

**APPROVED MEETING MINUTES
PUBLIC CHARTER SCHOOL COMMISSION MEETING
THURSDAY, FEBRUARY 9, 2012
700 W. STATE STREET, BOISE, IDAHO
JRW WEST CONFERENCE ROOM**

A regular meeting of the Idaho Public Charter School Commission (PCSC) was held Thursday, February 9, 2012, at 700 W. State Street, Boise, ID, JRW West Conference Room. Chairman Alan Reed presided.

The following members were in attendance:

Brad Corkill
Wanda Quinn

Gayann DeMordaunt
Esther Van Wart

Gayle O'Donahue

Absent: Nick Hallett

Chairman Reed called the meeting to order at 10:45 a.m.

1. Commission Work

M/S (DeMordaunt/Corkill): To approve the agenda as published.

The PCSC has approved April 5, 2012, and May 31, 2012, as the dates and Boise, Idaho as the location for its regularly scheduled meetings to follow the February 2012 meeting.

M/S (O'Donahue/DeMordaunt): To approve July 24, 2012, as the date and Boise, Idaho as the location for the following regularly scheduled PCSC meeting. *The motion passed unanimously.*

M/S (DeMordaunt/Van Wart): To approve the meeting minutes from December 15, 2012, as submitted. *The motion passed unanimously.*

2. Rolling Hills Public Charter School (RHPCS) Corrective Action Plan

Ms. Brock Larson, RHPCS Board Chairman, reviewed the corrective action plan regarding the school's failure to hold board elections in compliance with its bylaws. Applications for prospective board members will be collected and the election will be postponed to February 22-23.

Commissioner DeMordaunt expressed frustration with RHPCS's unacceptable delay in holding the elections, particularly in light of RHPCS's past defects with regard to the same issue.

Ms. Larson said RHPCS was unable to assemble a quorum to hold an annual board meeting in July. She said that, at the next meeting, the board agreed to appoint an election committee to develop a board election process. New board members will

be sworn in at the March 8th meeting. The following board elections will be held on the 3rd Monday of each July.

Commissioner DeMordaunt asked if the delay was due to stakeholder concerns.

RHPCS said that if they had not delayed the elections of February 1st, they would have had very unhappy stakeholders.

Commissioner Corkill asked how many board members there are and why there was not a quorum present in July.

Ms. Brock Larson said it was difficult for board members to be available and to get viable candidates during the summer months.

Commissioner Van Wart asked what RHPCS's plan is to prevent these problems from recurring.

Ms. Brock Larson said RHPCS does need to address that issue. The election committee will have a board election plan prepared for the school's April board meeting.

Commissioner DeMordaunt acknowledged RHPCS's progress in addressing financial strains but said those issues do not excuse the lack of focus on governance. She requested additional weekly reporting for the next several months to ensure the school's board is on track.

The Commission agreed to leave the notice of defect in place until additional board members are elected and the following year's board elections have been held appropriately.

RHPCS asked how they should handle a situation in which the school holds elections but is unable to attract viable candidates.

Chairman Reed indicated that giving such advice is out of the scope of the Commission's role as an authorizer.

Commissioner O'Donahue said that if the process needs to be changed, then it is up to RHPCS to change the process. However, not following the process in place is unacceptable.

Commissioner Quinn asked RHPCS to submit an updated corrective action plan.

Keelie Campbell, PCSC staff, said an updated corrective action plan has been submitted, but came after the deadline for meeting material submission.

3. Blackfoot Community Charter Learning Center (BCCLC) Corrective Action Plan and Proposed Charter Amendment

BCCLC representatives included Fred Ball, Administrator, Mr. Stacey Lilya, Board Vice-Chairman, and Jocelyn Hayes, Head Teacher. Mr. Lilya read the following statement:

“After having read the staff report on BCCLC, and having discovered that it is neither complete nor unbiased, we feel at a loss as to how to present our case in the time allocated. The important information has been omitted and much that is included is heavily filtered and thereby misleading. Staff recommendations are structured in such a way as to promote an unfavorable attitude against the school which therefore makes it impossible for the school to be considered in a fair and unbiased manner. We therefore choose to make no additional presentation at this time, recognizing that it is not possible to correct the situation under these meeting circumstances. We therefore request consideration at a future date and request to be heard in executive session to discuss a PCSC personnel issue.”

Commissioner DeMordaunt clarified with the BCCLC representatives that the statement did represent both BCCLC’s board and administration.

The PCSC asked BCCLC to repeat the statement, and Ms. Hayes complied.

Commissioner Van Wart asked whether BCCLC is refusing to discuss why they are unhappy.

Ms. Hayes and Mr. Ball said they feel this is an inappropriate venue and there is not enough time to clarify as necessary.

Commissioner DeMordaunt asked what the impact to BCCLC would be if the issues on today’s agenda are delayed until the next meeting.

Tamara Baysinger, PCSC director, said BCCLC is requesting an enrollment expansion and a delayed decision could impact their lottery process.

Ms. Hayes said waiting until April for a decision would not be a problem. She said the school will not announce any enrollment expansion until such expansion is approved by the PCSC.

Commissioner DeMordaunt indicated that the notice of defect would remain in place. She said she would approve BCCLC’s request to be on the next meeting’s agenda.

Commissioner Corkill noted that two, separate issues are at play: discussion of when agenda items will be heard and an apparent disagreement with PCSC staff.

He said he did not see the staff issue or executive session request as related to PCSC's ability to discuss the corrective action plan and proposed amendment.

Ms. Hayes said the BCCLC representatives do not want to debate their reasons, but wish to come back in April when they can be fully prepared to address the corrective action plan and proposed amendment, as well as the personnel issue.

Commissioner Corkill asked why this issue was not brought to the attention of the PCSC Chairman prior to this meeting.

Ms. Hayes said BCCLC does not wish to debate but prefers to wait until April for a discussion so they can compile what they need to in preparation for that kind of meeting.

Commissioner DeMordaunt clarified she is not agreeing to an executive session or discussion of PCSC staff. She is only asking whether delaying consideration of the corrective action plan and proposed amendment would have a detrimental impact on the school or its students.

Chairman Reed asked if materials submitted were left out of today's meeting materials.

Mr. Lilya said the material had been twisted to fit someone's agenda and was not what was submitted.

Commissioner O'Donahue asked if all the materials submitted by the school were included in the meeting materials.

Ms. Baysinger said she believes everything the school submitted is included in the meeting materials. The school may disagree with conclusions regarding those documents, but she does not believe PCSC staff extracted anything that was sent.

Mr. Ball said BCCLC's contention is that the PCSC has not had access to all the information.

Commissioner O'Donahue asked again whether BCCLC believes the PCSC does not have all the materials.

Mr. Ball said this is correct.

Commissioner O'Donahue asked what materials are missing.

Mr. Ball said that is more than they wish to discuss at this time. He said that what the report contains and what was submitted are not the same.

Commissioner O'Donahue said the materials include a report that contains staff's perspective, which the PCSC then considers in the context of the entire packet of information. She said that even if unfavorable issues are identified, the PCSC meetings are the school's opportunity to work through such issues.

Mr. Ball said the PCSC staff report was not published at a point in time that would have permitted much earlier notification to the PCSC of the school's concerns.

Chairman Reed indicated that this meeting would be the appropriate time and place for the school to present its case.

Mr. Ball said BCCLC did not feel comfortable raising its concerns here, and that is why an executive session is being requested.

Chairman Reed expressed concern about the precedent that would be set by holding an executive session because a school disagrees with something staff has written. He indicated it would be more appropriate for the school to simply present to the PCSC its own perspective. The Commission will review what the school submits, what the PCSC staff has written, and have a discussion with the school before determining what decision should be made.

Mr. Ball said this is not a case of simply being unhappy. It is a case of misrepresentation of information. He said that if the PCSC wishes to address these concerns in an open forum, BCCLC can do so at the April meeting.

Commissioner Corkill said that if BCCLC takes contention with data in the PCSC report, the appropriate thing is to bring those concerns to the meeting and express them.

Mr. Ball said they can do that if the Commission wishes to have this aired in a public forum.

Commissioner Corkill cautioned the school regarding what they air and reiterated that if BCCLC has contention with the facts, they should bring it out in a rational manner, so all parties can deal with it.

Mr. Ball said that whether the PCSC has the facts is the issue. He believes the staff reports lead the Commission in a certain direction and they want fair representation on their side.

Mr. Lilya said ten minutes is not enough time to have a full discussion.

Commissioner Quinn asked whether BCCLC has an issue with the information the PCSC received regarding the fiscal aspect of the corrective action plan.

Mr. Ball said the two issues are too intertwined to permit a separate discussion.

Commissioner Quinn confirmed that BCCLC disagrees with the information in the materials and is not prepared to deliver information illustrating the school's perspective.

Commissioner DeMordaunt said the PCSC is very thorough in reviewing the materials to the best of their ability given the one week review timeframe. She said that, while these materials include PCSC staff comments and recommendations in accordance with the standard practice of every commission or board in the state, these comments merely inform Commissioners and do not by any means determine the outcome of meetings. PCSC decisions do not reflect staff recommendations, as decisions are made solely by the PCSC and not by staff. She indicated that she is not willing to have a discussion as to whether the PCSC will or won't hear anything regarding staff, publicly or in an executive session. However, she is comfortable if all BCCLC is asking for is time to present more materials that the Commission needs to review to gain a full picture of the school.

Mr. Ball said BCCLC genuinely feels that the Commission is concerned with what is best for charter schools. His concern is that the Commission does not have the information it needs to make a decision at this time, and he believes that this lack of information is not BCCLC's fault.

Chairman Reed asked if BCCLC feels their information was changed or omitted, rather than BCCLC merely taking issue with conclusions.

Mr. Ball said BCCLC believes there were some omissions and changes to what was submitted.

Commissioner Corkill said there could have been a more diplomatic and tactful way for BCCLC to address these concerns. Simply requesting a delay would have been more appropriate.

Chairman Reed said a phone call to him on Tuesday or Wednesday would have been appropriate.

Mr. Ball said the statement BCCLC read was drafted during the drive to today's meeting. He said that BCCLC was prepared to present, but given the nature of the information the PCSC has in its possession, it would be counterproductive for BCCLC to pursue any other course.

Chairman Reed suggested a delay in BCCLC's presentation until April's meeting. He said the PCSC would consult with counsel and consider how the matter would be addressed at that time.

Ms. Swartz said there are a number of exceptions that allow a body to go into executive session. One of these is to discuss personnel issues, including complaints about

employees. There are other ways to go about it as well and how to approach this matter is at the discretion of the Commission.

Chairman Reed indicated that BCCLC's corrective action plan materials and discussion regarding the notice of defect will need to be presented in an open meeting.

Commissioner Van Wart emphasized that, if there is information a school believes needs to be corrected, PCSC meetings are the venue in which to have that discussion.

Chairman Reed agreed that if the school doesn't agree with information in the staff report, they should present what they believe to be accurate information.

Mr. Lilya said the issue goes back to late 2010 when BCCLC made AYP but didn't have a fair case given in the information presented.

The PCSC agreed to delay BCCLC's presentation until the April meeting.

Chairman Reed asked the school to be prepared to make a full presentation in April.

4. Heritage Community Charter School (HCCS) Annual Update and Proposed Charter Amendment

Richard Hammond, Board Chairman; Jean Taylor, Acting Administrator; Robb MacDonald, Board Treasurer; Josh Gregory, Board Member; Chris Yorgason, HCCS Counsel; Trey Klauss, Board Member; Lon McCrae; Board Vice-Chairman; Tamara Strikwerda, Board Secretary; and Kirsten Masters, PTO Officer, represented HCCS.

Chairman Reed clarified that the 10-minute presentation limit was established in light of a very full agenda. The restriction was intended to ensure sufficient time for Commissioners to ask questions of schools. The agenda was shortened after schools were notified of the time limit, which now permits greater flexibility.

HCCS reported on the following:

- Board Turnover: This item has been resolved.
- Bylaws: Changes to the bylaws have been reversed to the original plan of an all appointed board during the first year of operation, one elected board position in the second year, and two elected board positions the third year. The school withdrew its proposed bylaws amendment.
- Stakeholder Trust: The board has recognized the Parent Teacher Organization and trust has improved over the last two months.
- Board's Governance Role: Lisa McIntosh has been hired to review finances. The board will begin receiving a complete balance sheet monthly.
- Open Meeting Law Compliance: Mr. Yorgason has worked with the board to ensure all previous meeting minutes have been approved and that they are

posted to the website. He is reviewing board agendas, attending meetings, taking minutes, and ensuring compliance with open meeting law.

- Board Chairman/Vice-Chairman: HCCS received letters with concerns about Mr. McRae when he was the Board Chairman. The board investigated and found no validity to the concerns. However, Mr. McRae did volunteer to step down to Vice-Chairman.
- Board Training: Brian Carpenter will be providing training on February 15th and 16th.
- Enrollment Rates in Grades 9-12: Current enrollment is 510 and there are waiting lists in every grade except 6th. There are a total of 217 students on the waiting lists.
- Parent Survey: HCCS received a 53% survey return rate.
- Facility Lease Payment Increase: Financial and marketing positions were eliminated for a savings of \$147,735. The net savings, deducting for outsourcing services and a teacher going to part-time, are \$63,830, plus payroll taxes, unemployment, etc. The year should end with a small carryover.
- High Number of Student Disciplinary Issues: When the school opened, the majority of the discipline problems were in the upper grades as a majority of secondary students came from alternative schools in the area. There was some gang and drug activity, which resulted in several suspensions. Demographics include 76% Free and Reduced Lunch and 30% Hispanic populations.
- Testing Results: Every student (K-3) was screened for both reading and math and then screened again in the fall. The Title I program is up and running, math interventions, RTI, progress monitoring, and referrals are being made to Special Education as necessary.
- Non-Compliance Regarding Dissemination of Enrollment Information/Lottery Date: Mr. McRae said the date of enrollment was delayed to begin on February 8th and the lottery has been delayed to May 12th.

Commissioner DeMordaunt said she feels stakeholders are under-represented in HCCS' bylaws.

Commissioner Corkill expressed concern with negative survey results regarding the handling of disciplinary issues.

Commissioner DeMordaunt noted the parent survey results were less positive than the PCSC typically sees. She suggested that, since this is an opening year, parents be re-surveyed at the end of the school year.

5. Heritage Academy Annual Update and Proposed Charter Amendment

Kelly Bangerter, Board Chairman; Anneli Crouch, Board Secretary; Kala Tate, Board Treasurer; Cheryl Kary, Business Manager; Randy Reddington, Administrator; and Blair Crouch, Board Vice-Chairman, represented Heritage Academy.

Mr. Bangerter reported enrollment started at 130 and has increased to 148, with a 134.85 average daily attendance. He provided a general update on the status of the school and noted student demographics that are comparable to the Jerome School District.

Mr. Bangerter introduced a proposed charter amendment that would permit increased enrollment. He said the school would prefer the proposed amendment be changed to replace the word “cap” with “average” in order to accommodate twins.

Commissioner DeMordaunt asked what demand there has been for Kindergarten seats at Heritage Academy.

Mr. Bangerter said 86% of parents responded in a phone survey saying they would enroll in Heritage if given the opportunity. Many parents also would like having upper grades for growing students through the school.

Commissioner DeMordaunt inquired whether Heritage has completed budget projections that reflect the possibility of an inability to fill the seats in 5th and 6th grades.

Ms. Tate reported that Heritage will incur a net loss of \$97,000 for the first year, which will be covered by the Albertson’s grant. In year two, the school faces a \$55,000 loss. Enrollment growth is critical to the school’s survival. A facility refinance is also being investigated due to an upcoming balloon payment. Heritage is working with the USDA on a 4% interest loan, with a 30 year term, which would save \$30,000 per year on mortgage payments. Some of the equity in the building would be used for upgrades and repairs to the aging facility.

Commissioner Van Wart asked if the Heritage has a full-time special education teacher. She also inquired whether the school is complying with its charter by providing enrichment clusters and foreign language instruction.

Mr. Reddington said he is working toward certification and the school is considering adding one position as a half-time special education teacher and a half-time Title I coordinator. Enrichment clusters are being introduced gradually.

Ms. Crouch said as Heritage became more immersed in the program, they learned that enrichment clusters are not held weekly as the petitioners originally believed.

Mr. Bangerter said the foreign language commitment was unintentionally included in the charter.

Ms. Baysinger said the law does not make a provision for a situation in which the school is violating the existing charter, but plans to change it. The PCSC’s role is to determine whether the school is in violation of the charter as it currently stands. If

so, the PCSC is obliged to issue a notice of defect. Part of the corrective action may involve a revision of the school's charter.

Mr. Bangerter said Heritage plans to revise the charter.

Chairman Reed asked how Heritage will increase enrollment, particularly in light of the small waiting list.

Mr. Bangerter said the Jerome School District contacted parents and had them sign an agreement to return the following year. Many parents felt bound by that agreement.

Commissioner O'Donahue said the PCSC has previously approved enrollment increases for schools with larger waiting lists than what Heritage currently has, yet those schools have struggled to fill seats.

Commissioners O'Donahue and DeMordaunt said they felt the school would benefit from providing more documentation of community interest.

Commissioner Quinn requested updated waiting lists at the next meeting.

Ms. Baysinger said the reason PCSC staff recommends using the word "cap" is that "average" does not provide a firm cut off. The law does not make any distinction between twins or other siblings. Use of the word "average" could lead to a violation of Idaho statute.

M/S (DeMordaunt/Van Wart): To direct staff to issue to Heritage Academy a notice of defect on the grounds of material violation of a condition, standard, or procedure set forth in the approved charter, specifically with regard to Tab 3, Methods of Instruction and Educational Goals, and Tab 2, Special Education Coordinator. *The motion passed unanimously.*

6. The Village Charter School Annual Update

Lee Miller, Board Chairman; Janie Knox, Board Vice-Chairman; Dr. Teresa England, Administrator; and Lisa McIntosh, Business Manager/Accountant, represented The Village.

The Village representatives provided an annual update on the status of the school.

Commissioners Van Wart and DeMordaunt commended the school for their excitement and organization.

7. Legacy Charter School Annual Update

Commissioner O'Donahue recused herself from this discussion due to her involvement with Legacy Charter School.

Sheila Bryant, Vice Chairman; Seth Stallcop, Co-Administrator; Niki Crow, Board Clerk; and Rebecca Stallcop, Harbor Method Founder, represented Legacy.

Ms. Bryant provided an update regarding the status of the school.

Ms. Stallcop took responsibility for the school's failure to go out to bid for the busing contract. She said the bidding process is now underway.

Ms. Bryant said Legacy anticipates ending year one with a \$75,000 deficit, but by the end of year two, a carryover of \$11,000 is expected. Despite this challenge, financing has been secured for the school's permanent facility.

Commissioner Quinn excused herself and a quorum remained present.

M/S (Corkill/DeMordaunt): To direct staff to issue to Legacy Charter School a notice of defect on the grounds of material violation of a condition, standard, or procedure set forth in the approved charter, specifically, Tab 8, Transportation and violation of a provision of law, specifically, I.C. 33-1510(2).
The motion passed unanimously.

M/S (Corkill/DeMordaunt): To direct staff to issue to Legacy Charter School a notice of defect on the grounds of failure to demonstrate fiscal soundness as defined by Section 33-5209(2)(d), Idaho Code. *The motion passed unanimously.*

8. Idaho Science and Technology Charter School (ISTCS) Annual Update

Gary Larsen, Principal; Holly Lilya, Board Treasurer; Mike Kitzmiller, Board Member; and Tami Dorch, Curriculum Coordinator, represented ISTCS.

The ISTCS representatives provided an update regarding the status of the school.

Commissioner Van Wart asked ISTCS to ensure that the public can access their website, as some internet searches have yielded poor results.

Ms. Dorch said there are 10 grade schools and 4 systems within the school district. ISTCS anticipates that as more students come to ISTCS for reasons other than escaping a different system, ISAT scores will improve.

Commissioner DeMordaunt commended the school for their trend lines and increases in ISAT scoring.

Chairman Reed asked how ISTCS was able to build its facility.

ISTCS reported the developer used a sliding scale payment plan based on enrollment. Lease payments began at 50% through the school year even though ISTCS had occupancy.

Commissioner Van Wart asked why ISTCS has been slow to respond to staff requests.

Ms. Dorch said ISTCS has had significant technological issues, but they have been cleared up.

Commissioner O'Donahue asked if there are some busing or transportation issues.

ISTCS said Brandon Phillips, SDE Transportation Specialist, visited the school to review ISTCS's transportation program and explain reimbursement requirements.

Ms. Baysinger clarified that the SDE became concerned about the manner in which ISTCS and BCCLC shared transportation and funding. The most recent report she received from the SDE indicated that ISTCS was not in violation, but the outcome for BCCLC remained in question.

M/S (Van Wart/Corkill): To direct staff to issue to Idaho Science and Technology Charter School a written notice of defect on the grounds of failure to substantially meet any of the measurable student educational standards identified in the approved charter, specifically, MSES 6 with regard to ISAT results. *The motion passed unanimously.*

Commissioner DeMordaunt commended the school regarding growth in the ISAT results and she is confident in their ability to correct the defect.

9. DaVinci Charter School Annual Update

Cindy Hoovel, Administrator; Laurel York Odell, Board Chairman; and Michele Roth, Business Manager, represented DaVinci.

Ms. Hoovel provided an update regarding the status of the school.

Ms. Baysinger said the PCSC issued a notice of defect to DaVinci last January on the grounds of failure to meeting their measurable student educational standards (MSES). The corrective action plan included the intent to amend the charter; however, due to a miscommunication, the revised standards were never formally submitted or approved. Regardless, DaVinci has not met either set of MSES.

Chairman Reed said the notice of defect will remain in effect. PCSC staff will investigate the status of the school. He requested the school to keep the PCSC updated on progress towards correction of the defect.

M/S (Van Wart/DeMordaunt): To adjourn the meeting. *The motion passed unanimously.*

The meeting was adjourned at 3:02 p.m.