

---

**REFERENCE: APPROVED AMENDED MINUTES – October 16, 2008 Public Charter School Commission Regular Meeting**

**PUBLIC CHARTER SCHOOL COMMISSION MEETING  
THURSDAY, OCTOBER 16, 2008  
700 W. STATE STREET, BOISE, IDAHO  
WEST CONFERENCE ROOM**

A regular meeting of the Idaho Public Charter School Commission was held on Thursday, October 16, 2008 at 700 W. State Street, Boise, Idaho. Chairman William Goesling presided. The following members were in attendance:

Esther Van Wart                      Brad Corkill                      Gayle O'Donahue                      Joe deVera

Gayann DeMordaunt

Chairman Goesling called the meeting to order at 9:05 a.m.

**1. Commission Work**

Commissioner deVera proposed that a brief discussion of how the nation's financial climate is likely to affect Idaho charter schools be added to the agenda.

The Commission approved February 5, 2009, as the date and Boise, Idaho as the location for the regularly scheduled Commission meeting to following the December 11, 2008, Commission meeting.

**M/S (deVera/Van Wart): To approve the minutes from June 26, 2008 as submitted.**  
*The motion passed unanimously.*

**2. Commission Discussion: Financial Climate Impact on Public Charter Schools**

Commissioner deVera updated the Commission on average lending rates. He said his personal opinion is that the Commission will need to be more diligent than ever with regard to charter school budgets, particularly where loans are concerned. He said the Commission should look for lender commitments and do its best to understand how rapidly changing rates will affect schools' budgets.

**3. Commission Discussion: Virtual Schools in Idaho**

Chairman Goesling asked staff to summarize the portions the charter school law that apply specifically to virtual school petitions and oversight.

Jennifer Swartz, Commission counsel, said statute provides a definition of "virtual school."

---

Tamara Baysinger, Commission staff, added that statute also contains a list of items that must be included in every petition for a virtual charter school.

Commissioner Corkill noted that because virtual schools are able to serve students across the state, tax dollars could be spent in a redundant manner if two or more very similar virtual schools were approved.

Commissioner Van Wart asked for clarification regarding the most critical components of the definition of a virtual school.

Ms. Swartz summarized the statutory definition of a virtual school, saying that a virtual school must deliver a complete educational program primarily through the use of internet technology in a distributed environment.

Commissioner Van Wart asked whether the law requires virtual schools to supply computers to all students.

Ms. Swartz said the law does not require virtual schools to provide computers, but a virtual school must ensure equal access to all students regardless of their ability to afford a computer.

Commissioner Van Wart asked whether the law contains any requirements with regard to student : teacher ratios in virtual schools.

Ms. Baysinger said that while the idea has been contemplated, no requirement has been established, largely because virtual schools' methods of instruction vary so widely that the same ratios are not necessarily appropriate to all virtual schools.

Chairman Goesling said there are specific areas on which he would like the Commission to focus when evaluating virtual school petitions: budget, educational program, governance, teacher-student relationships, target demographics and research to support anticipated market share, plan for equal access, and uniqueness of curriculum.

Commissioner Van Wart concurred regarding the importance of research demonstrating that each new virtual school will be able to enroll a sufficient number of students.

Commissioner DeMordaunt said she was uncomfortable applying a uniqueness of curriculum criterion to virtual schools because such criterion is not applied to brick and mortar schools.

Chairman Goesling invited the public in attendance to comment on the subject of virtual schools in Idaho.

Larry Slade, administrator of Richard McKenna Charter High School, said he would like

---

to see new virtual schools focus on reaching new markets not best served by existing virtual schools. He acknowledged that the approval of new virtual schools similar to existing virtual schools will create an environment of competition. He further noted that in a school like his, in which students often enroll for only a few courses, a requirement that the school provide computers would be financially and logistically challenging.

Cliff Green, executive director of iSucceed Virtual High School, said his school has chosen to provide laptops and internet reimbursements in the interest of ensuring equal access to all students.

Commissioner DeMordaunt said she feels the Commission should take care in evaluating the market for virtual schools, as extensive expertise would be required to determine how many students may be anticipated to enroll in a particular virtual school.

Commissioner deVera noted that statewide virtual school enrollment increased by 15% last year. If all virtual schools on today's agenda were approved and enrolled their anticipated number of students, the growth rate would increase to 39% in 2009-2010.

Chairman Goesling invited comment from the State Department of Education, and Shirley Rau recommended a book entitled "Disrupting Class."

Ms. Baysinger said Idaho currently has about 252,000 public school students, and approximately 4,600 of them, or .02 percent, currently attend virtual schools. Therefore, although virtual school enrollments are increasing by large percentages, the number of students involved is still quite small. She said that, nationally, about 4 percent of public school students attend virtual schools.

Commissioner Van Wart asked whether an Idaho virtual school can have an office located outside the state of Idaho.

Ms. Baysinger said all Idaho charter schools, including virtual schools, must operate as Idaho non-profit corporations. However, a virtual school may contract for the services of an out of state entity.

#### **4. Kaplan Academy of Idaho New Charter Petition**

David High, KAID board chair, introduced board members Russ Fulcher and Brent Olmstead. He also introduced Matt Given of Kaplan, Inc. Mr. High said he believes today's common educational practices are outdated and inadequate to prepare students for success in the modern world. He said that especially in rural areas, accelerated and specialty courses are often unavailable to students. He introduced KAID as an important option for Idaho students.

Mr. Given said Kaplan's experience in other states indicates that market share for virtual school increases as the public becomes increasingly aware the virtual education is an option. Instead of merely trading students among virtual schools, the actual number of

---

students enrolled in virtual schools increases as new virtual options become available.

Commissioner deVera said the inclusion of Kaplan in KAID's name might lead to confusion regarding who is actually operating the school.

Mr. High said Kaplan's name adds value because it has a strong reputation for quality.

At Commissioner Goesling's request, Mr. High reviewed the skill sets represented on the board. He said the board's strengths run to legal and financial skills, and they are seeking additional members with educational backgrounds.

Sen. Fulcher said he supports KAID because it offers particular benefits to high achievers who may be neglected as a result of NCLB.

Mr. Olmstead said he is committed to long term service on the KAID board.

Commissioner Van Wart asked how comfortable KAID is about its proposed enrollment numbers.

Mr. Given said he feels the estimate of 300 is conservative. He emphasized that he believes KAID will attract mostly students who do not currently attend virtual schools, rather than pirating them from existing virtual schools.

Commissioner Corkill asked how KAID will make the community aware of KAID as an option.

Mr. Given said they will begin, much as they have in other states with similar demographics, by advertising online. Web-based marketing will then be backed up by a variety of grassroots events around the state.

Commissioner deVera asked how KAID's course offerings are distinct from other virtual options already available in Idaho.

Mr. Given said that while course offerings themselves may be necessarily similar in order to meet state thoroughness standards, the research and development behind Kaplan's offerings results in a different structure and methodology than is currently available. He said teacher-student interaction is critical in Kaplan's program.

Chairman Goesling asked whether KAID's courses will be available as dual-enrollment options for traditional school students.

Mr. High said that the provision of dual-enrollment options is not KAID's current focus, but that such opportunities are likely to be increasingly available in the future.

Commissioner Van Wart asked how KAID intends to hire qualified staff to provide an extensive and advanced course catalog.

---

Mr. Given said that the virtual nature of the school allows a variety of hiring options not available to traditional schools, making appropriate staffing very manageable.

Commissioner O'Donahue asked what KAID's student : teacher ratio will be.

Mr. High said the ratio will vary by course and student need, but will generally be approximately 20 : 1.

Mr. Given said parents should play a supportive role, but teachers are responsible for educating the students.

Commissioner Van Wart verified with Mr. High that KAID will contract with Kaplan for services, but the Idaho non-profit will control the school's finances. She said the ending balance of \$19,000, based on enrollment of 300 students in Year One, is lower than the Commission likes to see.

Commissioner deVera noted that the proposed budget does not include any federal grant dollars. He also verified with Mr. Given that a suitable rental space is available for approximately \$10 per square foot.

Chairman Goesling encouraged KAID to look for ways to make dual-enrollment opportunities available to traditional school students.

Commissioner DeMordaunt confirmed with Mr. Given that one other Kaplan charter school is currently in operation, and several other forms of Kaplan schools are also available in other parts of the country. She asked why Kaplan has chosen to pursue an Idaho charter, and whether Kaplan or the Idaho non-profit originally proposed the idea.

Mr. Given said Kaplan already has extensive K-12 educational experience and extensive virtual education experience, so virtual charter school offerings are a logical, next step. He said Kaplan initiated the search for a group of individuals interested in forming a non-profit corporation and founding board for proposing an Idaho charter school that would use Kaplan as a service provider. He noted that the Idaho non-profit will have legal and accounting services separate from Kaplan's legal and accounting services, and the Idaho charter school could continue to operate with a different service provider.

Commissioner DeMordaunt said she would like to see additional accounting experience on the KAID board. She also noted that the Articles of Incorporation must be revised to clarify that board members may not be compensated for their service as board members.

The Commission discussed whether KAID should be encouraged to remove Kaplan from the school's name, and concluded that the decision would be left to KAID.

---

**M/S (deVera/Van Wart): To approve the charter petition for Kaplan Academy of Idaho with the requirement that Article II, Section 12 of the Bylaws will be amended to remove the opportunity for board member compensation. *The motion passed unanimously.***

Chairman Goesling requested that KAID provide staff with an update including a budget with grant information, additional board members, and the possible fiscal impact of working with districts to permit dual-enrollment of traditional school students at KAID.

Ms. Swartz clarified that statute does not require public charter schools to permit dual-enrollment by traditional school students.

Commissioners deVera and Van Wart said they believe dual-enrollment in public charter schools, particularly virtual schools, will be of increasing interest as the community becomes aware of new opportunities.

## **5. Kootenai Bridge Academy New Charter Petition**

Charles Kenna, chair of the board for KBA, introduced board members Lisa Lewis and Jill McDaniel. He explained the history of Coeur d' Alene's existing alternative school, the Bridge Academy, which was created six years ago to help dropout and at-risk students earn their high school diplomas. He said the school's individualized, online curriculum and supportive, small school atmosphere were critical to its success. He said that despite documented success and community support for the alternative school, the local school district board had recently voted, without Bridge staff input, to collapse the Bridge and move its staff and students into Project Coeur d'Alene. The board's stated reason for the termination was budgetary, as a result of a failed levy.

Mr. Kenna said the Bridge's former staff chose to petition for a virtual public charter school to serve students who would no longer have the opportunities formerly offered by the Bridge. He said KBA is designed to be a virtual school under the current definition, which would not have applied to the old Bridge Academy. A KBA student could complete all coursework online without any requirement for attendance at a physical classroom or computer lab. He introduced NovaNet as KBA's educational delivery system and said that each student will be assigned a mentor teacher who will be available online, by phone, and in person at the computer lab. He also described KBA's budget and facilities options, community support for the proposed charter, and "high-tech, high-touch" philosophy.

Chairman Goesling confirmed with Mr. Kenna that it was Mr. Kenna's belief that at least one trustee of the school district was unaware of the vote to close the Bridge Academy. He asked whether the district was aware of KBA's virtual school petition.

Mr. Kenna said the petition was not a secret, and that the petitioners had chosen the virtual school option because it offered greater flexibility to serve students in a variety of life circumstances. He said the district board's termination of the Bridge indicated that it

---

would be redundant to obtain their opinion on the KBA petition.

Ms. Lewis added that although the KBA board was disappointed by the Bridge's closure, the petitioners saw an opportunity to expand into virtual offerings beyond the scope of what the Bridge offered previously.

Commissioner Corkill asked Mr. Kenna for a description of the school's anticipated operating board.

Mr. Kenna said two of the prospective board members are former administrators, one is an accountant, and one a businessman.

Commissioner DeMordaunt asked what makes KBA more of a virtual school than was the Bridge Academy.

Mr. Kenna said KBA's educational program will enable students to complete all their coursework online via the internet, with no requirement for classroom attendance.

Commissioner DeMordaunt said an Idaho virtual school must educate students in a distributed environment. She verified with Mr Kenna, once again, that although KBA feels it is critical for students to have the option of completing coursework in a school-provided computer lab environment, attendance at such lab is neither necessary nor required.

Ms. Lewis said the online component allows teachers to interact with students in real time to assist learning and monitor progress. She said teachers will also be available by phone for students working remotely.

Commissioner DeMordaunt asked how technical services will be provided.

Mr. Kenna said a technical support specialist position is provided for in the budget.

Commissioner DeMordaunt confirmed with Mr. Kenna that KBA is prepared to ensure internet safety, including access only to appropriate websites and prevention of cyber bullying. She asked from where KBA believes its students will be drawn, particularly in the absence of district support for the virtual charter school.

Mr. Kenna said he believes word of mouth will be KBA's most effective recruiting method. He said that because the concept of KBA's instructional program is already familiar to the community, he does not anticipate problems with enrollment.

Ms. Lewis added that neighboring districts have expressed interest in referring students to KBA because they believe it is better to lose students to a school choice option than to dropping out altogether.

Commissioner Van Wart verified again with Mr. Kenna that students will not be required

---

to spend time on the KBA campus, and their attendance in the virtual environment will be tracked. She further verified with staff the concerns cited in the SDE's sufficiency reviews and Commission staff review have been addressed. She asked staff's opinion of whether KBA should be considered virtual.

Ms. Swartz said the only part of the virtual school definition that appears to raise questions with regard to KBA is the phrase, "distributed environment." She said only a court could define what the phrase should be interpreted to mean. For purposes of the KBA petition, the Commission must decide what it believes constitutes a distributed environment and whether the definition applies to KBA.

Commissioner Van Wart asked how many teachers KBA will hire to serve its anticipated 80-100 students.

Mr. Kenna explained that KBA students will generally complete work in shifts, and 32 or fewer students will be online during each shift. Two or more certified teachers will be present most of the time, and paraprofessionals will also be available.

Commissioner Van Wart asked whether there was any legal problem with a virtual program in which all enrolled students cannot be online at the same time. Ms. Swartz said she was not aware of any such provision in law, as long as the students met at least the minimum number of hours required for graduation.

Chairman Goesling asked if more ports could be purchased if necessary, and Mr. Kenna said there is rapid, unlimited availability of additional ports through NovaNet.

Commissioner deVera asked staff how KBA's proposal is different from Richard McKenna Charter High School.

Ms. Baysinger said that Richard McKenna offers a brick-and-mortar alternative program as well as a separate and distinct virtual program through which all instruction is delivered online. Richard McKenna's virtual program students do not participate in the alternative program at the school's brick and mortar facility. She said that Richard McKenna's model is older than Idaho's charter school statute and does not easily fit within current constructs.

Commissioner deVera asked whether School District 271 was aware of KBA's presentation at this meeting.

Mr. Kenna said he had not formally notified the district regarding KBA's Commission hearing.

Commissioner deVera said he supports KBA's goals, but he hopes someday more districts and charter schools will be able to work together toward solutions. He wondered what repercussions might be experienced as a result of Commission approval of KBA's petition.

---

Mr. Kenna said KBA did not petition to the district because KBA would be a virtual school and was therefore required to petition directly to the Commission; he also noted that the district recently terminated a very similar program, indicating the district's lack of interest in an option like KBA. He said the KBA petitioners do not feel hostile toward the district, and their primary concern is the students who will not graduate without an educational option like KBA.

Chairman Goesling and Commissioner Van Wart encouraged the KBA petitioners to attempt to establish positive communications with the district as soon as possible.

Commissioner Corkill asked Mr. Kenna to help him understand the changing political environment in the district at the time of the vote to terminate the Bridge Academy.

Mr. Kenna said the district was experiencing a change in superintendent at the time. He said he could not speculate on how the Bridge's closure came about, but the rapidity of the decision suggested it had been under consideration for an extended period, though the community seemed unaware of the possibility.

Commissioner Corkill said he would have preferred to see district involvement in the chartering decision, though he understands that virtual schools need not apply to the district in which they'll be physically located.

Commissioner O'Donahue noted that some of Idaho's older charter schools came about as the result of district closure of educational options that had strong community support. She also encouraged KBA to attempt to establish a positive relationship with the district. Finally, she asked the petitioners to ensure the petition is thoroughly proofread.

Commissioner DeMordaunt asked staff whether the petition could appropriately be copyedited after approval.

Ms. Baysinger said the Commission has, in the past, approved petitions with the understanding that certain, minor amendments will be made.

Commissioner Van Wart asked for a description of KBA's facility options. She reminded the petitioners that their facility must comply with laws applicable to all public school buildings.

Mr. Kenna said the type of space KBA will need is readily available in the present economy. He described three facilities that KBA has identified as realistic options.

Commissioner deVera said he is comfortable that KBA's budget represents a realistic estimate.

**Motion (O'Donahue): To hold the decision on the Kootenai Bridge Academy**

---

**petition until the next meeting of the Commission and to direct Commission staff to work with the petitioners to address proofreading concerns.**

There was no second to the motion.

**M/S (DeMordaunt/Van Wart): To approve the charter petition for Kootenai Bridge Academy.** *The motion passed unanimously.*

## **6. Another Choice Virtual School New Charter Petition**

The ACVS board members introduced themselves as Jeri Hyslop, Laura Sandidge, Kim Hunter, and Stephanie Hoffman. Three, additional board members were not present.

Ms. Sandidge introduced ACVS's petition for the establishment of a virtual public charter school to serve Treasure Valley area students in grades K-12. Though open to all students, AVCS would focus on providing academic instruction and social skills development to students with special needs. She said ACVS would like to open will all grades, K-12, because many of their students will have difficulty with transitions and need a complete program.

Ms. Hunter demonstrated some of the assistive technology that ACVS will use to serve both special needs and other children. She described several means by which ACVS will evaluate need and provide assistive technology as necessary.

Ms. Sandidge said the ACVS budget anticipates the hiring of extra special education and information technology staff. Computers will be provided through Computers for Kids to those families who need them.

The petitioners shared letters from supportive members of the community.

Ms. Sandidge said the petitioners are working to establish a separate Idaho non-profit under which to operate ACVS instead of operating under AFI Non-Profit as they had originally planned.

Commissioners Van Wart and deVera advised ACVS to reconsider having spouses serve together on the board.

Commissioner O'Donahue asked whether ACVS anticipates difficulty finding a sufficient number of special education teachers available for hiring.

Ms. Sandidge said several special education teachers have already approached the petitioners about working at ACVS.

Commissioner DeMordaunt said she would not be comfortable authorizing a school without having had the opportunity to review the articles of incorporation and bylaws. She asked what student : teacher ratio ACVS anticipates.

---

Ms. Sandidge said the ratio of students to general education teachers will be 60:1, but ACVS will also have at least three special education teachers.

Commissioner DeMordaunt asked why ACVS is confident it can enroll a sufficient number of students.

Ms. Sandidge said there is a large group of parents who are currently dissatisfied with the educational options for their children. She said many parents have expressed support of a unique, virtual program, particularly for special needs children and their siblings.

Commissioner DeMordaunt asked whether ACVS teachers hired in June will begin work before the beginning of the school year, and when the curriculum will be developed.

Ms. Sandidge said teachers will start work during the summer before ACVS opens. They will be paid with funds from the federal charter start grant. She said curriculum will be based on Idaho standards, but is not a pre-packaged program.

Commissioner DeMordaunt expressed concern about ACVS' ability to develop curriculum and a virtual platform whereby to deliver it without some pre-packaged base from which to work.

Ms. Sandidge said she believed it would be no more difficult than a regular classroom teacher's selection of materials to meet Idaho thoroughness standards. She said many IEP students require an entirely individualized program in any case.

Commissioners DeMordaunt and deVera expressed concern that teachers will be unable to both develop individualized curricula and deliver it virtually for up to 60 students per teacher.

Ms. Sandidge said the ACVS budget allows for additional curriculum development specialists if necessary. Ms. Hunter added that the Idaho thoroughness standards are already developed and standardized for all students, while a pre-packaged curriculum would limit flexibility for special needs accommodations.

Chairman Goesling said he, too, is concerned about ACVS's capacity to manage such an extensive program. He said he'd be more comfortable seeing ACVS start with fewer grade offerings and strongly encouraged the petitioners to start smaller.

Commissioners O'Donahue and deVera agreed that, in their experience, lower grades are easy to fill but upper grades are much more difficult unless students have grown up in the school in question.

Commissioners O'Donahue and DeMordaunt encouraged the petitioners to continue developing this school as a valuable option for Idaho families.

---

Commissioner DeMordaunt said she sees value in offering grades K-12 from the beginning of operations.

Commissioner deVera discussed the ACVS budget with Ms. Sandidge and requested documentation that the anticipated costs are realistic.

A member of the public spoke in support of ACVS, saying it offers services that are largely unavailable in traditional public schools.

**M/S (deVera/Corkill): To hold a decision on the Another Choice Virtual School petition until the next meeting of the Commission and direct Commission staff to work with the petitioners to address the Commission's concerns discussed during this meeting. *The motion passed unanimously.***

#### **7. Staff Update: Budget and Charter School Direction Discussions**

Due to time and flight schedules, the Commission agreed to receive this staff update via email.

Chairman Goesling adjourned the meeting at 3:45 p.m.