

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 August 12, 2014; September 2, 2014; and September 5, 2014?

COMMISSION ACTION

A motion to approve the meeting minutes from August 12, 2014; September 2, 2014; and September 5, 2014.

3. Calendar

The PCSC holds regular meetings on the second Thursday of every other month.

COMMISSION ACTION

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.

**DRAFT MEETING MINUTES
PUBLIC CHARTER SCHOOL COMMISSION MEETING
TUESDAY, AUGUST 12, 2014
700 WEST JEFFERSON STREET
STATE CAPITAL, EW 41, BOISE, IDAHO**

A regular meeting of the Idaho Public Charter School Commission (PCSC) was held Tuesday, August 12, 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 members were in attendance:

Gayle O'Donahue
Nick Hallett
Wanda Quinn
Brian Scigliano
Esther Van Wart

Chairman Reed called the meeting to order at 9:00

A) COMMISSION WORK

1. Agenda Review / Approval

M/S (Quinn/O'Donahue): To approve the agenda as presented. *The motion passed unanimously.*

2. Minutes Approval

M/S (Quinn/O'Donahue): To approve the meeting minutes from June 17, 2014 with the following amendments: correct references to Dr. Kleinhert, changing to Mr. Kleinhert. *The motion passed unanimously.*

B) CONSIDERATION OF CHARTER PETITIONS

1. North Star Charter School (NSCS) Transfer Petition

Bill Russell, Vice Chairman of the Board, Shirley Rau, Teacher, George Coburn, Finance Director, and Ellen Days represented NSCS. NSCS presented its transfer petition using a PowerPoint presentation.

Mr. Russell spoke to the budget issues of NSCS. NSCS had to take out a construction loan of \$12 million at 9% with \$1.2 million debt service for 25% of its

budget. He advised that the process of change has been a long, collaborative effort with bond holders, but NSCS believes it has completely solved its budget problems.

NSCS has an obligation to only do debt service on A and C bonds from \$12 million to \$6 million; \$490,000 is the yearly debt service now. NSCS only has an obligation to make payments at the end of the year on the B bonds if they have funds remaining after building back their reserves. B bonds are due 2049. Bonds will be restructured and renegotiated again. Because NSCS' annual payment of \$1.2 million is now down to \$490,000, the school can afford to move forward.

Mr. Russell introduced George Coburn and stated that Mr. Coburn is present to answer questions.

Shirley Rau, NSCS teacher, gave a presentation to answer academic questions. She provided a brief overview of the school, advising that the curriculum is designed by the teachers to accelerate the learning of all students.

Chairman Reed stated that NSCS's financial documents needs to be completed using the PCSC templates. He asked NSCS why they wanted to transfer.

Bill Russell responded that the Meridian School District wants NCSC to transfer. The school and district have had a difficult relationship in the past, particularly with regard to NSCS's financial situation.

Commissioner Scigliano inquired whether NSCS still had reserves. If excess reserves were used to pay down Series B, would NCSC have adequate contingency reserves?

Bill Russ responded that at this point NSCS's reserves are exhausted. At the end of every year, there will be some funds left, and NSCS will use that to start building a reserve. When reserve is replenished, then B series bonds are paid.

George Coburn said NSCS's operating reserve is 10% of operating fund, which is currently about \$400,000.

Commissioner Quinn commended NSCS for its academic performance and noted the importance of fiscal stability.

Chairman Reed inquired how NSCS arrived at its financial crisis.

Bill Russell stated that poor decisions were made by former board members, none of whom now continue to serve on the NSCS board. In 2009, NSCS took out a

construction loan with long-term financing at an unsustainable rate. The nationwide economic downturn impacted the school's ability to refinance.

Chairman Reed noted that NSCS needs to take additional steps to meet the quality standard established in the PCSC's petition evaluation rubric.

M/S (Hallett/Scigliano): To delay the decision and direct staff to issue to North Star Charter School a written response identifying the specific deficiencies in the petition, including items already identified on the Petition Evaluation Rubric included in these meeting materials.

C) CHARTER SCHOOL ANNUAL UPDATES

1. Kootenai Bridget Academy (KBA)

KBA provided a written report only. The Commission had no comments or questions regarding KBA's annual update.

Commissioner Quinn inquired about KBA's academic performance, and why the new framework was not used.

Ms. Baysinger explained that no test data was available from the state this year.

2. North Idaho STEM Academy (NI STEM)

NI STEM provided a written report only. The Commission had no comments or questions regarding NI STEM's annual update.

3. Palouse Prairie School of Expeditionary Learning (PPSEL)

PPSEL provided a written report only. The Commission had no comments or questions regarding PPSEL's annual update.

D) CONSIDERATION OF PROPOSED CHARTER AND PERFORMANCE CERTIFICATE AMENDMENTS

1. Bingham Academy (BA) Proposed Performance Certificate Amendments

Pat Kolbet, Business Manager, and Doug Owen, Administrator, represented BA via telephone.

Pat Kolbet and Doug Owen appreciated being given the opportunity to add a 4th goal. Mr. Owen said BA was able to make sure they had a quality assessment

and a useful measure for STEM results at the school.

M/S (O'Donahue/Quinn): To approve the proposed performance certificate amendments as submitted by Idaho STEM Academy doing business as Bingham Academy. *The motion passed unanimously.*

2. Compass Charter School (Compass) Proposed Performance Certificate and Charter Amendments

Kelly Trudeau, Administrator, Michael Adolph, Board Chairman, Jason Helsing, Board Secretary, and Cindy Stover, Business Manager, represented Compass.

Commissioner Van Wart verified with Chairman Reed that although the Meridian district was invited to comment on the proposal, no such comment had been received.

M/S (Scigliano/Van Wart): To approve the proposed performance certificate and charter amendments as submitted by Compass Charter School. *The motion passed unanimously.*

3. Idaho Science and Technology Charter School (ISTCS) Proposed Performance Certificate, Charter, and Bylaws Amendments

Tami Dortch, Administrator, Kelly Moulton, Board Chairman, NS Becky Adams, Board Vice Chairman, represented ISTCS.

Ms. Moulton introduced the proposed amendments.

Ms. Dortch explained the reasoning behind the proposed 4th and 5th grade pilot program, citing substantial community interest. ISTCS sent a survey to parents to identify needs; 35 parents responded the first week, and 65 more have responded. She described the academic program that ISTCS would provide, as well as the school's improved financial status. Upon audit, ISTCS's completion carryover is \$56,000, which is an increased by \$45,000. ISTCS is calculating next year's at \$77,000 with or without the pilot program. The first year of the program would be revenue negative, but ISTCS is prepared to absorb the cost. ISTCS has modular that are approved for occupancy. Market interest for 4th grade exceeds the seats available.

Commissioner Quinn commented that she is pleased to see that ISTCS's proposal is based on programmatic, rather than financial, concerns.

October 9, 2014

M/S (Quinn/Hallett): To approve the proposed performance certificate, charter, and bylaws amendments as submitted by Idaho Science and Technology Charter School. *The motion passed unanimously.*

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

The meeting adjourned at 10:22.

October 9, 2014



IDAHO PUBLIC CHARTER SCHOOL COMMISSION

304 North 8th Street, Room 242 • P.O. Box 83720 • Boise, ID 83720-037
208-332-1561 • Fax: 208-334-2632
e-mail: charter@osbe.idaho.gov

**PUBLIC CHARTER SCHOOL COMMISSION
SPECIAL MEETING**

September 2, 2014

304 N 8th Street, Boise, ID, Room 242
Office of the Public Charter School Commission - Conference Room

Meeting Called to Order by Chairman Reed at 11:33 a.m. The following Commissioners attended by phone or in person:

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

M/S (DeMordaunt/Hallett): To go into executive session pursuant to Idaho Code Section 67-2345(1)(d) to consider records that are exempt from disclosure as provided in chapter 3, title 9, Idaho Code.

A roll call vote was taken.

The motion passed unanimously.

The PCSC reconvened in open session at 1:30 p.m.

Commissioner Scigliano stated his intention to make a motion, and began with the following explanation:

On August 28, 2014, Hearing Officer Jean R. Uranga issued a document titled Findings of Fact, Conclusions of Law and Recommended Order in this case (the "Decision"). The Decision was accompanied by a document titled Schedule of Review of Recommended Order. Among other things, that Schedule of Review appeared to place review of her Decision in the Board of Education, not in this Commission, and provided for review of her Decision under the contested case procedures of the Administrative Procedure Act, Idaho Code § 67-5240 through § 67-5254, not under the Public Charter School Act of 1998. For the following reasons, we rescind the Schedule of Review of Recommended

October 9, 2014

Order and retitle her Decision as the Hearing Officer's Findings of Fact and Conclusions of Law.

First, the Hearing Officer was mistaken about the agency who appointed her and who will review her decision. She was appointed by the Idaho Public Charter School Commission pursuant to Idaho Code § 33-5209C(7) and it is this Commission that reviews her decision, not the State Board of Education. Appeals of our decision go to the State Board of Education, see § 67-5209C(8), but it is this Commission, not the State Board, that reviews the Hearing Officer and makes the first decision under § 33-5209C(7).

Second, the Idaho Public Charter School Commission's decision making in and following hearings is not generally subject to the contested case procedures of the Idaho Administrative Procedures Act, Idaho Code § 67-5240 and the following sections. The Public Charter School Act of 1998 does not use contested case terms like "order" to describe determinations under the Act and uses other terms like "decision" to describe this Commission's ultimate determinations under the Act. The Public Charter School Act's limited references to the Administrative Procedure Act are solely for establishing procedures for conducting a hearing, not for establishing procedures for reviewing Hearing Officer's decisions. This Commission was not adopted the Attorney General's Rule of Procedure under the Administrative Procedure Act because review of its hearings and decisions are not governed by the Administrative Procedure Act. See Idaho Administrative Code 08.03.01, Rules of the Public Charter School Commission.

Given the exigency of a school year just starting, the IPCSC may wish to establish an expedited procedure to review the Hearing Officer's decision and reach a final decision.

M/S (Scigliano/Van Wart): To rescind the Hearing Officer's Schedule of Review of Recommended Order; to retitle the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order as Findings of Fact and Conclusions of Law; and to consider the Hearing Officer's Findings of Fact and Conclusions of Law as scheduled for Thursday, September 4, 2014, at 11:15 a.m. MDT. At that meeting, legal arguments of counsel will be held with 20 minutes given per side.

A roll call vote was taken.

The motion passed unanimously.

M/S (DeMordaunt/Hallett) To adjourn the meeting.

The motion passed unanimously.

The meeting was adjourned at 1:37 p.m.

October 9, 2014



IDAHO PUBLIC CHARTER SCHOOL COMMISSION

304 North 8th Street, Room 242 • P.O. Box 83720 • Boise, ID 83720-037
208-332-1561 • Fax: 208-334-2632
e-mail: charter@osbe.idaho.gov

**PUBLIC CHARTER SCHOOL COMMISSION
SPECIAL MEETING**

September 5, 2014

304 N 8th Street, Boise, ID, Room 242
Office of the Public Charter School Commission - Conference Room

Meeting Called to Order by Chairman Reed at 11:30 a.m. The following Commissioners attended by phone or in person:

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

1. Commission Discussion: Consideration of Hearing Officer's Schedule of Review

Chairman Reed advised that only the Commissioners and PCSC staff, as requested by the Commission, would be making oral address during the call; all the all others were invited to listen.

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

A roll call vote was taken.

The motion passed unanimously.

Chairman Reed explained that reason for the meeting was that Odyssey's counsel felt the use of executive session by the Commission on September 2, 2014 was inappropriate, and that Odyssey intended to seek a stay of PCSC action regarding Odyssey's charter on such grounds. Chairman Reed said the September 2, 2014 meeting was appropriate and legal, but he felt it was in the best interest of Odyssey's students to avoid the delay that would be caused by a stay. Therefore, the PCSC is meeting today to again take up the matter originally considered on September 2.

Chairman Reed invited discussion regarding the hearing officer's schedule of review.

Commissioner Scigliano made a motion in several parts and included the following explanation:

October 9, 2014

First, the Hearing Officer was mistaken about the agency who appointed her and who will review her decision. She was appointed by the Idaho Public Charter School Commission pursuant to Idaho Code § 33-5209C(7) and it is this Commission that reviews her decision, not the State Board of Education. Appeals of our decision go to the State Board of Education, see § 67-5209C(8), but it is this Commission, not the State Board, that reviews the Hearing Officer and makes the final decision under § 33-5209C(7).

Second, the Idaho Public Charter School Commission's decision-making in and following hearings is not generally subject to the contested case procedures of the Idaho Administrative Procedures Act, Idaho Code § 67-5240 and the following sections. The Public Charter School Act of 1998 does not use contested case terms like "order" to describe determinations under the Act and uses other terms like "decision" to describe this Commission's ultimate determinations under the Act. The Public Charter School Act's limited references to the Administrative Procedure Act are solely for establishing procedures for conducting a hearing, not for establishing procedures for reviewing Hearing Officer's decisions. This Commission has not adopted the Attorney General's Rule of Procedure under the Administrative Procedure Act because review of its hearings and decisions are not governed by the Administrative Procedure Act. See Idaho Administrative Code 08.03.01, Rules of the Public Charter School Commission.

M/S (Scigliano/Van Wart): To rescind the Hearing Officer's Schedule of Review of Recommended Order and direct staff to issue a Rescission of Hearing Officer's Schedule of Review of Recommended Order. Additionally, to retitle the Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order as Findings of Fact and Conclusions of Law. Finally, to adopt the following procedure for review of the Hearing Officer's Findings of Fact and Conclusions of Law: Due to an exigency that requires a rapid decision on this matter to prevent children attending an unaccredited school whose charter could be revoked, the Commission will consider the Hearing Officer's Findings of Fact and Conclusions of Law on Wednesday, September 10, 2014, at 12:30 p.m. MDT. At that meeting, we will hear oral arguments of counsel. The Commission will allow twenty minutes of argument per side.

Commissioner Quinn inquired whether, in his explanation, Commissioner Scigliano intended to refer to the "first decision" rather than the "final decision" under § 33-5209C(7).

Commissioner Scigliano verified that "first" was the correct word.

A roll call vote was taken.

The motion passed unanimously.

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

The meeting adjourned at 11:42 am.