

**REFERENCE: APPROVED MINUTES – June 8, 2006 Public Charter School
Commission Meeting**

**PUBLIC CHARTER SCHOOL COMMISSION MEETING
THURSDAY, JUNE 8, 2006
AMERITEL INN BOISE SPECTRUM
ARROWROCK SOUTH ROOM
7499 WEST OVERLAND ROAD
BOISE, IDAHO**

A meeting of the Idaho Public Charter School Commission was held on Thursday, June 8, 2006 at the Ameritel Inn Boise Spectrum, ArrowRock South Room, at 2645 Airport Way, Boise, Idaho. Chairman Hammond presided. The following members were present:

Joe deVera	Bill Goesling	Alan Reed
Paul Powell	Ann Souza	Esther Van Wart

Chairman Hammond called the meeting to order at 9:03 a.m.

1. Commission Work

Chairman Hammond invited newly appointed Commissioners Joe deVera and Alan Reed to introduce themselves.

Commissioner deVera said he is currently on the board of North Star charter school.

Commissioner Reed said he served on the district 91 school board for nine years, six of them as chairman.

Chairman Hammond inquired whether there should be any changes to the agenda.

Commissioner Goesling asked to include time for staff to clarify the difference between virtual schools and brick-and-mortar schools whose attendance areas cross school district boundaries.

M/S (Reed/deVera): To adopt the agenda as amended. *The motion carried unanimously.*

The Commission considered a date and time for the next regularly scheduled meeting.

M/S (Goesling/Van Wart): To set August 3, 2006 in Boise, ID, as the date and location for the next regular Commission meeting. *The motion carried unanimously.*

The Commission considered minutes submitted from the April 13, 2006 meeting.

M/S (deVera/Van Wart): To approve the minutes from February 15, 2006 as submitted. *The motion carried unanimously.*

2. Vision Public Charter School

Tamara Baysinger, Commission staff, said this is the second time the Commission will consider Vision's petition, which includes no changes from the first time it was considered except to the section regarding the school's proposed attendance area. She referred the Commissioners to a map included in their materials and said staff felt the redrawn boundaries met the "compact and contiguous" requirement.

Chairman Hammond added that Vallivue School District has expressed concern regarding the proposed charter school.

Lee Hannah, Vision board chair, said Vision redrew its boundaries to meet requirements and promote sufficient enrollment. She said Vision is comfortable with the most recent quote on portable buildings and noted that the cost of sewer and water line installation has dropped due to rapid growth in the area. She said Vision is communicating with Planning and Zoning regarding approval of the donated site for use as a school.

Commissioner Powell asked where on the map Vision will be located.

Ms. Hannah demonstrated on the map that the site is 3/10 of a mile south of the river, on the left side of the road.

Commissioner deVera inquired how many elementary schools are in Middleton.

Ms. Hannah said there are three, and one or two more are in the planning stages. She said Vision anticipates full enrollment and cited the long waiting list at Thomas Jefferson, the nearest charter school.

Commissioner Van Wart asked whether Vision will serve primarily Middleton students, or both Middleton and Vallivue students.

Ms. Hannah said most of the Vallivue School District area included in Vision's attendance area is agricultural, but a more significant portion of Vision students may eventually come from that area as it is developed.

Commissioners Souza and Goesling asked staff for clarification regarding the definition of virtual vs. brick and mortar schools, specifically whether brick and mortar schools could draw enrollment from multiple school districts.

Jennifer Swartz, Commission counsel, said nothing in law prevents brick and mortar charter schools from establishing an attendance area that crosses school district boundaries. She said that virtual schools are defined as statewide.

Commissioner Goesling said it is confusing that Vision's full name is Vision Public Charter School of Middleton, yet it is located in the Vallivue School District.

Ms. Hannah clarified that the site is within the Middleton City of Impact, and Middleton will provide services such as sewer and water.

Commissioner Powell said it is his understanding that current law regarding enrollment procedures says charter schools may not limit their enrollment only to their attendance area.

Ms. Swartz confirmed this, adding that the attendance area only affects enrollment with regard to admission preferences.

Commissioner Souza asked for clarification regarding how the petition arrived at the Commission.

Ms. Baysinger said Vision originally approached the Middleton School District, which referred Vision to the Commission. At the December 2005 Commission meeting, it was discovered that Vision's proposed site was located in the Vallivue School District, and the Commission directed Vallivue to take their petition before the Vallivue district board. Vallivue then referred the Vision petitioners back to the Commission.

Commissioner Souza asked whether Vision has discussed its proposal with Middleton.

Ms. Hannah said Vision spoke with Middleton originally, but eventually found their best site option in the Vallivue School District.

Commissioner Powell asked for verification that no one has denied the petition, so it is not before the Commission on appeal.

Ms. Baysinger confirmed this, adding that Vallivue, being unaware of the referral option, initially voted to deny the petition. The Vallivue board then reversed its decision and elected to refer the petition to the Commission instead.

Commissioner Van Wart asked whether Vision still plans to make dual-enrollment arrangements with Middleton.

Ms. Hannah said she hopes both Middleton and Vallivue will show willingness to work with Vision students regarding dual-enrollment opportunities.

Commissioner Goesling inquired about the appropriateness of stating in the articles of incorporation that remaining assets would be transferred to the Commission in the event of the school's dissolution.

Ms. Swartz said statute requires that a charter school's remaining assets be transferred

to the authorizing entity if the school dissolves.

Commissioner Van Wart asked whether Vision has contacted Middleton regarding contracting for milk and nutrition programs, as the petition says they will.

Ms. Hannah said they have not yet had this conversation.

Commissioner Reed asked about Vision's plan in the event Middleton does not wish to work with Vision to provide nutrition services.

Ms. Hannah said the school would consider alternate arrangements, such as contracts with other school districts or private persons.

Commissioner Van Wart suggested the possibility of contracting with restaurants.

Commissioner Souza asked staff whether, if the provision of nutrition is written into the charter, Vision would be breaking the charter contract should they fail to provide a nutrition program.

Ms. Baysinger said that if Vision found itself unable to provide a nutrition program as described in the charter, they would need to have a charter amendment approved by the Commission.

Commissioner Powell noted that the petition does not make a specific commitment to provide nutrition and milk programs.

Commissioner Goesling advised the petitioners to check with Commission staff regarding the potential legal issues of bringing lunches from home and the means by which transportation is provided.

Chairman Hammond invited the Vallivue school board to speak.

Jennifer Barrus, vice chair of the Vallivue school board, said Vallivue is uncertain how a second charter school would affect the quickly-expanding Vallivue school district and its ability to budget effectively. Also, she noted that seven districts border the Vallivue district and expressed concern that future charter schools might also cross the district line but primarily serve students in other districts. She cited a list of Vallivue's concerns on a handout provided to the Commission and asked whether there is a similar situation elsewhere in the state.

Commissioner Powell said Rolling Hills encompasses parts of both the Boise and Meridian school districts.

George Grant, superintendent of the Vallivue school district, said he feels there is much confusion surrounding the Vision proposal. He wondered why Vision claims to be a Middleton charter yet is located in the Vallivue district and said Vision's reason for

locating in Vallivue is purely financial. He said there has been no communication and co-planning with Vision as there was with Thomas Jefferson, the charter school Vallivue approved previously. He asked for an explanation of Vallivue's liability and funding responsibility with regard to Vision.

Chairman Hammond expressed understanding of why Vision would hesitate to approach Vallivue for cooperative planning efforts, as Mr. Grant had made clear at a previous Commission meeting that Vallivue wanted nothing to do with Vision.

Mr. Grant emphasized his feeling that there is much confusion surrounding the Vision petition. He requested clarification regarding whether Vision's changed attendance area will affect Vallivue in terms of land or numbers of students taken from Vallivue.

Ms. Baysinger stated that when a charter school is approved by the Commission, it approaches the State Board of Education for approval to become its own Local Education Agency. The result of becoming an LEA is that all funding for the charter school flows directly to the charter school LEA, rather than through the district in which it is physically located.

Commissioner Van Wart said Vision was referred to the Commission. The district had the opportunity to deny the Vision petition and chose not to do so. She said that now Vision's responsibility for reporting and planning is to the Commission, not to the district.

Mr. Grant clarified that Vallivue originally denied the petition, then revised the decision to a referral.

Commissioner Van Wart pointed out that the purpose of a Commission meeting is not to teach charter school law, but that it is the responsibility of the participating parties to be informed.

Commissioner Powell confirmed with staff that Vision is neither a "Middleton charter" nor a "Vallivue charter," regardless of its attendance area or location. It is better referred to simply as a Commission authorized charter school. He also clarified that the local school district in which a Commission authorized school is located has no liability or oversight responsibility for the Commission authorized school.

Commissioner deVera asked Mr. Grant for confirmation that the Vision petitioners encouraged the Vallivue board to refer the petition to the Commission.

Mr. Grant said Vision did express a desire to be referred to the Commission. He confirmed with the Commission that Vallivue would have no responsibility for Vision if it were to be authorized by the Commission.

Ms. Hannah said that even if 20% of Vision's students come from the Vallivue School District, that would only be approximately 48 students. She said Vision has not worked with Vallivue and Middleton as much yet as they will need to after the school is

approved, but she would like to build a positive working relationship with both districts. She said Vision tried to draw the boundaries of its attendance area in a way that would be very clear to everyone and explained that the decision to locate in the Vallivue district was made in the interest of the school's financial viability.

Commissioner Souza asked why Vision expanded its attendance area to include such a large portion of the Vallivue school district.

Ms. Hannah said the lines drawn were the most practical, as there would be no reasonable way to define an attendance area whose boundary crossed agricultural land without roads.

Chairman Hammond added that the Commission previously provided guidance suggesting Vision amend its attendance area to include more of the Vallivue district in order to serve more students in the district in which it was physically located.

Commissioner Souza said she felt this guidance may have done Vision a disservice.

Commissioner deVera inquired who would serve as Vision's financial officer.

Ms. Hannah said one of Vision's founders, Michelle Lambright, is a CPA and will run the day-to-day financial operations of the school until another individual can be hired in a few years. She said an independent auditor will perform the school's annual financial audit.

Chairman Hammond opened the floor for discussion among the Commission.

Commissioner Powell asked whether Commission counsel could identify any grounds for denial of the petition.

Ms. Swartz said counsel is unaware of any legal insufficiencies in the petition.

Commissioner Powell asked staff whether staff had identified any other reason the petition should be denied.

Ms. Baysinger said staff is not aware of any legal reason the petition should not be approved.

Kent Nelson, Commission counsel, clarified that counsel's and staff's confirmation that the petition is legally sufficient does not mean the Commission has no choice regarding whether or not to approve the petition.

Commissioner Souza asked whether the Chairman would allow a Commissioner to explain his or her vote following a motion.

Chairman Hammond agreed to allow an explanation.

Commissioner Powell commented that in the past, the Commission has looked at petitions from three standards: financial, educational, and leadership. He said that this group of petitioners has given him confidence on all counts.

M/S (Powell/deVera): To approve the petition for Vision Public Charter School.
The motion passed 5-1, with Commissioner Souza voting nay.

Commissioner Souza said she voted nay due to concerns that the petitioners did not work with Vallivue as compatibly as they should have, and because they could have drawn boundaries that imposed less on Vallivue.

3. Victory Charter School Amendment

Ms. Baysinger stated that staff has spent much time and discussion on Victory's unique proposal for the addition of high school, which would solve many of the problems other charter schools have faced in providing the additional teachers and facilities necessary to add high school grades. She referred to a list of staff concerns in the Commissioners' materials and said the funding issue was unlikely to be a problem due to the fact that Victory is contracting with Liberty for one year only. She said is important that it be clear that the arrangement is not a dual-enrollment situation and ADA will remain with Victory even though Victory's students will be spending time in Liberty classrooms under Liberty teachers.

Marianne Saunders, administrator of Victory, said Victory is proposing the addition of ninth grade. She described the options Victory has considered for housing and staffing a high school and said the best option, both financially and for the students, is an agreement with Liberty to share space and teachers for part of the school day. She said the arrangement would meet the intent of Idaho statute by using cooperation between schools to economically provide students with opportunities that would not otherwise be available. She said the savings would enable Victory to complete its own facility in time for the 2007-2008 school year.

Commissioner Van Wart said she appreciated the effort Victory put into their presentation.

Commissioner Powell asked whether Victory's original charter was approved for K-8 only.

Leslie Maulden, Victory board member, said Victory was approved for K-7 in its first year, with expansion to include 8th grade thereafter.

Commissioner Reed asked whether Liberty's and Victory's students will be taught together or separately.

Ms. Saunders said the students will be mixed, and approximately one-third of the

students would be victory students.

Commissioner deVera asked whether Victory's financing for their facility hinges on the approval of ninth grade.

Ms. Saunders said the financing is dependent on the approval due to the additional revenue that would result from expansion.

Commissioner deVera confirmed with Ms. Maulding that the "unlimited renewal" section of the contract between Liberty and Victory is being revised to show that the contract will be in effect for one year only.

Commissioner Powell said there are really two issues before the Commission, the first being whether to approve expansion through 12th grade, and the second being whether to approve the temporary sharing of resources between Liberty and Victory.

Chairman Hammond said the Commission should seek assurance that Victory will be able to construct their facility in time and budget properly to continue housing students after the contract with Liberty ends.

Ms. Saunders said Victory's three-year budget demonstrates Victory's ability to afford the new building.

Chairman Hammond asked whether the new facility would house all Victory's students.

Ms. Saunders confirmed that all grades, 1-12, would be housed in the new facility.

Commissioner Powell said the budgets appear to reflect a continued sharing of facilities with Liberty for three years.

Ms. Saunders clarified that the first year shows the shared facilities, and in the following years the same budget line refers to payments on the new building.

Commissioner Powell asked whether Victory will be duplicating Liberty's facility.

Ms. Mauldin said the classroom flow will be the same, but the gym will be smaller.

Commissioner Goesling asked why there should be two charter schools in the same location that mirror each other in facilities and programs.

Ms. Saunders said Liberty is humanitiesbased and Victory is fine arts based, and that Victory's demographic is very different from Liberty's, with 30% of the students being eligible for free and reduced lunch.

Commissioner Goesling asked why the schools can't be combined to share a facility and a student body, while maintaining the two different focuses.

Ms. Mauldin said the Liberty's building would not be capable of housing a larger student population.

Commissioner Goesling said that, considering both schools' long waiting lists, area students might best be served by the combining of both schools resources in building a larger facility with one gym and cafeteria to house both charter schools.

Ms. Mauldin said she agrees that taxpayer resources should be used in the most efficient manner possible, but noted the value of each school serving a smaller, more focused population. She said the schools could look into Commissioner Goesling's suggestion, but it does not immediately appear feasible.

Chairman Hammond said the matter at hand is the issue of whether to approve Victory's expansion to include high school grades.

Commissioner Goesling said his concern is whether or not Victory will be able to manage the financial stresses of a new building in addition to expanding grade offerings.

Ms. Mauldin noted Liberty's success in filling high school classes and said Victory's families have expressed much interest in a high school option.

Commissioner Goesling asked how Victory would feel about expanding to ninth grade, then coming back before the Commission having explored the possibility of combining with Liberty prior to beginning construction.

Ms. Saunders said she has spent much time in Liberty's high school and said its students chose Liberty for its small environment, which would be lost if the schools were combined.

Commissioner Powell said that, from a distance, it appears that Liberty and Victory are actually one school with two buildings. He expressed understanding that, to the founders, the schools are obviously distinct, but said there may be an outside perception that the schools are "gaming the system."

Ms. Mauldin said the fine arts focus makes Victory very unique and separate from Liberty. She said it would be interesting to examine similar situations between other schools, such as the charter schools in Meridian. However, caution must be taken to avoid a shift toward Liberty and Victory becoming essentially a traditional public school.

Chairman Hammond suggested the Commission consider approving the 9th grade at this time, and reconsidering grades 10-12 in the future.

Commissioner Souza said one of the big issues is funding, as the schools receive more money as two small schools than they would as one large school.

Commissioner deVera said he doesn't believe Victory's and Liberty's intent is to generate additional dollars, but to create a fiscally viable situation. He questioned the wisdom of approving a one-year plan without a sense of what is intended to occur in the future with regard to the possible combination of schools.

M/S (Powell/Van Wart): To approve Victory's expansion to 9th grade and the sharing of space with staff with Liberty for the first year of 9th grade operations.

Commissioner Souza asked if staff is satisfied with the contract between Victory and Liberty.

Ms. Baysinger said staff has not seen the final version of the contract, which is not yet complete, but that conversations with Victory as of the Friday before the meeting resolved many of staff's concerns.

Commissioner Reed asked for clarification on the motion regarding whether the approval of grade 9 would be for one year only or permanently.

Commisisoner Powell said the motion would amend the charter to make Victory a K-9 school.

Commissioner Goesling suggested the motion be amended to include a contingency that the Commission staff approve Victory's contract with Liberty. Commissioners Powell and Van Wart agreed to the amendment.

Amended M/S (Powell/Van Wart): To approve Victory's expansion to 9th grade and the sharing of space and staff with Liberty for the first year of 9th grade operations, providing that Commission staff is comfortable with the contract between Victory and Liberty. The motion passed unanimously.

M.S (Goesling/Van Wart): To direct Victory to discuss with Liberty the possibility of combining the schools in preparation for discussion at a subsequent meeting. The motion passed unanimously.

Commissioner Van Wart also asked that information regarding Liberty's waiting list be provided to the Commission.

4. Compass Public Charter School Amendment

Chairman Hammond invited discussion on the proposed amendments to the Compass bylaws.

M/S (Goesling/Powell): To approve the amendments to Compass Public Charter School's bylaws as submitted. The motion passed unanimously.

Chairman Hammond said Idaho code allows the Commission to delegate the approval of amendments to designees. He suggested that, in the future, the Commission allow staff to consider and approve minor amendments.

M/S (Souza/Powell): To delegate to staff the consideration and approval of bylaw amendments and minor charter amendments. The motion passed unanimously.

Commissioner Goesling expressed his appreciation of staff's support and reports to the Commission.

5. Academy at Roosevelt Center Update

Gretchen Tower, member of the ARC board, updated the Commission on changes to the ARC's board, hiring of faculty and staff, student enrollment, and facility preparation. She said the school is not anticipating any delays in completion of its facility.

Commissioner Powell asked Ms. Tower to identify her top two concerns for the school.

Ms. Tower said most concerns have been already been resolved, but cited the facility remodel as a possible cause of delays.

Commissioner deVera asked if the current enrollment of 225 would be sufficient to keep the school on budget.

Ms. Tower said the budget is based on enrollment of 200, and the break-even point is 180, so the ARC is very comfortable with its current enrollment.

6. Garden City Community School Update

Barbara Gaston, president of the Garden City board, said the school is on target to open the day after Labor Day. She said the school has three new board members for a total of eight board members, in addition to an advisory board that is still under development.

Commissioner Van Wart asked whether any of the board members have children in the school.

Ms. Gaston said two of the board members have children in the school. She said the school has received permits to put portable classrooms on its temporary site in Garden City and the site lease terms have been agreed upon. She said enrollment is at 113, and the greatest number of openings are in the upper grades. She also updated the Commission on the school's hiring, nutrition and transportation arrangements, curriculum development, and budget in which no shortfalls are expected.

Commissioner Van Wart asked whether the school has a contingency plan in case of a problem with its two portables that are in a flood plain.

Ms. Gaston said the skirting around the portables in the 100-year flood plain will be made of material that can be removed, allowing water to flow under the buildings.

7. Idaho Charter School Network General Update

Kerri Pickett of the Center for School Improvement at Boise State University and the Idaho Charter Schools Network presented an update on the state of charter schools in Idaho and around the nation.