

**Reference: APPROVED MINUTES – July 19, 2007 Public Charter School  
Commission Meeting**

**PUBLIC CHARTER SCHOOL COMMISSION MEETING  
THURSDAY, JULY 19, 2007  
650 W STATE STREET, 3<sup>RD</sup> FLOOR  
BOISE, IDAHO**

A regular meeting of the Public Charter School Commission was held on Thursday, July 19, 2007 at the Office of the State Board of Education, 650 West State Street, Boise, Idaho. Chairman Goesling presided. The following members were present:

Alan Reed

Esther Van Wart

Paul Powell

Gayann Demordaunt

Joe deVera

Chairman Goesling called the meeting to order at 9:05 a.m. and roll was taken.

**1. Commission Work**

Chairman Goesling asked if there were any suggested changes to the agenda, and received none.

September 27, 2007 and November 15, 2007 were previously approved as the next regularly scheduled meetings. The Commission considered and date and time for the following regularly scheduled meeting.

**M/S (Powell/Reed): To approve January 10, 2008 in Boise, Idaho, as the date and location for the regular Commission meeting to follow the November 15, 2007 meeting. *The motion passed unanimously.***

**2. Garden City Community School Update**

Barbara Gaston, GCCS board chair, introduced Cindy Hoovel as the new GCCS administrator. She said enrollment at the school is now 136 and provided a year-end profit and loss statement to Commission staff. The profit and loss statement indicated a net operating loss of \$98,419 and an ending fund balance of negative \$19,213. The Zions Bank loan remains outstanding and the Wells Fargo line of credit has been used. GCCS's intention is to repay both loans upon receipt of its state apportionment at the end of July. No further cash flow problems are anticipated. Ms. Gaston updated the Commission on grants for which GCCS is applying, professional development of teaching staff, and enrollment recruitment efforts.

Chairman Goesling verified with Tamara Baysinger, Commission staff, that the updated GCCS profit and loss statement had been received at the present meeting.

Commissioner Reed expressed disappointment that GCCS did not submit the profit and loss statement in advance of the meeting for inclusion in meeting materials.

Ms. Gaston apologized and said many GCCS board members have been on vacation.

Commissioner Powell also expressed disappointment in GCCS's failure to provide information in a timely fashion. He verified with Ms. Baysinger that the Commission directed GCCS several meetings ago to provide monthly financial statements until further notice.

Commissioner Reed said he is concerned about the management of the school, particularly in the areas of curriculum and classroom management. He said it appears that allowing the school to continue on this path may be doing an injustice to the students. He asked the GCCS representatives to address why discipline issues, particularly physical conflicts, seem to have been allowed to continue at the school.

Ms. Hoovel said that upon taking the administrator position a month ago, she was aware of these problems and is working to address them through teacher training.

Chairman Goesling asked why the discipline problems were not addressed previously.

Ms. Hoovel said she feels the school attempted to address the problem, but was unsuccessful, and that the discipline plan requires some fine-tuning.

Commissioner deVera asked whether a new discipline plan has been developed.

Ms. Baysinger said the original plan is contained in the charter, and staff has not received any proposed amendments.

Commissioner deVera asked what Ms. Hoovel intends to change.

Ms. Hoovel said the board and staff would be involved in any changes to the basic Adlerian plan, and further documentation and training will be used to improve implementation. She said the new plan will be enforced from the first day of school, scheduled for August 27. Parents will be informed about any changes via a new handbook.

Commissioner deVera recommended that GCCS hold an event prior to the opening of classes, at which time the discipline plan will be explained to parents. He asked whether GCCS will have time to reconsider and publish its plan.

Ms. Hoovel acknowledged the schedule is ambitious, but said the changes will be in implementation rather than in the discipline plan itself.

Commissioner deVera said he would like to see the updated plan prior to its implementation.

Commissioner Van Wart noted that changes will likely need to go through the charter amendment process for Commission approval.

Ms. Gaston explained that procedures for implantation will be changed, rather than the actual plan included in the charter.

Chairman Goesling asked whether students who showed repeated disciplinary problems last year will be returning in 2007-2008 and if so, how this will be handled to prevent further difficulty. He noted that the disciplinary plan in the charter allows many repeated offenses prior to escalation of corrective action.

Ms. Hoovel said she agrees there are too many steps in the process.

Ms. Gaston said that, according to the current plan, every referral for a behavioral issue should result in counseling action by the school.

Chairman Goesling asked whether such action was taken during the last school year and whether this action was documented.

Ms. Gaston said action was not consistently taken. Commission staff has received the documentation that is available, but it is limited. She said she doesn't have details of the complaints against the school.

Ms. Hoovel said she understands the details about which the Commission is concerned and is prepared to address them.

Chairman Goesling verified with Ms. Gaston that only one GCCS board member was present at this meeting. He expressed concern about the apparently limited involvement of the GCCS board in ongoing discussions with the Commission.

Ms. Gaston said the other board members are involved in other aspects of the school and cited examples. She said that full-time jobs and other obligations prevent board members from attending Commission meetings.

Commissioner Van Wart asked whether the GCCS board treasurer was present.

Ms. Gaston said the treasurer was not present.

Commissioner Van Wart emphasized the seriousness of the notice of defect on the grounds of failure to meet generally accepted accounting standards of fiscal management, as well as the apparent possibility of violations of the GCCS charter. She said the Commission has received both positive and negative comments from parents and said the Commission must value the input of all stakeholders. She also said she was unimpressed that the treasurer was not present to address the financial issues at GCCS.

Ms. Gaston said GCCS has not seen the letters from parents and asked whether the school would be allowed to respond to the allegations they contained.

Jennifer Swartz, Commission council, said the materials provided to the Commission are public record and therefore available to the school upon request.

Commissioner Van Wart asked whether GCCS was unaware of problems at the school.

Ms. Gaston said that is not the case, and GCCS has heard about problems from the parents.

Ms. Hoovel said her previous conversation with Tamara Baysinger had clarified three particular areas of concern with regard to whether GCCS was meeting the terms and conditions of its charter.

Chairman Goesling said he would entertain a motion.

**M/S (Van Wart/Reed): To direct staff to issue to Garden City Community School a written notice of defect on the grounds that the school has committed material violation of any condition, standard or procedure set forth in the approved charter.**

Chairman Goesling invited discussion on the motion.

Commissioner Powell said he wonders whether the situation at GCCS demonstrates poor implementation of a good plan, or flaws in the plan itself. He said a discipline plan may be acceptable and effective for one family and not for others and said he believed it was premature to issue a notice of defect, though he is concerned about the allegations.

Commissioner Van Wart asked whether GCCS has student portfolios available for review, as required by the charter.

Ms. Hoovel said the school sent portfolios home with the students.

Commissioner Van Wart requested documentation that the steps in the disciplinary plan were followed.

Ms. Hoovel said the available documentation is in paper form and might be obtained from the previous director.

Commissioner Van Wart noted that Ms. Gaston said at prior Commission meetings that the past director was amazing and left the school due to health reasons. She said that based on this comment, she is surprised by the lack of documentation available. She further noted that the charter emphasizes the importance of student safety. She asked whether safety had been a problem at the school and how the board dealt with such problems.

Ms. Gaston said all the documentation she is aware of is on the referral forms provided to staff. Students who might have been expelled were withdrawn from the school prior to action being taken by the GCCS board.

Commissioner Van Wart said it appears that GCCS has not followed through on the processes and documentation required by the approved charter with regard to disciplinary policies and academics, such as student portfolios.

Commissioner DeMordaunt cited a section of the charter stating that school safety team will be established. She asked whether this has been done and who is on the team.

Ms. Gaston said the team was discussed but she could not name team members or provide documentation.

Commissioner DeMordaunt asked whether GCCS administrator and/or staff have first-responder training as described in the charter.

Ms. Gaston said she will have to research this.

Commissioner DeMordaunt said the charter declares zero tolerance for alcohol, drugs, and weapons on the school grounds and asked how such incidents were handled during the school year.

Ms. Gaston said there were no incidents involving alcohol, drugs, or weapons.

Commissioner DeMordaunt verified that Ms. Gaston is unaware of any instance in which alcohol was brought on campus by a student. She said it appears some commitments in the charter have not been addressed.

Chairman Goesling asked staff for clarification of the Commission's role at this point.

Ms. Swartz cited Idaho Code 33-5209, which requires that an authorized chartering entity issue a notice of defect if it has reason to believe a public charter school has committed a material violation of any condition, standard, or procedure set forth in the approved charter. She said it is for the Commission to determine whether it has reason to believe a violation has occurred, and if so, the Commission is obligated to issue a notice of defect.

Commissioner Reed said it is clear that GCCS has committed a material violation, and it is important for the Commission to fulfill its obligation to the legislature and charter school community.

Commissioner DeMordaunt verified with staff that GCCS has not seen the parent letters; however, GCCS has been informed of the nature and content of those letters, which are public record. She asked whether GCCS knew the school would be under review at this meeting.

Ms. Gaston said she was taken by surprise, though she was aware the letter requesting comment was sent to school stakeholders.

Commissioner Powell said he feels there have been violations of the charter, especially with regard to the discipline plan, but he is unsure that due process has been completed prior to issuance of a notice of defect.

Chairman Goesling noted that statute requires the issuance of a notice of defect based on reason to believe a violation has occurred. He said that although focus on the past has been on GCCS's financial crisis, concern has previously been expressed with regard to the school's operations.

Commissioner Powell said he feels the Commission is still at the point of discussion allegations the school doesn't fully understand.

Commissioner Van Wart said she believes the school has had the necessary information shared with them. She cited an on-site visit by Commission staff and evidence of material violations that has been collected by Commission staff.

Commissioner Reed agreed that there is clearly a problem with meeting the terms of the charter. He noted that the issuance of a notice of defect is part of due process in dealing with a possible violation.

Commissioner deVera called for a vote on the motion.

Chairman Goesling requested a roll-call vote.

*The motion passed 4-1 with Commissioner Powell dissenting.*

Chairman Goesling invited members of the public to speak.

Lynne Noseworthy, GCCS parent, expressed her support for the philosophy of the GCCS charter. She described her frustration with problems at the school, particularly with regard to bullying and academics, and her hope that the new administrator will be able to improve the school environment.

Ms. Gaston left the meeting to attend another engagement.

Matthew Shapiro, GCCS founder and teacher, said he doesn't believe the GCCS program is flawed. He believes the problems at the school are a result of the previous administrator being a poor match for the position.

Commissioner Van Wart noted that the GCCS board should Commission should have been informed of internal conflicts at the school earlier in the year. She said the notice of defect process is designed to help schools get back on track.

Ms. Hoovel explained that schools may be reluctant to share problems with the Commission because of the negative public perception that can result from the issuance of a notice of defect. She expressed appreciation to Commission staff and Department of Education staff for their ongoing assistance.

Kimberly Demar, Garden City resident, said she feels a public school is important to the Garden City community and emphasized the importance of treating students as individuals.

Dechele Nelson, GCCS parent, described her son's positive experience at GCCS, particularly as a result of the low student-teacher ratio. She said she is unimpressed that the GCCS board treasurer was not present at the meeting.

Commissioner Van Wart clarified that the Commission is not asking GCCS to change its policy, but to implement it in accordance with the charter.

Chairman Goesling invited Ms. Hoovel to ask for clarifications regarding the Commission's concerns.

Ms. Hoovel said she has worked with Ms. Baysinger and understands the concerns.

### **3. Idaho Virtual Academy Update**

Don Lynn, vice chairman of the IDVA board; Kerri Hoffman, IDVA Assistant Head of School; and Desiree Laughlin, IDVA Special Programs Manager provided the Commission an annual update on the school. They discussed enrollment, assessment results and academic growth, curriculum additions, and parent survey results.

Commissioner DeMordant asked whether IDVA's failure to make AYP in Spring 2007 results in a charter violation.

Mr. Lynn said no charter violation has resulted from the standardized test scores. He explained that part of the reason for the lower scores is a change in test questions, which have shifted focus from accurate answers to calculation processes. IDVA has a plan for improving results in the future.

**M/S (DeMordant/Van Wart): To direct staff to issue to Idaho Virtual Academy a letter expressing the Commission's appreciation for the school's exceptional data collection and progress reporting. *The motion passed unanimously.***

Commissioner deVera excused himself from the remainder of the meeting.

#### **4. Academy at Roosevelt Center Update**

Gretchen Tower and Kathy McMurtree, Academy board members, provided a general update on the status of the school and answered Commissioners' questions.

#### **5. Commission Discussion Regarding Materials Deadlines**

The Commission discussed the need for a policy regarding materials submission deadlines for special meetings and regular meetings.

**M/S (Van Wart/Reed): A motion to adopt a policy that any materials to be considered at a special meeting must be submitted to Commission staff no later than 48 hours in advance of the special meeting. Regular meeting materials must be submitted to Commission staff no later than 30 days in advance of the regular meeting, with exceptions to be made at staff's discretion. No materials will be accepted during meetings. *The motion passed unanimously.***

Ms. Baysinger asked whether the Commission would be interested in sponsoring a proposed legislative change to better define the statutory phrase "generally accepted accounting standards of fiscal management" in I.C. 33-5209(c). The Commission expressed a desire to address the issue in statute.

Chairman Goesling adjourned the meeting at 11:55 a.m.