d. Enrollment zone or boundary service
- e. Enrollment equity considerations
- f. Programming for English Language Learners
- g. Programming for students with more significant disabilities
- h. Demonstration of readiness to open on the defined timeline
- i. In restart situations, a research-based description of the turnaround approach and philosophy including “whole child” supports

### 4. Enrollment Demand

The FAP requires that applicants seeking placement demonstrate “strong enrollment demand and community support” and identifies the following as possible forms of evidence:

- a. “Extensive student wait lists or ‘intent to enroll’ lists”
  - i. The students must be from families in the immediate area at the intended grade levels and/or from the identified enrollment zone or boundary, if one is identified in the CNQS. For example, a replicating provider may not use wait list information from schools in a different region.

- b. "Petitions and/or other forms of testimony"
  - i. Again, the petitions must be from families in the immediate area with students at the intended grade levels and/or from the identified enrollment zone or boundary, if one is identified in the CNQS.

5. Supplemental Criteria

Placement applicants must submit a budget demonstrating solvency for the full program proposed. The District may also request additional information in this area, which will be defined in the placement application and publicly available placement rubric.

D. STEP FOUR: Placement Application Review

Following the Board of Education vote to approve or deny a new school seeking placement, the District shall convene a Placement Review Team (PRT) to evaluate placement applications from recently or previously approved schools on a comparative basis, using a publicly available rubric and based on clarifications provided during an interview. The PRT's work is confidential and deliberative, as it works to support the deliberations of the Superintendent and ensure the Superintendent has a vetted body of evidence to inform his or her recommendation.

The purposes of the interview are for the PRT to assess general readiness against the application and for applicants to understand and provide clarifying information about evidence as understood by the PRT. New evidence may not be introduced during the interview, however.

Recognizing the FAP's commitment to governance-type neutrality, the PRT is comprised of both District staff and community representatives as follows:

1. Representatives from Portfolio Management, Operations, Chief of Staff, Planning & Enrollment as well as a Finance representative.
2. Two leaders from the charter sector
3. Two community representatives
4. Content area experts from within or outside the District, as may be needed given specific placement requirements.

District department representatives shall be nominated by the officer, chief or executive director responsible for the identified divisions.

Charter leaders shall be nominated by charter representatives on the Collaborative Council.

Community members shall be nominated by the Board of Education.

The Superintendent shall determine needs for internal or external consultants, based on placement requirements identified in the Call for New Quality Schools.

All nominees for service must complete a nomination form affirming that they:

- a. Will follow the Policy and these Guidelines, are able to approach service in a manner that honors governance neutrality, have no conflicting ties to anticipated placement

- applicant(s) and are not part of an applicant team competing in the current placement cycle;
- b. Agree to keep their work on the PRT confidential; and
- c. Are willing and able to meet the commitments of PRT service.

As part of its work, the PRT will establish guiding principles for its deliberations that embrace these affirmations and will afford shared accountability within the group.

Drawing from the pool of eligible nominees, the Superintendent will appoint representatives to a “PRT pool” sufficient to provide representation in the anticipated number of PRTs in any given placement cycle. The names of representatives assigned to a specific PRT will not be released publicly. The names of all PRT representatives will be made public in the aggregate as part of the Superintendent’s recommendation. Applicants may not discuss the placement process or the PRT’s work with PRT members in order to ensure members are not subject to undue influence during the process and also to protect the PRT’s confidential and deliberative nature; doing so may result in disqualification for placement.

Other District staff or external consultants may be assigned to support the work of the PRT as needed, but will not participate in PRT deliberations.

A PRT is convened with the intent to form a consensus opinion as to the “best available option” for a need identified in the Call. In cases where consensus is not possible, a majority opinion will be put forward to the Superintendent; a majority opinion is defined as the opinion with the greatest number of PRT members agreeing with that opinion. The opinion will be presented clearly to the Superintendent as a consensus opinion or one based in majority support. In cases where a majority determination is made, the evidence provided to the Superintendent will articulate specific areas of tension within the PRT.

The PRT shall be co-chaired by representatives from Portfolio Management and Operations.

The co-chairs of the PRT will deliver the opinion of the PRT on the comparative strength of each applicant against the rubric to the Superintendent in a manner that reflects the PRT’s confidential and deliberative purpose.

#### E. STEP FIVE: Appropriate Community Engagement

Although it is incumbent on placement applicants to demonstrate “strong enrollment demand and community support” for their programs as part of their placement applications, the FAP also requires the District to ensure “appropriate community engagement occurs in making school location decisions” and that the District provide “visibility to the public and Board of Education ahead of required decisions, allowing reasonable time for stakeholders to provide input.”

“Appropriate community engagement” entails:

1. Engagement with a representative set of stakeholders directly affected by the change, such as fourth grade parents whose children would enroll in a new middle school’s inaugural sixth grade class;
2. Engagement with a broader set of stakeholders in the affected neighborhood, zone, or region;

3. Engagement that centralizes the criteria established by the FAP;
4. Engagement that is part of a body of evidence considered by the Superintendent and Board of Education; and
5. Engagement that honors governance-type neutrality.

#### Directly Impacted Stakeholders

In all restart contexts and in other contexts at the discretion of the Superintendent, the District will convene focus groups or other targeted convenings with families likely to be served by the selected provider. As defined by School Performance Compact Implementation Guidelines, additional engagement may occur in restart contexts with the impacted school community. Whether the District will convene such groups and their configurations will be identified in the CNQS. These groups will provide feedback on the strengths and concerns regarding each placement applicant. The District's Office of Family and Community Engagement and Portfolio Management will use a set of guiding principles that include the commitment to governance-type neutrality and structured facilitation protocols to support group deliberations aligned with the criteria of the FAP.

#### Broad Set of Stakeholders

In all competitive placement contexts, the District's Office of Family and Community Engagement will convene regional and/or neighborhood-specific meetings to invite feedback from the broader community on the strengths and concerns regarding each placement applicant, based on the letters of intent submitted by the placement applicants and information provided by applicants in verbal presentations at those meetings. The criteria of the FAP will be the focus of inputs. These meetings honor the reality that school changes impact neighborhoods and communities, as well as the families most directly impacted.

The District will efficiently and meaningfully use stakeholders' and applicants' time in such endeavors and will define expected time commitments in the CNQS, including the identification of meeting dates, times, and responsibilities.

All outcomes from district-convened community gatherings shall be made public online. FACE will hire a neutral, third-party consultant to compile feedback from community meetings and ensure governance-neutrality in the presentation of findings.

"Visibility to the public and Board of Education ahead of required decisions, allowing reasonable time for stakeholders to provide input" entails:

1. Clearly articulating in the CNQS, typically released in December, the needs and requirements the Board of Education will consider in making placement decisions.
2. Including in the CNQS the dates, times, and purposes of District-convened community engagement events.
3. Holding a public comment session at least 48 hours *after* the Superintendent's recommendation on placements (*see* Step 6 below) to ensure stakeholders have "reasonable time" for "input."
4. Posting potential Board of Education resolutions or motions on placements at least 48 hours *prior* to the scheduled voting meeting to ensure stakeholders have "reasonable time" for "input" to Board members by email or other means.

*Note: Placement applicants are responsible for engaging community themselves and should include such evidence in their placement applications. Applicants should not rely on district-convened community processes to build a case for “strong enrollment demand and community support,” as required by the FAP.*

**Disclosures regarding the governance-neutrality commitment of the Office of Family and Community Engagement (FACE) and Portfolio Management:**

1. FACE affirms the District’s commitment to governance-neutrality. FACE team members assigned to implementation of the FAP and its Guidelines will be separated from departmental colleagues who may be providing supports to applicants competing for placement, whether District-run or charter. As noted elsewhere, FACE will retain a neutral, third-party consultant to compile information from District-convened groups to ensure governance-neutrality in the presentation of findings.
2. Portfolio Management affirms the District’s commitment to governance-neutrality. Portfolio Management members assigned to implementation of the FAP and its Guidelines will be separated from departmental colleagues who may be providing supports to applicants competing for placement, whether District-run or charter.

**F. STEP SIX: Superintendent’s Recommendation to the Board**

The Superintendent’s recommendation to the Board will include:

1. A stack order ranking of each applicant by placement criteria area.
2. An evidence basis supporting that stack order ranking, consistent with the spirit of the FAP as follows:
  - a. In all situations, an appropriate “premium” will be placed on the Academic Growth and Student Achievement criteria, within the context of an “aggregate” analysis regarding the “best available option.”
  - b. Although “Priority Need” requirements will vary by facility site, rank order evidence will always bend toward applicants that do not require significant conditions on their placements. The “best available option” should have few, if any, conditions on their placements.
  - c. An explicit accounting of “strong enrollment demand and community support.” Such an analysis will include outcomes from District-convened community engagement and the “Enrollment Demand” evidence provided in placement applications. Emphasis will be placed on inputs from stakeholders most directly affected by the selection of a provider.
3. A description of particularly difficult decision points related to the competitive strength of evidence across applications, as applicable, and an articulation of the rationale for the final determinations in the stack order rankings and recommendation.
4. An explanation of other data, information, or analyses that inform the recommendation.

The Superintendent or his/her delegate will inform applicants of the recommendation and its reasoning at least 48 hours before the recommendation is presented to the Board. As articulated in the FAP, “it is

understood that a perfect facility solution for all concerned stakeholders may not be possible, particularly in a resource-constrained environment.”

In the case that the placement process indicates a highly-aligned application was not put forward or in the case where the District does not receive placement applications, the Board of Education may instruct the Superintendent to hire a leader to design with the community a high-quality school that is fully aligned to the needs identified in the Call for New Quality Schools.

### **Applicant Inquiries**

Inquiries from any applicant or applicant representative, whether District-sponsored or charter, related to the placement application, placement rubric or placement process should be directed to the School Development Team in Portfolio Management as the process facilitator.

#### **G. STEP SEVEN: Board Engagement**

The District will ensure that all placement applicants have an opportunity to present before the Board of Education and that they and their supporters have a dedicated opportunity to provide “other forms of testimony” at a public comment session with the Board of Education after delivery of the Superintendent’s recommendation. Placement applicants may choose to engage Board members strategically and more directly in the process. The CNQS will include email addresses for all Board members.

#### **H. STEP EIGHT: Board Votes on Placements**

The FAP defines the criteria and contexts that guide the Board of Education’s facility allocation determinations. These Implementation Guidelines define how that policy will be actualized by the District in supporting policy-aligned Board decision-making. As articulated in the FAP, however, “it is understood that a perfect facility solution for all concerned stakeholders may not be possible, particularly in a resource-constrained environment.”

#### **I. GENERAL TIMELINE**

**September:** School Performance Framework reports issued

**October:** Strategic Regional Analysis released

**November:** Schools identified for restart through the School Performance Compact

**December:** Call for New Quality Schools document released

**January:** Letters of Intent due

**February:** Executive Summary due

**March:** New school and placement applications due

**May:** Board votes to approve or deny new school applications for those applicants seeking to compete to serve current priority needs defined by the CNQS

**May-June:** Community engagement on placement applicants

**June:** Board votes on placements

New schools engage in a “Year Zero” planning year and open 14 months later – in August of the following year.

Appendix A: How a Decision Gets Made

