

**REFERENCE: APPROVED MINUTES – January 24, 2008 Public Charter School
Commission Special Meeting**

**PUBLIC CHARTER SCHOOL COMMISSION SPECIAL MEETING
THURSDAY, JANUARY 24, 2008
650 WEST STATE STREET
BOISE, IDAHO**

A special meeting of the Idaho Public Charter School Commission was held by teleconference on Thursday, January 24, 2008 at 650 West State Street, Boise, Idaho. Chairman Goesling presided. The following members were in attendance:

Paul Powell	Alan Reed	Esther Van Wart
Brad Corkill	Gayann DeMordaunt	

Commissioner Joe deVera was absent.

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

1. Proposed Legislation: Senate Bill 1294

Chairman Goesling asked Tamara Baysinger, Commission staff, to introduce the first agenda item.

Ms. Baysinger said SB 1294, sponsored by Senator Schroeder, would move the Commission from the Office of the State Board of Education to the Office of the Governor. She said staff's concerns about the bill include loss of easy access to education experts in the Board office and State Department of Education. She said the bill removes the responsibility of staffing the Commission from the Board office and does not replace it with staffing via another entity.

Chairman Goesling noted that the bill does not indicate from where the Commission would receive funding if the bill were to pass. He said he has discussed with Senator Schroeder the need for additional financial support for the Commission via a line item in the Board's budget, but he said he did not intend for the Commission office to move locations.

Commissioner Corkill said he did not see a need for the bill.

Ms. Baysinger referred to the bill's statement of purpose, which indicated that the bill was intended to remove the conflict of interest arising from appeals of Commission decisions being brought before the Board. She said both the Commission and the Board are free to make their own decisions based on facts regardless of the location of the Commission office, and the Commission's attorney is not the same individual who would advise the Board in case of an appeal.

Commissioner Reed said the same situation occurs in the traditional school system. He cited an example that an administration's handling of a teacher problem could be appealed to the district board, which hires the administrator.

Commissioners Powell, Corkill, DeMordaunt, and Chairman Goesling agreed that they have not experienced any conflict as a result of being housed in the Board office.

M/S (DeMordaunt/Powell): To direct staff to testify in opposition to SB 1294 on behalf of the Commission. *The motion passed unanimously.*

Chairman Goesling clarified that Commissioners may testify as well, and Ms. Baysinger added that any Commissioner may testify on his or her own behalf regardless of whether the Commission has taken an official position.

Jan Sylvester, a member of the public from Meridian, Idaho, said she was present in a Senate Education committee during which SB 1294 was discussed. She said Senator Schroeder indicated that part of the purpose of his bill was to get a budget line item for funding for the Commission, and she was unfamiliar with the details regarding physical relocation of staff. She suggested the Commission attempt to determine whether the Commission can get a line item under its current arrangement.

Chairman Goesling said he feels the best arrangement is for the Commission to have a line item run through the oversight of the Board office. He said the goal is for the Commission to have a larger budget enabling Commissioners to participate in a greater number of activities appropriate to their duties.

2. Staff Update: Other Proposed Charter School Legislation

Ms. Baysinger said RS 17402, sponsored by the Commission to clarify the meaning of fiscal soundness for purposes of charter school oversight, went to print on January 23, but the hearing was not yet scheduled.

Chairman Goesling asked Commissioner Powell to be present for the hearing.

Ms. Baysinger said RS 17413 was delayed pending a meeting between herself and some interested legislators who wished to discuss possible changes to the proposed definition of virtual schools. She said she would keep the Commission updated on the outcome of that meeting and noted that a change in the proposed language could result in a loss of stakeholder support for the bill.

Ms. Baysinger said RS 17585 was also approved on January 23 by the House Education Committee to go to print. She said the bill was sponsored by Representative Bolz, who worked with the Vision Charter School representatives on new statutory language permitting a charter school to relocate across district lines within its attendance area upon agreement of all involved parties. She said staff had identified

several technical problems with the language but was most concerned about the clause requiring the Commission to approve any charter amendments related to a transfer of location. She said this language could obligate the Commission to approve a site in an unsafe, fiscally irresponsible, or even illegal location.

Commissioner Powell asked Ms. Baysinger to review for the Commission the facilities situation faced by Vision Charter School. He noted that it is generally considered bad policy to create statute for the resolution of a single school's problem.

Ms. Baysinger said Vision Public Charter School's attendance area consists primarily of land within the Middleton School District. However, because Vision was referred to the Commission by the Vallivue School District, the charter school needed to place its physical location on land within the Vallivue School District, a situation resulting in limited facilities options for the school. She said the Commission previously denied Vision's request to relocate within the Middleton School District.

Chairman Goesling said perhaps Vision should have appealed the Commission's denial of Vision's request to relocate in Middleton to the Board.

Ms. Baysinger said that would have been an option, but the time limit for such an appeal is well past.

Commissioner Powell noted that the Commission's denial was based on the lack of legal grounds permitting the Commission to approve a move across district lines. He said he does not have a problem with the concept of the bill, if the technical problems identified by staff could be resolved.

Ms. Baysinger clarified that the Commission cannot change the language proposed by Rep. Bolz, but may choose whether or not to take an official position on the bill, either in favor of or in opposition to it.

Commissioner DeMordaunt suggested the Commission prepare an alternate draft of the bill addressing the Commission's concerns.

Chairman Goesling asked Ms. Baysinger to contact Rep. Bolz regarding the Commission's concerns about the bill.

3. Commission Discussion: Process for Future Legislation-Related Decision Making

Ms. Baysinger said Chairman Goesling asked for this discussion to be included on the agenda due to the tight timeframes that occur during the legislative session. She said hearings may be announced with as little as one day's notice and asked the Commission for guidance regarding how it would like to handle decision-making with regard to legislative matters.

Jennifer Swartz, Commission counsel, advised that it would be inappropriate for a quorum of Commissioners to discuss issues except in public forum. She said that in her opinion, one-on-one discussions between Commissioners with the intent of reaching group consensus would violate the intent of open meeting law.

The Commission discussed several options and agreed to appoint a legislative sub-committee. Commissioner's DeMordaunt, Powell, and Corkill were appointed to the sub-committee, with Commissioner DeMordaunt serving as chair.

Chairman Goesling adjourned the meeting at 9:35 a.m..