

1. Agenda Approval

Does the Public Charter School Commission (PCSC) have any changes or additions to the agenda?

COMMISSION ACTION

**A motion to approve the agenda as submitted.**

2. Minutes Approval

Does the Public Charter School Commission (PCSC) have any changes or additions to the meeting minutes from September 10, 2014 and October 9, 2014?

COMMISSION ACTION

**A motion to approve the meeting minutes from September 10, 2014 and October 9, 2014.**

3. Commission Education

Tim Hill, Deputy Superintendent of Public School Finance with the State Department of Education, will provide the PCSC with information regarding the impact of fiscal letters of concern on charter schools, the state, and the broader education community. PCSC discussion will be invited.

**IDAHO PUBLIC CHARTER SCHOOL COMMISSION  
DRAFT SPECIAL MEETING MINUTES**

A special meeting of the Idaho Public Charter School Commission (PCSC) was held Wednesday, September 10, 2014, at 700 West Jefferson Street, Boise, ID, in the State Capital in the East Wing 41 (EW 41) Hearing Room. Chairman Alan Reed presided.

The following Commissioners attended:

Alan Reed	Phone <input type="checkbox"/>	Person <input checked="" type="checkbox"/>	Not present <input type="checkbox"/>
Gayle O'Donahue	Phone <input type="checkbox"/>	Person <input checked="" type="checkbox"/>	Not present <input type="checkbox"/>
Nick Hallett	Phone <input type="checkbox"/>	Person <input type="checkbox"/>	Not present <input checked="" type="checkbox"/>
Brian Scigliano	Phone <input type="checkbox"/>	Person <input checked="" type="checkbox"/>	Not present <input type="checkbox"/>
Wanda Quinn	Phone <input type="checkbox"/>	Person <input type="checkbox"/>	Not present <input checked="" type="checkbox"/>
Esther Van Wart	Phone <input type="checkbox"/>	Person <input checked="" type="checkbox"/>	Not present <input type="checkbox"/>
Gayann DeMordaunt	Phone <input type="checkbox"/>	Person <input checked="" type="checkbox"/>	Not present <input type="checkbox"/>

Chairman Reed called the meeting to order at 12:32 p.m.

**A. COMMISSION WORK**

**M/S (O'Donahue/Van Wart): To approve the agenda as submitted.**

The motion passed unanimously.

**B. PCSC CONSIDERATION OF HEARING OFFICER'S FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING ODYSSEY CHARTEER SCHOOL REVOCATION**

Chairman Reed advised that the meeting would begin with public testimony, limited to 2 minutes per person and a total of 90 minutes. Public testimony would be followed by arguments from Odyssey and PCSC counsel, limited to 20 minutes per side. Commission discussion would follow.

The following individuals testified in favor of keeping Odyssey open:

<b>Appeared in Person</b>	<b>Appeared Via Telephone</b>	<b>On List But Failed to Appear</b>
1. Brian Stutzman	1. Alexander Bolander	1. Brianna Demme
2. David Stutzman	2. Lesli Bolander	2. Ryan Christensen
3. Andrew Whitford on his own behalf	3. Payton Strickland	3. Keaton Wanlass
4. Andrew Whitford on behalf of Carrie Reynolds	4. Thomas Smith	4. Madyson Goodson.

5. Andrew Whitford on behalf of Josh Witford	5. Keyarra Belden	5. Jennifer Bodily
6. Sharon Weeks	6. Paige Whiting	6. Jayce Bodily
7. Mona Casper	7. Jason Smith	7. Joyce Youngstrum
8. Diamond Armstong	8. Joan Payne	8. Justin Bodily
9. Pearce Jorgensen	9. Brent Whiting	9. Conner Janson
10. Oren Willford	10. Matt Goodson	10. Kiana Monga
11. Caleb Goodson		
12. Robert Denten		
13. Steffanie Denton		
14. Laron Nielson		
15. Hailee Payne		
16. Mason Stewart		
17. Travis Jensen		
18. Austin Lords		
19. Lisa Purvis		
20. Breanna Winskowski		
21. Kristin Hughes		
22. Destiny Winskowski		
23. Kathidawn Whitford		
24. Daniel Furr		
25. Brecklyn Sheldon		

Mark Fuller, Odyssey counsel, described the three stages of accreditation. He said business startups require people with different skill sets, including creators, organizers and operators. Chris and Karl Peterson were creators with good ideas, but they did not possess adequate organization skills to help Odyssey succeed. The current Odyssey board is comprised primarily of organizers who possess the skills to complete the accreditation process. Odyssey expects to achieve full accreditation by spring 2015.

Mr. Fuller argued that Odyssey had insufficient time between April 17 and June 30 to achieve candidacy. The school's board is requesting additional time to complete the process through a delay of the PCSC's decision regarding the revocation question until the October 9 regular PCSC meeting. He said NWAC has agreed to schedule another readiness review during the final weeks of September, and Odyssey will press for a determination from NWAC before October 9<sup>th</sup>.

Ms. Swartz objected, saying Mr. Fuller's information was not contained in the original record.

Mr. Fuller said it was his understanding that today's witness testimony was part of the record; his argument was in reference to Mr. Travis Jensen's testimony.

Deputy Attorney General Michael Gilmore advised the PCSC that Ms. Swartz's point is accurate; there is no evidence in the record of the detail needed to evidence steps toward accreditation. He suggested that Mr. Fuller be permitted to request additional time to achieve candidacy status, but with recognition that he doesn't have evidence to back up his request at this time.

Mr. Fuller said Odyssey is relying primarily upon the testimony of Mr. Jensen given here today regarding Mr. Jensen's contacts with NWAC and attempts to schedule a meeting during the current school term.

Ms. Swartz clarified that her objection was that public testimony received today was not part of the public hearing that was conducted, so PCSC staff has not had an opportunity to cross examine or substantiate that testimony with exhibits.

Mr. Fuller concluded with a statement that contact had been made between Mr. Jensen and NWAC in an attempt to schedule a follow-up review visit, and Odyssey anticipates an accreditation candidacy determination before the next meeting on October 9th. If the determination is made that Odyssey does not qualify for accreditation candidacy status after that further readiness review, then revocation can occur. He said it is within the power of this Commission delay its action, if any, until October 9th.

Ms. Swartz began her statement, saying the relationship between authorizer and school is controlled by the school's performance certificate, a document which is created through a collaborative process and includes clear expectations regarding outcomes of the school. She described the written condition in Odyssey's performance certificate requiring achievement of accreditation candidacy status by June 30, 2014. Odyssey failed to satisfy that condition, which it was aware of and to which it voluntarily agreed. The hearing officer's findings of fact recognized that Odyssey's board members and administrator, were well informed about the accreditation process and had extensive time and assistance for reaching candidacy.

Ms. Swartz said statute expressly provides that a charter may be revoked by the authorizing charter entity if the charter has failed to meet any of the specific written conditions for improvement by the date specified. There is no dispute that Odyssey failed to meet Condition 2 of its performance certificate regarding accreditation candidacy. Odyssey has argued that it was unreasonable to expect Odyssey to meet accreditation status by the June 14 deadline. However, as recognized by the hearing officer, the evidence clearly establishes otherwise.

Ms. Swartz summarized the hearing officer's conclusions of law and the negative impact on students of Odyssey's failure to achieve candidacy status. She noted

that three of Odyssey's five, current board members were serving during the attempted accreditation process. There is little in the record to substantiate Odyssey's claims that the new administrator will be able to accomplish anything other than what has already been done. The hearing officer emphasized in her decision that it is not the Commission's responsibility to select administrators or to control their performance, and section 4 of the performance certificate clearly provides that it is not the Commission's role or responsibility to control personnel or the manner in which the school operates. The Commission's role is to evaluate the schools outcomes.

Ms. Swartz noted that while many individuals testified today in support of Odyssey, it is important to remember the many families who are not here to testify because they have already left the school. The attrition rate for students during the 2013-2014 school year was 39%. The attrition rate fall-to-fall, as of last June, was approximately 47%. That number is likely higher now as fall enrollment is 140 students fewer than was projected in June. Teacher attrition from fall-to-fall, as of June, was 70%. Odyssey's board has demonstrated its inability to fulfill its responsibilities and operate a high quality school.

Ms. Swartz urged the PCSC to accept the hearing officer's findings of Fact and Conclusions of Law with slight modifications as detailed the PCSC's materials.

Mr. Fuller said that four of the five board members only recently become involved. He did not dispute the PCSC's right to revoke, but said the PCSC could also extend the deadline or withdraw the notice of intent to revoke. He said the best interest of students is served by Odyssey achieving accreditation candidacy because Odyssey could then recognize the work done by those students before its accreditation. He asked the PCSC to allow the new board an extension until the next regular meeting on October 9. If, at that point, candidacy hasn't been achieved, he won't argue further.

Chairman Reed said the meeting would now move into the Commission discussion phase.

At the request of the Commission, Ms. Baysinger provided an update on the status of the school's progress toward accreditation candidacy status. She said the school has provided the PCSC with no evidence of progress, with the exception of the exhibits they provided for the hearing. She said NWAC director Dale Kleinert reported that he had not heard from Mr. Jensen until last Thursday, September 4<sup>th</sup>, at which time Mr. Jensen asked if a readiness visit could be scheduled and also what needed to be done to prepare for that visit.

The PCSC discussed its level of review of charter school board members, which is limited to the evaluation of founders during the petitioning phase. Odyssey experienced extensive board member turnover since the petition was approved, so all decisions about the current board members were made without any influence

or authority of the PCSC. The PCSC's role is not to select charter school board members or evaluate their competency, but rather to make decisions based on the outcomes resulting from the school board's actions.

In response to a query from the PCSC, Ms. Baysinger clarified that accreditation status cannot be retroactive. Even if the school were to achieve candidacy status this year, it would not change anything regarding credits earned at Odyssey last year.

Commissioner DeMordaunt inquired as to why the other Commissioners might be resistant to extending the deadline to October 9. She requested comments from Odyssey's board on their efforts to achieve candidacy.

Andrew Whitford, Odyssey vice chair, said the board has been met three times over the past week to go over the NWAC indicators. Mr. Jensen was originally hired in July as a consultant to help the board work through the indicators that were not met. Mr. Jensen did not contact Mr. Kleinert until September 4<sup>th</sup>; however, things were still being put into place with the schedules, teacher training, and other items. He said the board is working frantically trying to get these indicators met.

The PCSC discussed the possible consequences of a delayed vote and verified with counsel that they had the legal option of doing so.

**M/S (DeMordaunt/None): To delay action on the part of the Commission on Odyssey until October 9 in the PCSC's regularly scheduled meeting.**

The motion failed for lack of a second.

**M/S (O'Donahue/Scigliano): A motion to accept with the following modifications the hearing officer's Findings of Fact and Conclusions of Law:**

- 1. A modification to pages 3-4 of the Findings of Fact clarifying that the evidence indicates Odyssey did receive both written and oral notice of the March 20, 2014, subcommittee meeting, and**
- 2. A modification to the Conclusions of Law to remove the phrase "pursuant to the Administrator Procedure Act" [sic].**

The motion passed unanimously.

Chairman Reed permitted Mr. Fuller to request a supplementary statement by Mr. Jensen in response to Mr. Whitford's earlier testimony.

Chairman Reed agreed that Mr. Jensen could answer specific questions from the PCSC.

Commissioner DeMordaunt asked at what point Mr. Jensen was put on salary.

Mr. Jensen said he was put on salary August 1, and he began gathering documentation at that point. He had the letter from Dale Kleinert regarding the indicators not being met and worked on those throughout August. He summarized the issues he had been able to address, including school mission and professional development. He contacted Mr. Kleinert last Thursday to schedule a readiness visit. He said that Mr. Kleinert replied that it takes 30 days to assemble the team, and Mr. Kleinert's schedule is quite full.

Commissioner DeMordaunt asked for PCSC discussion of what, specifically, the PCSC would require to reach a comfort level regarding a delay to October 9. She suggested possibilities such as evidence that an accreditation team has been assembled and a readiness visit date set.

Ms. Swartz noted that Mr. Jensen had been allowed to provide additional testimony that was not previously included in the record. She said Mr. Kleinert is available by phone and could add his perspective regarding Mr. Jensen's statements, if the Commission so wished.

The PCSC agreed that Mr. Kleinert should be reached by phone.

Chairman Reed asked Mr. Kleinert for confirmation regarding the outcome of Mr. Jensen's September 4 conversation with Mr. Kleinert.

Mr. Kleinert said Mr. Jensen sent him an updated response to the indicators that had not been met. He said he confirmed receipt of the document but said he had not yet reviewed it. A date for the readiness visit could not be confirmed until the document was reviewed. After that, a team would be assembled and a visit scheduled; the visit date would likely be in early November. Mr. Kleinert emphasized that it would not be possible for NWAC to get a team to Idaho Falls within the next couple weeks.

Commissioner DeMordaunt explained that the PCSC was considering a delayed decision, and asked whether it was impossible for a review team to visit Odyssey and grant candidacy status by October 9.

Mr. Kleinert said it would be very difficult to schedule a visit before October 9. He also emphasized that a readiness visit does not automatically ensure candidacy status.

Commissioner O'Donahue asked whether the school would have been aware of this scheduling difficulty.

Mr. Kleinert said he did not give the school an indication that a readiness visit would be scheduled by October 9.

Commissioner DeMordaunt requested clarification that NWAC would not be able to do a readiness review by October 9.

Mr. Kleinert said that NWAC would not be able to assemble a team, finish the review of the materials, and visit the school before October 9.

Commissioner Scigliano asked what would be a more realistic date.

Mr. Kleinert said a readiness visit could possibly be scheduled before November 1. The visit would not ensure candidacy, but it would give the team the facts needed to make a decision on candidacy.

Commissioner DeMordaunt asked Mr. Kleinert to expand on the materials he received from Mr. Jensen.

Mr. Kleinert said the document included mention of the Danielson model being used for teacher evaluation; that mention had not been included previously. It appeared that some necessary evidence was still lacking, though the document said some additional documentation may be available during the visit. He had not yet had an opportunity to advise Mr. Jensen that the team should be able to review the evidence ahead of time.

Chairman Reed invited additional questions and, hearing none, thanked Mr. Kleinert for his willingness to join the meeting.

Commissioner O'Donahue stated her intention to make a motion that she never wished to have to make.

**M/S (O'Donahue/Scigliano): To revoke the charter for Odyssey Charter School, effective at 5:00 p.m. MDT on September 12, 2014, on the grounds of failure to meet Condition 2 in its performance certificate by the timeline specified.**

The PCSC briefly discussed the information provided by Mr. Jenkins and Mr. Kleinert. It was noted that Odyssey's request was unrealistic because the timeline proposed could not be met.

Mr. Fuller asked to direct a point of order to counsel. He said the only item addressed on the agenda had already been considered, and questioned whether it was appropriate for the PCSC to consider other matters not on the agenda. He said the agenda noticed nothing beyond reviewing the findings of fact and conclusions of law.

Mr. Gilmore said that the motion before the PCSC represents the ultimate review of the findings of fact and conclusions of law. The revocation is referred to in the findings of fact and conclusions of law, and the revocation question is part of the ultimate review of those findings and conclusions. The PCSC's statutory obligation is to make an ultimate decision whether or not to revoke the charter. That is the purpose of the review of the findings of fact and conclusions of law.

Chairman Reed reminded the PCSC that a motion was on the floor and had been seconded.



**December 11, 2011**

The motion passed 3-1, with Commissioner DeMordaunt voting nay.

**M/S (O'Donahue/Scigliano): To adjourn the meeting.**

The motion passed unanimously.

The meeting adjourned at 3:57 p.m.

IDAHO PUBLIC CHARTER SCHOOL COMMISSION  
DRAFT MEETING MINUTES

A regular meeting of the Idaho Public Charter School Commission (PCSC) was held Thursday, October 9, 2014, at 700 West Jefferson Street, Boise, ID, in the State Capital in the East Wing 41 (EW 41) Hearing Room. Chairman Alan Reed presided.

The following Commissioners attended:

Alan Reed	Phone	<input type="checkbox"/>	Person	<input checked="" type="checkbox"/>	Not present	<input type="checkbox"/>
Gayle O'Donahue	Phone	<input type="checkbox"/>	Person	<input checked="" type="checkbox"/>	Not present	<input type="checkbox"/>
Nick Hallett	Phone	<input type="checkbox"/>	Person	<input type="checkbox"/>	Not present	<input checked="" type="checkbox"/>
Brian Scigliano	Phone	<input type="checkbox"/>	Person	<input checked="" type="checkbox"/>	Not present	<input type="checkbox"/>
Wanda Quinn	Phone	<input type="checkbox"/>	Person	<input type="checkbox"/>	Not present	<input checked="" type="checkbox"/>
Esther Van Wart	Phone	<input type="checkbox"/>	Person	<input type="checkbox"/>	Not present	<input checked="" type="checkbox"/>
Gayann DeMordaunt	Phone	<input type="checkbox"/>	Person	<input checked="" type="checkbox"/>	Not present	<input type="checkbox"/>

Chairman Reed called the meeting to order at 9:00 a.m.

**A. COMMISSION WORK**

**1. Agenda Review / Approval**

**M/S:** A motion to approve the agenda for today, October 9, 2014, is made by Commissioner DeMordaunt; seconded by Commissioner O'Donahue.

Motion unanimously passed.

**2. Minutes Review / Approval**

**M/S:** A motion to approve the meeting minutes from August 12, 2014; September 2, 2014; and September 5, 2014 is made by Commissioner Quinn; seconded by Commissioner O'Donahue.

Motion unanimously passed.

**3. 2015 Regular Meeting Calendar**

**M/S:** A motion is to approve February 12, 2015; April 9, 2015; June 11, 2015; August 13, 2015; October 8, 2015; and December 10, 2015, as the dates and Boise, Idaho, as the location for the PCSC's 2015 regularly scheduled meetings is made by Commissioner Quinn; seconded by Commissioner DeMordaunt.

Motion unanimously passed.

**4. Presentation of National Association of Charter School Authorizers Evaluation of the Idaho Public Charter School Commission.**

Elisa Westapher, NACSA Associate Director, appeared for NACSA, and introduced Amy Ruck Kagan, Deputy Commissioner for the State of New Jersey. Ms. Kagan presented their report regarding the Commission. NASCA's report offers recommendations to the Commission regarding application decision making, performance management systems, performance-based accountability, autonomy, and organizational capacity.

The presentation focused on recommendations that the PCSC establish and consistently apply policies; seek increased staff and financial capacity; develop procedures for implementation of recent statutory change; and implement strategic planning. The evaluators noted that implementation of the recommendations would realistically require up to five years.

## **B. CONSIDERATION OF PROPOSED CHARTER PETITIONS**

### **1. North Star Charter School Proposed Transfer Petition – Second Hearing**

Jim Miller, Chairman, represented NSCS. The PCSC assessed that all questions about NSCS's finances were resolved through updated documentation.

**M/S:** A motion to approve the petition for authorization of transfer presented by North Star Charter School as presented, including the school's amended Charter and draft performance certificate, is made by Commissioner Quinn and seconded by Commissioner O'Donahue.

The Motion passed unanimously.

### **2. Coeur d'Alene Charter Academy (CCA) Proposed Transfer Petition – First Hearing**

Dan Nicklay, Principle; Glenn Mabile, Business Manager, and Paul Franz, Board Chair, presented for CCA. Mr. Franz was in attendance via phone.

Mr. Nicklay presented the history and academic performance of CCA since the school started in 1999.

Commissioners and PCSC staff expressed concerns about CCA's student enrollment process due to indications it may, perhaps unintentionally, favor high academic achievers.

Chairman Reed inquired about CCA's motivation for requesting the transfer. He emphasized the PCSC's focus on accountability and stressed that CCA would need to comply with PCSC standards and requirements.

**December 11, 2011**

Mr. Nicklay said the district is concerned about liability.

Commissioner DeMordaunt emphasized the importance of an equitable selection process, including petition language assuring such.

In response to PCSC questions, Mr. Nicklay said CCA does not plan to implement a nutrition program due to extensive facility requirements, though the school recently began collection FRL qualification data. Transportation is available through carpooling and public busses. He said the quality of special education services at CCA is higher than that at many schools that have dedicated SpEd departments.

Commissioner DeMordaunt said the school appears to have a public perception problem, being viewed as elitist, and strongly recommended that the CCA board consider offering student transportation.

**M/S (DeMordaunt/O'Donahue):** To delay the decision and direct staff to issue to Coeur d'Alene Charter Academy a written response identifying the specific deficiencies in the petition, including items already identified on the Petition Evaluation Rubric included in these meeting materials, particularly ensuring that the school is committed to use of an equitable selection process.

The motion passed unanimously.

**M/S (DeMordaunt/O'Donahue):** To adjourn the meeting is made by Commissioner DeMordaunt; seconded by Commissioner O'Donahue.

The meeting was adjourned at 11:34 am.