

Wyoming State Board of Education
Wyoming Military Academy Appeal Hearing
Cheyenne, Wyoming
June 15, 2011

Wyoming State Board of Education members present: Dana Mann-Tavegia, Ron Micheli, Pete Gosar, Joe Reichardt, Hugh Hageman, Scotty Ratliff, Kathy Coon, and Fred Hansen (Designee for Cindy Hill)

Members absent: Sue Belish, Matt Garland, Larry McGarvin, Cindy Hill, and Walt Wilcox

Also present: Teresa Canjar, Wyoming Department of Education (WDE); Samantha Mills, WDE; Jo Ann Numoto, WDE; Peter H. Froelicher, Office of Administrative Hearings (OAH); John Shumway, Attorney General's Office (AG); George Girasa, Wyoming Military Academy (WMA); Roy Girasa, WMA; and Steve McCoy, WMA

Press and public present: Tracey Kinney, Laramie County School District #1 (LCSD #1); Mark Stock, LCSD #1; Adam Davenport, LCSD #1; Bill McCarthey, CSFP; Jan Stalcup, LCSD #1; David Evans, Hickey & Evans LLP; and Becky Doby, Court Reporter

Joe Reichardt called the hearing to order at 1:30 p.m. He stated the Wyoming State Board of Education would be hearing the Wyoming Military Academy's appeal of Laramie County School District No. 1's denial of its charter school application, Office of Administrative Hearings Docket Number 11-125-005.

Joe Reichardt announced that the Office of Administrative Hearings would facilitate the hearing and upon adjournment of the hearing; the board would hold a discussion and make its findings. He then turned the hearing over to Peter Froelicher, OAH Hearing Officer.

Peter Froelicher welcomed everyone and stated his role today was to run the hearing and ensure the proceedings are conducted in accordance to statute. He stated the Roy Girasa would represent the Wyoming Military Academy and David Evans would represent Laramie County School District No. 1.

Each side was given 30 minutes to present their oral arguments. Mr. Girasa was to present first and reserved five minutes for rebuttals.

Peter Froelicher clarified this is an appeal of a decision made by Laramie County School District No. 1 in regard to an application for a charter school. It is not a new hearing where new evidence is presented. It is an appeal based upon the evidence that was presented in front of the Laramie County School District No. 1.

Wyoming Statute 21-3-310 limits the scope of the review of this board as to what kind of decisions it can make and what kind of issues can be raised. It states the grounds for appeal are limited to the grounds for denial as specified by the school district. He reviewed the school district's order and it appeared to him there were six reasons for denial of the application:

- 1) The applicants educational program will at best equal the districts program;
- 2) Insufficient evidence of community (parental/teacher/student) support;
- 3) Governance elements in the application did not meet the requirements of the Charter School Act;
- 4) Financial stability was not demonstrated;
- 5) There were concerns regarding a viable facility;
- 6) Generally, the charter school was not in the best interest of the students in the school district.

Peter Froehlicher explained the issue today is whether or not the School Board's March 7, 2011 decision to deny the Military Academy's application for a charter school was contrary to the best interest of the pupils, the school district, and the community.

Roy Girasa presented oral arguments for the Wyoming Military Academy.

David Evans presented oral arguments for Laramie County School District No. 1.

Roy Girasa presented the Wyoming Military Academy's rebuttal.

The hearing adjourned at 2:40 p.m. Joe Reichardt opened the meeting for deliberation. He stated the deliberation would continue as long as was needed and if a decision couldn't be made, it would be addressed in the allotted time at the June 17, 2011 board meeting.

Pete Gosar moved the transcripts be provided to the board and time be allowed for the board to review them for a decision to be made at Friday's board meeting, seconded by Dana Mann-Tavegia, motion denied.

Ron Micheli moved to respect and affirm the decision made by Laramie County School District No. 1 in their denial of the Wyoming Military Academy's application, seconded by Hugh Hageman, motion carried. Dana Mann-Tavegia denied the motion citing the board is not doing its due diligence because not all the evidence was provided for review.

The meeting adjourned at 3:48 p.m.