



May 8, 2019

**VIA EMAIL WITH ORIGINAL TO FOLLOW:**

Oklahoma City Public Schools

Attn: Jessica Sherrill

P.O. Box 36609

Oklahoma City, OK 73134

RE: Western Gateway Charter Application

Dear Ms. Sherrill:

I am in receipt of your letter dated April 25, 2019 regarding the charter school application submitted for the Western Gateway Elementary School (WGES). My client respectfully disagrees with the characterization of the application process as described in your letter.

As an initial matter, my client submitted a charter school application on January 14, 2019 for consideration by Oklahoma City Public Schools ("OKCPS"). During the review process, a capacity interview was conducted by OKCPS. As a result of this capacity interview, it was requested that WGES respond in writing to certain questions subsequent to the verbal interview. These written responses were submitted on March 18, 2019. On March 25, 2019, OKCPS confirmed receipt of the written responses.

On April 2, 2019, OKCPS informed WGES that action would not be taken on the application at the April 8, 2019 board meeting, the date that had previously been communicated to WGES in the official timeline provided by OKCPS. On April 2, 2019 WGES was told that the application would be considered at the May 13, 2019 board meeting. On April 5, 2019 OKCPS again confirmed that the charter application would be considered by the OKCPS board on May 13, 2019. At the request of OKCPS, on April 5, 2019, WGES again provided a digital copy of the charter application along with the capacity interview responses. Further, on April 8, 2019, WGES presented the charter application to the OKCPS board, which included the information contained in the written responses to the capacity interview questions.

On April 19, 2019, OKCPS requested that the capacity interview responses be incorporated into the charter application. To accommodate this request, WGES updated the application Table of Contents to reference the same written capacity interview responses generated as a result of the charter review process utilized by OKCPS and provided to OKCPS on March 18, 2019 and added the written capacity interview responses as an attachment. There was no new information to be considered by OKCPS.



Simply stated, my client reformatted its charter application at the request of OKCPS. But, to be clear, no new materials were included in the resubmitted application. The only changes to the original application were the inclusion of the capacity interview responses requested by OKCPS staff and previously provided to OKCPS on March 18, 2019. On multiple occasions since the capacity interview responses have been provided, OKCPS has assured my client that their application would be considered on May 13, 2019. We have been offered no legitimate justification for the change in schedule.

My client respectfully requests that OKCPS proceed with consideration of the charter application inclusive of the capacity interview written responses on May 13, 2019 as previously promised by OKCPS. Further, the 70 O.S. §3-134(E) of the Charter School Act provides a ninety (90) day period for OKCPS to accept or reject the sponsorship. If the proposed sponsor rejects the application, it shall notify the applicant in writing of the reasons of the rejection. The applicant may submit a revised application for reconsideration to OKCPS within thirty (30) days after receiving the notification of rejection. As you are aware, this summarizes the application review process in the Charter School Act. At this time, OKCPS has taken no action on the WGES charter application and no feedback has been provided to my client upon which to prepare an amended application.

Your letter references the potential need for a change to the Charter School Act to accommodate dual immersion enrollment. This concern is not valid based upon the specifics of the application submitted. In 2017, former Superintendent Aurora Lora requested that the proposal be augmented to include a parallel traditional curriculum track to accommodate students whose bilingual language capabilities are not suited to the dual immersion curriculum. The WGES proposal was submitted with the changes requested by Superintendent Lora and therefore ensures no limitation of admission based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, measures of achievement or aptitude or athletic ability. The WGES proposal is in compliance with the Charter School Act.

Furthermore, your letter implies that WGES's application admission practice may violate Title VI of the Civil Rights Act of 1964. However, your analysis appears to fail to consider that numerous public dual immersion schools throughout the United States utilize an admission practice that ensures an equitable distribution of language speakers in a two-way dual immersion academic program. One does not have to look far in fact to find examples. Since 2011, Tulsa Public Schools has offered a Dual Language Academy with a weighted enrollment model that balances enrollment of Spanish dominant and non-Spanish dominant students. The program uses a 50/50 model in which students learn in English and Spanish on a rotating basis. Information about the Tulsa Dual Language Academy was made available to OKCPS by WGES representatives, and as part of the review of the WGES application William Stubbs, OKCPS Charter Leadership Director, interviewed Liliane Vannoy, the Director of Dual Language and Immersion at the Tulsa Public Schools Enrollment Center.



Beyond Oklahoma-based examples, a simple Google search provides much information on two-way dual immersion admission policies, which clearly indicates that these types of programs are not violative of federal law as implied in your letter. Please clarify OKCPS's position regarding WGES's proposed dual immersion admission policy. We respectfully request a clear understanding of your legal position on this issue as no concern was expressed in the public meeting to the OKCPS Board of Education. As such, WGES was unaware of any legal concern by OKCPS regarding any proposed admission practice.

My client is hopeful to continue to amicably work with OKCPS to secure a charter approval for WGES. Please advise as soon as possible whether the WGES charter school application will be considered at the May 13, 2019 board meeting. If you have any questions, please do not hesitate to contact me.

Sincerely,

William Hickman