

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

**September 2, 2014**

304 N 8<sup>th</sup> 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 with the Board of Education, not 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 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 PCSC decisions 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 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.

Given the exigency of a school year just starting, the PCSC 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.