

1 POCONO MOUNTAIN SCHOOL DISTRICT BOARD OF DIRECTORS

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3 In re: Pocono Mountain Charter School

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5 Transcript of proceedings held in the
6 above-captioned matter before the Pocono Mountain School
7 District Board of Directors, Admininstration Building,
8 Swiftwater, PA on Monday, February 1, 2010, 10:05 a.m.

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10 HENRY E. BOCKELMAN, President
11 RANDY POLINSKI, Member
12 DOROTHY SIROLI, Member
13 JEFFREY D. LITTS, ESQ., Solicitor

14 - - -

15 APPEARANCES:

16 KING, SPRY
17 BY: ELLEN C. SCHURDAK, ESQ.
18 One West Broad Street, Suite 700
19 Bethlehem, PA 18018
20 -- For the Administration

21 ANDERS & MASINGTON
22 BY: MARSHALL E. ANDERS, ESQ.
23 18 North Eighth Street
24 Stroudsburg, PA 18360
25 -- For Pocono Mountain Charter School

ANDERSON, CONVERSE & FENNICK, PC
BY: DANIEL M. FENNICK, ESQ.
1423 East Market Street
York, PA 17403
-- For Pocono Mountain Charter School

COPY

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P R O C E E D I N G S

Monday, February 1, 2010

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MR. LITTS: We're commencing the February 1st, 2010 hearing session in the revocation petition for the Pocono Mountain Charter School.

Before we begin, I have two board members that are present for the start of this hearing and I neglected to identify the board members who were here last time, so I do want those individuals to identify themselves. So, starting on my right.

MR. POLINSKI: Randy Polinski.

MR. LITTS: And on my left?

MR. BOCKELMAN: Henry Bockelman.

MR. LITTS: Prior to the commencement of this hearing Ms. Schurdak did provide me with *Joint Exhibit 34*, which is a proof of publication that the hearing session scheduled for February 1st, 2nd, 8th, and 9th, has been legally advertised and, Ms. Schurdak, I assume you provided copies of those exhibits to charter school counsel.

MS. SCHURDAK: A copy, yes.

MR. LITTS: Any objections to the admission of Joint Exhibit 34?

MR. ANDERS: No.

MR. LITTS: No objection. That's moved into

1 evidence.

2 And I believe at this point in time we were
3 finished with the direct examination of the superintendent
4 and would be commencing the cross examination. Is that
5 correct? Dr. Pfennig, will you please come up?

6 Mr. Anders, you may begin.

7 MR. ANDERS: Thank you.

8 - - -

9 DR. DWIGHT PFENNIG, having been duly sworn
10 according to law, testified as follows:

11 CROSS EXAMINATION BY MR. ANDERS:

12 Q Sir, you were present at the first hearing,
13 correct?

14 A Yes.

15 Q And you were here when Mr. Baxter testified as
16 an expert for the school district.

17 A Yes.

18 Q Is Mr. Baxter's wife employed by the school
19 district?

20 A I don't know. I would have to check the
21 records.

22 Q So, you have no independent knowledge as we sit
23 here today as to whether Mr. Baxter's wife works for the
24 school district?

25 A No.

1 Q Who made the decision to employ Mr. Baxter?

2 A The administration by recommendation of
3 counsel.

4 Q When you say the administration does that mean
5 yourself?

6 A Yes.

7 Q And who -- was he paid?

8 A To my knowledge he was.

9 Q And who authorized the payment of Mr. Baxter?

10 A The administration.

11 Q Being yourself?

12 A Yes.

13 Q Now, do you recall Mr. Baxter's testimony?

14 He testified that in his opinion the rent for the charter
15 school should have been \$7.00 a square foot. Do you recall
16 that?

17 A I don't recall it exactly.

18 Q You don't recall exactly.

19 A No.

20 MS. SCHURDAK: At this point in time I'm going
21 to be making an objection because this is beyond the scope
22 of my direct. While I understand there has been a previous
23 agreement entered into by the parties that in order to more
24 efficiently run the hearings Counsel can go beyond the scope
25 of direct so the witness isn't called a second time, there

1 was, nonetheless, an agreement that a narrative summary be
2 provided in advance of the hearing and I have not been
3 provided and a narrative by the charter school's attorneys
4 advising me they would be going outside the scope.

5 MR. ANDERS: If I recall, and I'm equating
6 this hearing to something like a trial under Pennsylvania
7 Rules of Civil Procedure, we have two parties here and the
8 superintendent is a representative of one party so,
9 therefore, since it's a party testifying I'm allowed to go
10 into matters that were not covered on direct.

11 MR. LITTS: Well, Mr. Anders, this proceeding
12 is not covered by Pennsylvania Rules of Civil Procedure,
13 they're covered by the Local Agency Law and I've reminded
14 both sides of that on several occasions. And the charter
15 school law. The latitude that I have provided to counsel on
16 cross examination was intended to eliminate the possibility
17 of having individuals come up on two separate occasions to
18 testify and the most striking example of that was the
19 individual employed by the Pennsylvania Department of
20 Education with regards to a number of documents generated
21 regarding the charter school.

22 I don't recall any testimony on direct
23 examination by the superintendent about this appraisal
24 report and I fail to see how that is germane to cross
25 examination. So, Mr. Anders --

1 MR. ANDERS: Then, fine, I'll call him back.
2 It doesn't matter because there's a whole line of
3 questioning about rent. Maybe I should just not cross
4 examine now and call him on my case as of cross examination.
5 That way there can be no issue about objections because I'm
6 sure that Miss Schurdak's going to object to every other
7 question I ask and, so, we can just do it that way or we
8 can --

9 MR. LITTS: Well, Mr. Anders, you could talk
10 with opposing counsel and work out whatever agreements you'd
11 like.

12 MR. ANDERS: No, I'm not going to work out an
13 agreement, I'll just say I think I'll just defer and I'll
14 call the superintendent as of cross examination on our side
15 of the case and he will be our first witness at some point
16 and then I'll just have my way with him and maybe by then he
17 can check to see if Mrs. Baxter works for the school
18 district.

19 MR. LITTS: Well, Mr. Anders, what I'm hearing
20 you say is you don't wish to ask any questions on cross
21 examination about the superintendent's direct examination.
22 Is that correct?

23 MR. ANDERS: Excuse me?

24 MR. LITTS: You do not wish to ask any
25 questions with regard to the scope of the superintendent's

1 direct examination from the December 8th, 2009 hearing?

2 MR. ANDERS: Well, I do, but my cross
3 examination will be drug out with objections by Ms. Schurdak
4 and, therefore, destroy the flow of the cross examination.

5 MR. LITTS: Well, this is your opportunity.
6 So, you can either take it or not.

7 While Mr. Anders is considering this we have
8 another board member and if she can identify herself

9 MS. SIROLLI: My name is Dorothy Sirolli, S,
10 as in Sam, i-r-o-l-l-i.

11 MR. LITTS: Thank you, ma'am.

12 MR. ANDERS: Well, let's see where we go.

13 Q Sir, the school district leases warehouse space
14 from 297 Getty Avenue Associates, correct?

15 A Correct.

16 Q And it leases 1,400 square feet of warehouse
17 space?

18 A Yes.

19 Q The rent for that facility is \$390,000.00 a
20 year?

21 A I don't know exactly, but that sounds
22 approximately right.

23 Q And in addition to the basic rent the school
24 district pays real estate taxes for that facility?

25 A I believe so.

1 Q And those real estate taxes are approximately
2 \$51,000.00 a year?

3 A Mm-hmm, yes.

4 Q And isn't it true when the taxes are included
5 the school district pays \$3.75 per square foot for simple
6 warehouse space?

7 A Yes.

8 Q In addition to that, the school district pays
9 the insurance coverage, correct? It's a net-net lease.

10 A Yes.

11 Q Now, the school district also leases modular
12 units for classrooms?

13 A Yes.

14 Q And how many of those does it lease?

15 A I don't know exactly. I would have to check
16 with the business office because some we still lease and
17 some we own.

18 Q And those modular units that you lease or the
19 school district leases are leased from William Scottman?

20 A Yes.

21 Q And they are used during classroom hours,
22 correct?

23 A Yes.

24 Q There's no -- they're not used after school or
25 anything like that, are they?

1 A They may be, I'm not sure, but since most of
2 them are located in the elementary schools they may be used
3 for clubs or student activities after school that are run by
4 that particular teacher who's housed there.

5 Q But as you sit here today you have no knowledge
6 of that?

7 A I said I didn't know, I would have to check.

8 Q And one of the units that's leased is a modular
9 unit, 64 by 24?

10 MS. SCHURDAK: At this point I'll renew my
11 objection and I would refer the parties to School District 7
12 which, again, my recollection of Dr. Pfennig's testimony on
13 direct has nothing to do with the modulares. There was a
14 reference to warehouse on his direct and that's why I left
15 those questions go forward on cross, but nothing on the
16 modules and, so, I'm going to object. The parties were to
17 give each other a narrative summary of anticipated line of
18 questions. The charter school didn't.

19 MR. ANDERS: We never agreed to any summary
20 about testimony. You certainly didn't give me any summary
21 of the testimony of Pastor Bloom or the testimony of the
22 person from the state or anybody.

23 MS. SCHURDAK: SD-7 --

24 MR. ANDERS: Can you rule on the objection so I
25 can figure out what I'm doing here?

1 MS. SCHURDAK: SD-7 outlines Pastor Bloom's,
2 Dr. Pfennig's testimony, and Dr. Gus's testimony and while
3 Mr. Anders is correct I didn't provide a written summation
4 of the Ms. Sotack's summary it was because we had a phone
5 conference around September 10th on the phone and I gave an
6 oral summation during the phone conference with Officer
7 Litts on the line.

8 MR. ANDERS: I don't really understand how one
9 supplies a summary of cross examination.

10 MS. SCHURDAK: If you're going outside the
11 scope of the direct the understanding was that you would be
12 providing a summary.

13 MR. ANDERS: Well, the summary I got for Dr.
14 Pfennig --

15 MR. LITTS: Mr. Anders? Mr. Anders? Hold on.
16 I am --

17 MR. ANDERS: Can I read this before you rule?
18 It says here, "The anticipated testimony will be about his
19 role of superintendent of the school district, his knowledge
20 of school operations including, but not limited to, salary
21 level structures, lease agreements," in the plural from
22 Ms. Schurdak's own hand. "The superintendent will also
23 testify as to communications between the school district and
24 the charter school and between PDE and the school district."
25 So, from her own summary we're talking about lease

1 agreements, plural.

2 MR. LITTS: By my recollection, the
3 superintendent did not testify in any way, shape or form
4 about any lease agreements for modular classrooms. Is that
5 your recollection, Mr. Anders?

6 MR. ANDERS: I have -- I have -- I don't know
7 whether he did or didn't. I mean, I'm going to say I won't
8 disagree with your recollection.

9 MR. LITTS: All right. And, so, what -- let me
10 ask you this. Why is lease agreements for modular
11 classrooms relevant?

12 MR. ANDERS: Well, one of the issues that has
13 been raised in this proceeding is the amount of rent that
14 the charter school is paying for its facility. So, I would
15 believe that the amount of rent that the school district is
16 paying for various facilities is, in fact, relevant.

17 MS. SCHURDAK: And with respect to that comment
18 I would say it is not relevant. The school district is not
19 on trial here today.

20 MR. ANDERS: Maybe the school district should
21 be on trial here because if they are paying \$14.00 a square
22 foot for rent and we're paying \$14.00 a square foot for rent
23 how can they say we're wrong?

24 MS. SCHURDAK: The charter school cannot revoke
25 the school district's standing. That's an issue for the

1 Secretary of Education. The school district's not on trial.
2 The charter school and whether or not its charter should be
3 revoked is the issue for the board to consider.

4 MR. ANDERS: If they are saying our rent is
5 unreasonable and they're paying similar rent how can they
6 possibly say it's unreasonable?

7 MR. LITTS: Well, I'm going to sustain the
8 objection with regard to the modular classrooms and let me
9 put something on the record here. To equate a bricks and
10 mortar facility, whether it's a charter school facility or
11 school district facility, to a modular classroom I think is
12 missing the mark and I think I can speak for the board.

13 Again, the allegation made by the school
14 district administration that this board is going to have to
15 deal with with regard to the lease facility is the
16 appropriateness of that, price, terms, et cetera, and while
17 I think the board was willing and interested to hear
18 testimony with regards to prices or lease rates for bricks
19 and mortar facilities that are of a comparable size, I think
20 it's simply not relevant to talk about modular classrooms
21 which, by definition, are temporary, usually, or appended to
22 a building when you have overcrowding. So, I don't see the
23 relevance of it and I'll sustain the objection.

24 Q What did the Pocono Mountain Charter School of
25 Excellence school pay in square footage rent?

1 A I don't know. I was not here when that school
2 was open.

3 Q Were you here for -- during any period of its
4 operation?

5 A No.

6 Q The school district funds Youth Services
7 Alternatives, correct?

8 A Would you please ask again?

9 Q Does the school district fund -- strike that.
10 Are you familiar with Youth Services Alternatives?

11 A Yes.

12 Q And what is that?

13 A YSA is an external placement for students with
14 certain problems, educational problems.

15 Q And how is that entity funded? Where does it
16 get its money from?

17 A I'm not sure where it gets all its money from.
18 I do know we pay for our students that go.

19 Q And do you know how much rent the Youth
20 Services Alternatives pays?

21 A I would have no way of knowing that.

22 Q Now, does the school district contribute to the
23 Evergreen charter school?

24 A In what way? Please clarify contribute.

25 Q Does it give it any money?

1 A Do we give it any money?

2 Q Yes.

3 A It flows the same way that the money flows
4 through to other charter schools.

5 Q And the Evergreen charter school owns its
6 facility, correct?

7 A No.

8 Q Doesn't own its facility?

9 A No, they do not.

10 Q Does it pay rent for its facility?

11 A It leases its facility from the Evergreen
12 Foundation.

13 Q Okay. And are the principals of the Evergreen
14 charter school and the Evergreen Foundation the same?

15 A I don't believe the principals are.

16 Q Who are the principals of the Evergreen charter
17 school?

18 A I'm not sure.

19 Q Who are the principals of Evergreen Foundation?

20 A I'm not sure. I would have to look at the
21 charter to see that. Jill Shoesmith is the CEO of the
22 school as far as I know, but I don't know if she also serves
23 on the foundation or is a principal of the foundation.

24 Q Wouldn't that be useful information for you to
25 have?

1 A I'm sure we looked at it at the time of the
2 charter.

3 Q So, then, it would have been discussed in the
4 conditions of the Evergreen charter?

5 A Not to my recollection, it was not.

6 MS. SCHURDAK: At this point I am going to
7 object as to relevancy. I'm not sure why all this
8 comparison to Evergreen. Again, we're not here on
9 Evergreen's revocation of the charter.

10 MR. LITTS: Again, Mr. Anders, I don't believe
11 there's been much in the way of testimony about Evergreen
12 charter school.

13 MR. ANDERS: So, you're saying I'm not allowed
14 to go beyond the scope on that, is that what you're saying?

15 MR. LITTS: No, what I'm saying is or asking
16 you is why is Evergreen relevant based on the direct
17 testimony that Mr. Dr. Pfennig offered at the previous
18 hearing session?

19 MR. ANDERS: Well, that's two different
20 questions. The first question is why is it relevant?
21 It's relevant how the school district treats one charter
22 school in comparison to another. For example, the number of
23 conditions, the type of conditions, things like that. If
24 you impose certain conditions on one why don't you impose
25 certain conditions on another?

1 It may also have to do with something about the
2 student makeup of the Evergreen school versus the Pocono
3 Mountain Charter School.

4 MR. LITTS: Well, again, the purpose of cross
5 examination is to explore the testimony that was made on
6 direct. This is outside of that scope of that testimony and
7 I would sustain the objection.

8 I will remind counsel that they will have the
9 opportunity to present evidence on direct examination if
10 they wish to call people from Evergreen charter school to
11 talk about their facilities and the way they've been treated
12 by the school district. Mr. Anders, you're free --

13 MR. ANDERS: I can call whoever I'd like to
14 call. If I want to call the superintendent and talk about
15 that that's who I'll call.

16 MR. LITTS: Mr. Anders, I've been trying to be
17 patient and courteous in communicating with counsel today
18 and I wish you would afford the same respect to everyone and
19 speak in a more respectful and restrained tone. Thank you.

20 Q During your testimony you testified about a
21 cabinet. Do you recall that? Your cabinet.

22 A Yes.

23 Q Your cabinet consists of yourself, Elizabeth
24 Roberts, Milton James, Mary Bethlehem Gustafson, Anthony
25 Arnold, Joseph Colozza, David Zerbe, Steven Ferraioli,

1 and Deborah Murphy, and Glenn Carol. Did I get everybody?

2 MS. SCHURDAK: Is that current, Mr. Anders?

3 MR. ANDERS: Yeah.

4 MS. SCHURDAK: I just want a time frame.

5 A Deborah Murphy is not part of the cabinet and
6 it's Elizabeth Robison.

7 Q Excuse me?

8 A It's Elizabeth Robison and Glenn Clark.

9 Q So, Deborah Murphy is not part of the cabinet.

10 A No.

11 Q Would you agree with me that the combined
12 salaries of your cabinet are approximately \$1,150,000.00?

13 MS. SCHURDAK: Objection as to relevancy.
14 What does it matter what the school district pays its
15 employees? The issue here is whether or not the board
16 decides there's sufficient grounds to revoke the charter
17 school's charter.

18 MR. ANDERS: One of the sufficient grounds --
19 one of the grounds alleged is the salary of the CEO of the
20 charter school. We heard testimony from the superintendent
21 about how he -- in his opinion that it was too high, so I'm
22 just trying to put this all on a level playing field. So,
23 if they can spend probably more money than the President of
24 United States' cabinet gets for its cabinet, I think that
25 has -- certainly has relevance.

1 MR. LITTS: Mr. Anders, I'll sustain the
2 objection. It's argumentative. I think this is how --
3 way outside the bounds of this. I mean, the school district
4 has in excess of 10,000 enrolled students, as I understand
5 it, operating several schools, and the charter school is no
6 where near the size of that. You know, the purpose of your
7 ability and opportunity to cross examine the superintendent
8 is to explore testimony that was presented during direct and
9 I'll remind you yet again that's where you need to stick to.
10 Thank you, sir.

11 Q The school district was audited by the Auditor
12 General's office for the period of May 16th, 2006, through
13 June 2nd, 2008, correct?

14 A Yes.

15 Q And it had been previously audited by that same
16 entity, had it not?

17 A It has been over the years, yes.

18 Q And, in fact, for the 2006 through 2008 audit
19 there were three findings that had been previously found but
20 not corrected by the school district, correct?

21 A Yes.

22 Q The first of those was continued errors in
23 reporting pupil membership resulting in subsidy and
24 reimbursement overpayments, correct?

25 MS. SCHURDAK: Again, I'm going to object.

1 I'm not sure how this is relevant to whether or not the
2 charter should be revoked.

3 MR. ANDERS: It's relevant because if you're
4 going to say somebody's doing something wrong and you live
5 in a glass house, don't throw rocks, and if the school
6 district can do whatever it pleases and is ignoring audits
7 and things of that nature how is it in a position to condemn
8 the charter school?

9 MS. SCHURDAK: The fact of the matter is the
10 law, as written right now, says the power resides with the
11 school district over charters. They issue it and they can
12 choose to revoke it. That's the issue. Pocono Mountain
13 School District should not be on trial here today despite
14 what Defense is trying to do.

15 MR. ANDERS: If the school district operates
16 in one fashion and its conduct is acceptable to it, such as
17 not correcting errors raised by the Auditor General on
18 numerous occasions it -- that's their standard of conduct
19 and we can apply their standard of conduct to what's being
20 discussed here as far as the charter school.

21 MR. LITTS: If both counsel could indulge me
22 for a minute. I'm going to sustain the objection and I want
23 to explain this hopefully for the last time. This is a
24 proceeding pursuant to the Charter School Law. The Charter
25 School Law defines and enumerates potential bases for which

1 a charter could be revoked or a charter not renewed and it
2 enumerates, for example, material violations of the charter,
3 non-compliance with the law, not following appropriate
4 financial operating procedures, et cetera.

5 One -- it does not provide that a basis for
6 non-renewal or defense for a charge of non-renewal is, well,
7 the school district's operations aren't up to snuff either.
8 That is simply not relevant. The CAB decisions that I'm
9 aware of, and I believe I'm fairly familiar with them,
10 don't provide for that nor do any of the Commonwealth or
11 the Supreme Court decisions.

12 So, Mr. Anders, if you have concerns with
13 regards to the operations of the school this is not the
14 forum to raise them. Go back to the community. That's why
15 we have elections and that's why people can come to the
16 board meetings, to raise their concerns there.

17 Again, the purpose of cross examination is to
18 explore the topics that the superintendent testified to and
19 to raise questions with regards to the charges that the
20 school district administration is relying upon to support
21 its recommendation for revocation.

22 So, if there's information about what you
23 believe is with regards to those things, fine, but it's not
24 about the school district's operations.

25 So, I'm sustaining the objection and we'll move

1 on.

2 Q You testified about AYP status on direct
3 examination, correct?

4 A Yes.

5 Q Your first year at the school was 2004 through
6 2005?

7 A No.

8 Q When was it?

9 A I started in July of 2005.

10 Q Okay. During that school year and the
11 following school year -- strike that. For the school year
12 2004-2005 the AYP status was School Improvement, correct?

13 A Are you speaking of the district?

14 Q Yes.

15 A Yes.

16 Q And in the 2005-2006 school year and 2006-2007
17 the AYP status level for the school district went down to
18 Corrective Action No. 1, correct?

19 A I believe so, yes.

20 Q And then for the school years 2007-2008,
21 2008-2009 the AYP status level for the school district went
22 down to Corrective Action 2, correct?

23 A That is correct. Thinking back --

24 Q I just asked you if it was correct, sir,
25 that's all.

1 A Excuse me.

2 MS. SCHURDAK: I would like the witness to be
3 able to finish his answer.

4 MR. ANDERS: It's a yes or no question.

5 MR. LITTS: Well, I believe the witness wanted
6 to clarify, maybe, an answer to a previous question and I'll
7 allow him.

8 A I just wanted to clarify the two years
9 previous. I believe one of those years was Making Progress
10 as a district, I believe.

11 Q Do you have any records to establish that?

12 A I don't have them here.

13 Q Now, you testified about the Barrett Elementary
14 School?

15 A Yes.

16 Q And you said that the only administrator in
17 that school was a principal, correct?

18 A Correct.

19 Q And that principal has the support of 22 staff
20 members?

21 A Yes.

22 Q What are the grades for that school?

23 A K-5.

24 Q And that principal also has the support of the
25 people in the administration building including your

1 cabinet, correct?

2 A Would you please define support?

3 Q If they have problem, the principal has
4 problem, they can come to the administration for help.

5 A All of our principals can do that.

6 Q Including the one at Barrett Township
7 Elementary, correct?

8 A For specific problems, correct.

9 Q Where does the -- where does the student at
10 Barrett Elementary go after 5th grade?

11 A They go to the intermediate school on East
12 campus.

13 Q And is there a principal there?

14 A Yes.

15 Q And is there an assistant principal there?

16 A Yes.

17 Q And what grades does the student attend at that
18 school?

19 A Grades 6 and 7.

20 Q And where does the student go after 7th grade?

21 A To the junior high school at the East campus.
22 I assume you're following the Barrett student.

23 Q Yes.

24 A Yes.

25 Q And what administrators are there at that

1 school?

2 A A principal and assistant principal.

3 Q And there's also, again, staff people to help
4 assist them?

5 A Yes.

6 Q And at the intermediate school, 6 and 7,
7 there are also staff people there to assist the principal
8 and the assistant principal at that school.

9 A Yes.

10 Q And how long or for what grades is the Barrett
11 Township student at that school for?

12 A The junior high school?

13 Q Yes.

14 A Two years; grades 8 and 9.

15 Q And where does he go after that?

16 A They go to the East high school.

17 Q And does the high school have a principal?

18 A Yes.

19 Q What administrators are there at the high
20 school?

21 A There are four assistant principals.

22 Q I'm sorry, four assistant principals?

23 A Yes.

24 Q And, again, their support staff?

25 A I assume you're still referring to teaching

1 staff.

2 Q Yes.

3 A Yes.

4 Q And there's also Human Resources to assist the
5 administrators?

6 MS. SCHURDAK: Again, I think I've been more
7 than patient with this line of inquiry. I'm not sure where
8 we're going. I guess Mr. Anders wants to perform a compare
9 and contrast between the two entities. The fact of the
10 matter is, Pocono Mountain School District has roughly
11 12,000 students. I'm not sure how this is relevant.

12 Again, the issue is whether or not there is
13 sufficient grounds under the law to revoke the school's
14 charter.

15 MR. ANDERS: He was asked on direct
16 examination, and I'm just following it up to test his direct
17 examination, about Barrett Township and the students that go
18 to Barrett Township, so I think this is certainly proper
19 grounds for cross examination in light of his direct
20 testimony.

21 MS. SCHURDAK: And that is why I did not object
22 when the questions were about the elementary school because
23 that is true, the witness had testified on direct, but there
24 is a point at which one has to look at relevance.

25 MR. LITTS: Well, the other thing is I think

1 the board can take notice of the composition of the schools
2 that make up the school district, the fact that all the
3 schools in the district have a principal, some of them have
4 assistant principals, and the grades levels. So, I don't
5 need to belabor this with a whole lot of testimony. The
6 board's very cognizant of those facts. So, Mr. Anders --

7 MR. ANDERS: Would you like me not to ask any
8 questions? Is that where we're going here?

9 MR. LITTS: No, Mr. Anders. I would like you
10 if you have questions specifically to ask about this then
11 ask them, but to ask what grade levels are in Barrett
12 Elementary when each and every one of the elected board
13 members who's going to be reviewing the record are familiar
14 with that fact, or whether or not it has a principal or some
15 other administrator or whether or not a principal anywhere
16 in the school district can consult with the central office
17 administration, I think we ought to move past that. We
18 don't need that level of detail.

19 Q Now, you testified on direct that since you
20 became superintendent you visited the charter school on one
21 occasion.

22 A Yes.

23 Q When was that?

24 A It was probably in the Fall of 2005.

25 Q And what was the purpose of that visit?

1 A The purpose, as set out originally, was to meet
2 the folks at the charter school and be familiar with the
3 school and to do a brief tour. And also to review some
4 information that had been requested by Mr. Kelly, our
5 business manager.

6 Q What information was that?

7 A He asked for some general information about
8 checks and how things were being run at the charter school.

9 Q How many times have you visited the Barrett
10 Elementary School since you've been superintendent?

11 MS. SCHURDAK: Objection. How is this
12 relevant?

13 MR. LITTS: Objection sustained.

14 MR. ANDERS: One of the precepts in the
15 education circular is cooperation and the responsibility of
16 the school district with regard to the charter school and
17 that's what I'm doing is I'm starting to explore that.

18 MS. SCHURDAK: I don't know how you explore
19 that by asking questions about the elementary school.

20 MR. LITTS: Mr. Anders, if you want to ask
21 questions of this witness with regards to his visit of the
22 charter school, the discussions he had with regards to that,
23 that's fine, but, again, his visiting elementary schools
24 fulfilling his job as superintendent aren't relevant.

25 Q Did you -- you testified that you met with

1 representatives of the charter school May 17th, 2006.

2 Correct?

3 A Yes.

4 Q And where was that meeting?

5 A That meeting was in the administration building
6 here.

7 Q And what was the purpose of that meeting?

8 A The purpose of the meeting was to discuss the
9 renewal of the charter.

10 Q Is that the only meeting you attended with
11 representatives of the charter school concerning the renewal
12 of the charter?

13 A Yes.

14 Q So, for four years then at max you had two
15 meetings with the representatives of the charter school.

16 A Yes.

17 Q Besides yourself in 2005 how often did any
18 other administrators from the school district meet with the
19 representatives of the charter school?

20 A I don't know exactly how often they would have
21 met, but Mr. Kelly met a few times. I don't have the exact
22 dates, but he was more or less the liaison with the charter
23 school. I also know Dr. Gustafson had some contact on
24 Special Ed. matters from time to time.

25 Q Well, what about in 2007?

1 A It would be the same answer.

2 Q What about 2008?

3 A It would be the same answer.

4 Q When did Mr. Kelly leave the school district?

5 A Mr. Kelly left the school district -- let's
6 see, about a year ago. So, it was on December 31st, 2008.

7 Q Did Mr. Kelly, when he met with the
8 representatives of the charter school, discuss the education
9 being provided to the charter school students when he met
10 with them in 2005?

11 A Mr. Kelly's expertise was not in educational
12 matters, it was on financial matters.

13 Q So, your answer is no?

14 A No, my answer stands as it was.

15 Q Well, my question to you, sir, was whether or
16 not Mr. Kelly discussed the education of the charter school
17 students and whether it was being properly accomplished.

18 A I stand on my answer.

19 Q So, your answer is no?

20 A No, I didn't answer it that way.

21 Q In 2006 did Mr. Kelly meet with the
22 representatives of the charter school to discuss the
23 educational level of the students there?

24 A Not to my knowledge.

25 Q And your answer would be the same in 2007?

1 A Correct.

2 Q Your answer would be the same in 2008?

3 A For the time he was here, correct.

4 Q Did any administrators of the school district
5 in the year 2005 meet with any representatives of the
6 charter school to discuss the education levels being taught
7 at the charter school?

8 A The only ones I would be aware of were in the
9 area of Special Education that may have gone on between
10 Dr. Gustafson and the staff there.

11 Q Well, on how many occasions did Dr. Gustafson
12 meet with representatives of the charter school in 2005?

13 A I don't know.

14 Q How often did she meet with representatives of
15 the charter school in 2006?

16 A I don't know.

17 Q What about 2007?

18 A I don't know.

19 Q What about 2008?

20 A I don't know.

21 Q Besides Dr. Gustafson did any other
22 administrator of the school district -- and Mr. Kelly --
23 meet with representatives of the charter school concerning
24 the education being provided by the charter school to the
25 students in 2005?

1 A Just for the record, I already stated Mr. Kelly
2 did not speak to anyone about education.

3 Q Well, are there any other administrators that
4 did?

5 A Not to my knowledge. But there was another one
6 who talked about finance.

7 Q Sir, isn't it true that the Charter School Law
8 requires that a school district assist the charter school in
9 complying with educational levels?

10 A Yes.

11 Q And isn't it also true that based on that law
12 the school district is required to assist the charter school
13 in complying with its charter?

14 A Complying with its charter?

15 Q Yes.

16 A Yes.

17 Q Are you familiar with Basic Education
18 Circulars?

19 A Some of them.

20 Q Are you familiar with those relating to charter
21 schools?

22 A Some of them.

23 Q Are you familiar with the ones that were
24 published after the -- Act 22 of 1997 was adopted?

25 A I believe so. I would have the see a copy of

1 it to be sure.

2 Q Sir, I'm going to, what's been marked for
3 identification as Charter School No. -- Exhibit 11.

4 MR. LITTS: Mr. Anders, do you have a copy for
5 myself? Thank you.

6 MR. ANDERS: Mm-hmm.

7 MS. SCHURDAK: I would note for the record that
8 this is beyond the scope of my direct and, again, Mr. Anders
9 did not -- nor his co-counsel -- provide me with any notice
10 of going into this topic area prior to this morning.

11 MR. LITTS: I'm going to overrule the objection
12 to the extent the purpose of the questioning is to -- with
13 regards to this witness's knowledge of the BEC as it relates
14 to oversight of the charter school. I believe it is
15 relevant. So, your objection is overruled.

16 In looking at my exhibit list, Mr. Anders, I
17 believe we're at Charter School Exhibit No.

18 MS. SCHURDAK: 2.

19 MR. LITTS: 2.

20 MR. ANDERS: Well, as I think Mr. Fennick
21 explained to you before we started, some of these would be
22 out of order because that's the way they were numbered.

23 MR. LITTS: Yes, and all I asked, as I did
24 before the hearing, is we don't use your numbering system.
25 Just give me the exhibits and we'll number them.

1 So, we're at Charter School Exhibit 2. You may
2 proceed with your questions.

3 (**CHARTER SCHOOL REGULATIONS** marked for
4 identification as Charter School Exhibit No. 2.)

5 MS. SCHURDAK: And before -- there's going to
6 be a new copy provided to me that's correlated correctly
7 with the hole punches tomorrow.

8 MR. ANDERS: You'll get one with holes punched,
9 if that's what you'd like.

10 MS. SCHURDAK: Well, it's backwards.

11 MR. FENNICK: We'll get that to her.

12 Q Sir, I'll show you what has been marked
13 whatever, School District Exhibit No. 2.

14 MR. LITTS: Charter School 2.

15 Q Are you familiar with those?

16 A Yes.

17 Q What are they?

18 A Well, they are the rules by which the charter
19 school operates, the application process, the oversight.

20 Q With regard to the oversight, as part of the
21 oversight isn't it true that there was developed a set of
22 principles for quality?

23 A In the original charter.

24 Q No, I'm saying isn't it true that based upon
25 that document --

1 A Yes.

2 Q -- there was principles for quality adopted?

3 A Mm-hmm.

4 Q Is that a yes?

5 A That's a yes.

6 Q Now, based upon the set of principles for
7 quality isn't it true that an authorizing school district is
8 to support and advance the purposes of the charter school
9 law?

10 A It does say that the school district has a
11 role.

12 Q Well, is it or isn't it?

13 A I'm reading what it says here. It says, "The
14 school district also has an important role."

15 Q Isn't it true that the school district has
16 taken no steps to support and advance the purposes of the
17 Charter School Law since the charter was renewed by the
18 Pocono Mountain Charter School?

19 A Since the charter was renewed.

20 Q Yes.

21 A Absolutely not, and we met and -- do you want
22 me to clarify or do you want me to say yes or no?

23 Q Clarify. When did you meet? After the charter
24 was renewed.

25 A When we had the meeting and renewed the charter

1 it was our assumption that the folks were going to follow
2 the charter and when they didn't we sent them notice that
3 they weren't following the charter.

4 Q That's not my question, sir.

5 A Well, you said clarify.

6 Q My question was, since the charter was renewed
7 what did the administration of the school district do to
8 support and advance the purposes of the charter school law?

9 A We issued a list of things that we weren't
10 satisfied with in terms of the newly agreed upon charter.

11 Q And isn't it true that based upon the
12 Principles of Quality the authorizing school district is to
13 be a catalyst for charter school development to satisfy
14 unmet educational needs?

15 A That's what that says, yes.

16 Q And how, since the charter was renewed, did the
17 school district undertake that responsibility?

18 A We sent an inquiry as to many points on the
19 charter as to why they weren't being met.

20 Q Well, which one of those had to do with unmet
21 educational needs and what steps did the school district do
22 to assist the charter school to correct that?

23 A Well, I would assume that everyone would agree,
24 although I shouldn't use the word everyone, would agree that
25 the first step is to ask the questions and we did.

1 Q And what positive steps did the school
2 administration do to meet that principal thought?

3 MS. SCHURDAK: Asked and answered.
4 Argumentative.

5 MR. LITTS: Sustained. Move on.

6 Q As part of the Principles of Quality isn't it
7 true that the authorizing school district is to strive for
8 clarity, consistency, and transparency in developing and
9 authorizing policies and procedures?

10 A Yes.

11 Q And what steps, what positive steps, did the
12 school district administration take after the charter was
13 renewed to meet that standard of principle of quality?

14 A In sending our questions to the charter school
15 and asking for clarification, which we did receive a
16 response from their attorney at the time, we were striving
17 for clarity and transparency, for one example, on the lease.

18 Q That wasn't my question. My question was --

19 A Yes, it was.

20 Q -- what positive steps did the administration
21 take? Positive steps besides asking questions.

22 MS. SCHURDAK: Asked and answered. Mr. Anders
23 doesn't like the answer, but that is the answer.

24 MR. ANDERS: Well, I think he answered the
25 question -- he just doesn't get to say whatever he wants,

1 he has to answer the question.

2 MR. LITTS: Hold up. First off, now that I
3 know where I believe, Mr. Anders, you were referring to in
4 the document your characterization of the document, I think,
5 is inaccurate. What the document actually says is that the
6 National Association of Charter School Authorizers
7 recommends the renewal process be a transparent and rigorous
8 process that uses comprehensive data to make merit-based
9 renewal decisions and then refers to that association's
10 Principles of Standards for Quality, School Authorizers.

11 So, to the extent -- and maybe I'm the only
12 one -- that construed that your line of questioning -- that
13 that was a Department of Education standard, that's not
14 quite accurate.

15 MR. ANDERS: I didn't say Department of
16 Education.

17 MR. LITTS: That's why I'm stating this for the
18 record. I want to make sure we're all on the same page and
19 thank you for clarifying that.

20 As for the objection, I believe you've asked
21 three or four different ways about what the school district
22 did as far as positive or negative or acts or admissions to
23 support the charter school and this witness has, I believe,
24 answered your question and while you might not be satisfied
25 with it I believe it has been answered.

1 So, I'll sustain the objection as argumentative
2 and already answered and you can move on.

3 Q What did the administrators of the school
4 district do to assist the charter school with the
5 development of its curriculum after the charter was renewed?

6 A Since the charter was renewed, nothing that I'm
7 aware of.

8 Q What did -- what positive steps did the school
9 district administration take with regard to the Special
10 Education program of the charter school to see that -- or
11 help it improve?

12 A We raised questions for clarification on some
13 of the processes that were in place.

14 Q So, do you consider that to be a positive step?

15 A If you believe the processes that were in place
16 are hurting children, yes.

17 Q Well, did you take the -- did the
18 administration take any steps to assist the charter school
19 to address those policies?

20 A When we took the steps to assist it we received
21 letters from Mr. Severs at one point and from Pastor Bloom
22 that said we should not be involved in Special Education
23 because the state said we should not be.

24 Q What objective and verifiable measures of
25 student achievement as the measure of school quality did the

1 administration of the school district apply to the charter
2 school after the charter was renewed?

3 MS. SCHURDAK: I'm sorry. Could you ask that
4 again? I couldn't follow that, Mr. Anders.

5 MR. ANDERS: What was that?

6 MS. SCHURDAK: I did not understand the
7 question.

8 MR. ANDERS: That's -- I don't care whether you
9 understood it or not. It's whether the witness understood
10 it.

11 Q Did you understand that, Superintendent?

12 A Yes.

13 Q Could you answer it, please?

14 A Specific measures of quality in each subject
15 area?

16 Q Yes.

17 A We didn't find objectionable any measures of
18 quality that they had in place at that time.

19 Q In the years 2003, 2004, 2005 isn't it true
20 that the charter school was operating satisfactorily?

21 MS. SCHURDAK: I'm going to --

22 A I was not here in 2003, 2004 or the first part
23 of 2005.

24 Q Well, when you came here did you review the
25 records for the charter school to ascertain whether it was

1 functioning properly?

2 A Quite frankly, no.

3 Q Between the issuance of the original charter
4 and the application for renewal by the charter school did
5 the administration of the school district address any
6 concerns or problems with the charter school?

7 MS. SCHURDAK: I'll object as to relevancy.
8 We are here on revocation on the renewal charter. Not on
9 the original charter, on the renewal. So, really, the time
10 frame should be from July '06 forward.

11 MR. LITTS: Well --

12 MR. ANDERS: You previously ruled that we could
13 go into things before the renewal of the charter.

14 MR. LITTS: Well, if I heard this witness's
15 evidence -- testimony correctly, he may not have any
16 knowledge anyway, but I'll let you ask the question.

17 Q Between the issuance of the original charter
18 and the application for renewal by the charter school did
19 the school district address any concerns or problems with
20 the charter school?

21 A After my coming to the school district there
22 were some concerns that Mr. Kelly shared with me upon his
23 visit.

24 Q And did you address those with the charter
25 school?

1 A Yes.

2 Q When?

3 A Well, I think they were addressed through
4 clarifications from Mr. Kelly's office and then some things
5 were provided in terms of finances.

6 Q And when was that?

7 A I don't want to say precisely, but it would
8 have been certainly not before the Fall of 2005 and probably
9 during 2005-6.

10 Q And what specific concerns were addressed?

11 A Well, Mr. Kelly had indicated some concerns
12 with numbering of checks, he had some concerns with the
13 bidding process, he had some concerns prior to his
14 leaving -- well, that would be after 2006. Well, at that
15 point some preliminary concerns about the addition that was
16 spoken of to be put onto the charter school.

17 Q What was the problem with the check numbering?

18 A I'm not exactly sure.

19 Q What was the problem -- the issue with dating?

20 A What?

21 Q I think you indicated there was a problem with
22 dating?

23 A I don't recall that.

24 MR. ANDERS: This is your copy, but I'll use it
25 with the witness until we get another copy.

1 MR. LITTS: Let's go off the record for a
2 second.

3 (Off record.)

4 (ORIGINAL CHARTER marked for identification as
5 Charter School Exhibit No. 3.)

6 Q Sir, you testified on direct examination that
7 the original charter contained a condition that the charter
8 school was to obtain and maintain accreditation with the
9 Middle States Association. Do you recall that testimony on
10 direct?

11 A Yes.

12 Q I'm going to show you Charter School Exhibit
13 No. 3, which is the original charter, and I would ask you to
14 find that condition in that exhibit.

15 A It's not there.

16 Q So, that testimony on direct examination was
17 not accurate, correct?

18 A Not accurate.

19 Q What role did you play, if any, in the charter
20 renewal application process?

21 A Gathering the information as necessary and
22 making sure it was presented to the board.

23 Q And what information did you personally gather?

24 A We had the letter of re-application and then we
25 put together some conditions for the renewal of the charter

1 and then any information that was shared with us by the
2 charter school we put together.

3 Q What information specifically did you put
4 together to give to the board?

5 A I would have to go back and look at whatever
6 documents I had to give to them for the renewal.

7 Q What role did you have in developing the 62
8 conditions for the charter?

9 A I was one of the people that made suggestions
10 based on the performance of the charter previously along
11 with other members of the administration.

12 Q What suggestions did you make personally?

13 A None were made personally, we did them as a
14 group, a group of administrators.

15 Q Excuse me?

16 A None were done personally.

17 Q You told us during the last hearing about some
18 of the charters [sic] for the renewal of the charter from
19 the original charter and one of those was financial
20 procedures used by the charter school. Did you testify --
21 do you recall that?

22 A Yes.

23 Q In fact, isn't it true that the school district
24 employed Parente Randolph to do a financial audit or a
25 financial investigation?

1 A Yes.

2 Q And that was done by a gentleman by the name of
3 O'Brien, correct?

4 A I'm not sure. I would have to look at the
5 document to be sure. It's been a while since I've seen it.

6 Q Who made the determination to employ Parente
7 Randolph to do that?

8 A The administration.

9 Q Meaning yourself?

10 A Meaning the administration. Meaning more than
11 one person.

12 Q Well, who was the -- who are the members of the
13 administration that participated in that decision?

14 A I don't recall right now. Since it dealt with
15 finances it was probably be Mr. Kelly and perhaps
16 some others. Perhaps Mr. Colozzo in his assistant role.

17 Q And Parente Randolph developed a report,
18 correct?

19 A As I recall, they did.

20 Q Excuse me?

21 A Yes.

22 Q And based upon Parente Randolph's report which
23 was made to the school district there weren't any problems,
24 were there?

25 A Not at that time.

1 Q In fact, their conclusion says that "... a
2 foundation for documenting and accounting for the financial
3 records -- operations for the future success of the charter
4 school ..." were appropriate, correct?

5 A I would have to look at the document. I'm not
6 familiar; I don't have it in front of me.

7 MR. LITTS: Thank you, sir. We'll mark this as
8 Charter School 4.

9 (PARENTE RANDOLPH REPORT marked for
10 identification as Charter School Exhibit No. 4.)

11 Q If you would look at the conclusion. Do you
12 have that?

13 A Yes.

14 Q And correct me if I'm wrong. The second
15 sentence of the conclusion says, "During our investigation
16 we identified no evidence of fraudulent activity, the
17 misappropriation of assets or the misuse of public funds."

18 A That's correct.

19 Q And the first sentence says, "The financial
20 and operational oversight by Reverend Bloom and the
21 accounting firm of John J. Riley provided the Pocono
22 Mountain Charter School with a foundation for documenting
23 and accounting for the financial operations for the future
24 success of the charter school." Correct?

25 A Yes.

1 Q And in that report it sets forth what the
2 salaries for the administrative staff of the charter school
3 were.

4 A Yes.

5 Q And what was Pastor Bloom's salary?

6 A I'm sorry, I'm looking at the wrong page. I
7 have 12 -- I've got it. I'm sorry. \$85,000.00.

8 Q And Ms. Bloom was also receiving a salary?

9 A Yes.

10 Q And Ms. Shelton was receiving a salary?

11 A Yes.

12 Q And isn't it true that this audit was received
13 prior to the renewal of the charter school?

14 A There is nothing here that has a date on it
15 that I can find.

16 Q Well, if you --

17 A September 15th, 2004. Yeah, that would be
18 before the renewal, yes.

19 Q Now, you don't know whether the school district
20 or the administration gave the charter school any assistance
21 in setting up its financial procedures, do you?

22 A Not in 2004, no.

23 Q At any time.

24 A Since I've been here? No. Other than
25 Mr. Kelly on occasion could have provided some advice on how

1 to do certain financial procedures. I'm not sure exactly
2 which year --

3 Q And you discussed about changing records in
4 your direct testimony. What records were you talking about?

5 A Changing records. I'm not familiar with what
6 you're speaking of.

7 Q Of the charter school. I believe you testified
8 that another reason for the number of conditions in the
9 charter renewal was because of the need for change of
10 records. Correct?

11 A I'm not going to say correct because I'm not
12 clear on that. It's out of context.

13 Q With regard to Exhibit 3 [sic], the Parente
14 Randolph report, isn't it true that the school district
15 didn't like that report?

16 A I'm not sure. I wasn't here when it was given
17 to the school district.

18 Q Did you ever discuss that report with any
19 member of the school district?

20 A I don't remember discussing it with anyone.
21 I did read it.

22 Q And when did you read it?

23 A Upon being hired in July of 2005.

24 Q Did you read it in conjunction with the renewal
25 application?

1 A No. I read it before that.

2 Q Now, sir, if you would look at the joint
3 exhibits -- strike that. One of the other things you told
4 us about was the access -- the school district access to
5 records and if you would look at Joint Exhibit -- I think
6 it's No. 5, the charter.

7 MR. LITTS: That would be Tab 5.

8 A Mm-hmm.

9 Q Would you please find for me the condition that
10 says -- that mandates access to the school records which is
11 different than in the first charter? You have them both in
12 front of you.

13 A Well, I found it.

14 Q Is it different -- my question is, was it any
15 different from the one in the first charter or are they the
16 same?

17 A I cannot find it in the first charter, so I
18 don't know what you're referring to in the first charter.
19 If the --

20 Q Which is the number that you found in the --

21 A No. 17.

22 Q What does that say?

23 A "The charter school shall permit the PMSD to
24 have ongoing, reasonable access to the charter school's
25 records and facilities to ensure the charter is in

1 compliance with its charter and the law and the requirements
2 for testing, civil rights, and student health and safety are
3 being met. Such visits shall be in accordance with Charter
4 School Law.

5 PMSD shall also have access to records
6 including, but not limited to, financial reports, financial
7 audits, aggregate standardized test scores without student
8 identifying information, and teacher certification and
9 personnel records.

10 Q Now, you told us on direct examination about
11 your concerns with the lease agreement?

12 A Yes.

13 Q As part of the renewal application did the
14 school district or the administration of the school district
15 request a copy of the lease?

16 A I believe we did.

17 Q So, you had a copy of the lease when the
18 application was -- the charter was renewed, correct?

19 A Yes.

20 Q And you testified at the last hearing that one
21 of your concerns with the lease was the time constraints on
22 the use of the facility by the school, correct? Do you
23 recall that testimony?

24 A I recall that.

25 Q And if the school district has the lease isn't

1 it true that the administration was aware of the time
2 constraints when the charter was renewed?

3 A Yes.

4 Q And no action was taken as a part of the
5 renewal process in that regard, correct?

6 A In that regard, correct.

7 Q In fact, those time constraints, as you called
8 them, were in effect since the time of the issuance of the
9 original charter, correct?

10 A I'm not sure.

11 Q Now, you talked -- told us about the school
12 district receiving information from Mr. Langsam in June of
13 2007. Do you recall that?

14 A Yes.

15 Q And at some point in time either you or counsel
16 for the school district was not satisfied with Ms. Lancia's
17 square foot rent?

18 MS. SCHURDAK: Whose?

19 Q Didn't you testify to that?

20 A If Miss Lancia is Cookie, you're correct.
21 Because I believe that's how she signed her document.

22 Q If you look at School District Exhibit 14

23 MR. LITTS: School District 14 would be Tab 46.

24 A Yes.

25 Q And if you read Paragraph -- was that

1 correspondence from yourself to the charter school dated
2 April 10, 2007?

3 A Yes.

4 Q And if you read Paragraph No. 1 of that for me,
5 please. To yourself.

6 The last line of that says, "In addition,
7 the district requires that the charter school submit
8 validation that the new lease amount, if any, does not
9 exceed fair market rates for the area." Correct? Did I
10 read that properly?

11 A I must not be looking at the same -- was that
12 46?

13 MR. LITTS: Tab 46.

14 A I have Tab 46.

15 MR. LITTS: And that should be an April 10,
16 2007, letter on Pocono Mountain School District --

17 A I think you said read the first paragraph.

18 Q I said Paragraph No. 1.

19 A Oh, Paragraph No. 1. I'm very literal. I
20 thought you meant the first paragraph of the document.
21 Let me read it, please.

22 Yes, I've read it.

23 Q And the last sentence, I think I said this,
24 reads "In addition, the district requires that the charter
25 school submit validation that the new lease amount, if any,