
REFERENCE: APPROVED MINUTES – December 11, 2008 Public Charter School Commission Regular Meeting

**PUBLIC CHARTER SCHOOL COMMISSION MEETING
THURSDAY, DECEMBER 11, 2008
650 W. STATE STREET, BOISE, IDAHO
CLEAR WATERS ROOM**

A regular meeting of the Idaho Public Charter School Commission was held on Thursday, December 11, 2008 at 650 W. State Street, Boise, Idaho. Chairman William Goesling presided by telephone. The following members were in attendance by telephone:

Alan Reed Esther Van Wart Brad Corkill Gayle O'Donahue

Gayann DeMordaunt

Commissioner Joe deVera attended the meeting in person.

Chairman Goesling called the meeting to order at 9:00 a.m.

1. Commission Work

M/S (deVera/Van Wart): To approve the minutes from August 21, 2008, as submitted. *The motion passed unanimously.*

M/S (Van Wart/Corkill): To approve April 2, 2009, as the date and Boise, Idaho as the location for the regularly scheduled Commission meeting to following the February 5, 2009 meeting. *The motion passed unanimously.*

There were no changes or additions to the agenda.

2. Commission Discussion: Charter School Caps

Tamara Baysinger, Commission staff, said that individuals and organizations across Idaho's charter school community are increasingly engaged in discussions regarding whether the statutory cap on charter schools' growth should be revised or eliminated. She summarized several letters from members of the public, all in support of eliminating the cap.

Commissioner deVera said the demand for faster charter school growth is obvious; however, he is concerned that authorizer capacity may be overwhelmed. He said Idaho would benefit from more efficient petitioning and oversight procedures, the development of which will take extensive effort.

Commissioner Van Wart agreed that demand is high and statistics demonstrate that charter schools are more successful, on average, than traditional public schools. She said the cap should be removed, but the legislature will need to provide additional funding for oversight. She said she is not concerned about an explosion in charter school numbers due to the extensive nature of the petitioning process, but the Commission will require additional staff as numbers increase.

Commissioner Corkill said he feels the cap should be increased. He suggested considering that the cap be raised proportional to the state's increasing student population. He, too, expressed concern that the Commission would soon be understaffed.

Commissioner Reed also said he would like to see the cap lifted, but not without additional funding for authorizers.

Commissioner O'Donahue said she sees the market need for more charter schools. She agreed that additional staff and funding for authorizers would be necessary for quality petition development and oversight.

Commissioner DeMordaunt said the percentage of students on charter school waiting lists is higher in Idaho than in other states from which similar data is available. She said the demand for additional charter schools is clear and noted the charter school cap limits the availability of grants to Idaho charters. She said the State Department of Education, in addition to the Commission, may need additional staff.

Chairman Goesling asked staff to list the statutory reasons for the existence of charter schools in Idaho. Ms. Baysinger read the legislative intent contained in Idaho Code 33-5202.

Commissioners O'Donahue and Corkill noted that although charter schools are not, by legislative intent, necessarily intended to be educational experiments, many ideas and programs established in charter schools have now been implemented in traditional public schools.

Commissioner Van Wart said that in some districts, overcrowding may be alleviated by the establishment of a new public charter school.

Commissioner DeMordaunt suggested the consideration of a mechanism by which some of a charter school's funding would be channeled toward its authorizer.

Chairman Goesling invited Idaho Superintendent of Public Instruction Tom Luna to share his perspective on the charter school cap.

Superintendent Luna said he believes choice is integral to accountability in the education system. He said schools can't "lose" students to other schools because they do not own those students, and parents should have opportunities to choose what they

feel is best for their children. He said Idaho is seeing an increase in petitions for charter schools designed to meet the needs of underserved populations. He said he supports giving traditional districts additional flexibility that will enable them to compete with public charter schools.

Superintendent Luna said that the establishment of a new charter school sometimes results in additional per-student funding because it creates two smaller districts in place of one larger district. He said the greatest expense of opening a new charter school occurs when a charter schools absorb students from districts, which then receive a year's worth of funding for students who are no longer in their classrooms. This safety net was put in place prior to Idaho's charter school law, and it does not apply to charter schools when they lose enrollment for any reason.

Superintendent Luna said he believes more charter schools need to be authorized in Idaho. He said caps are a blunt instrument for limiting growth, often resulting in the delay of high quality schools in favor of mediocre schools that move through the process faster. He said Idaho's federal charter start grant ranking was negatively affected by the presence of a cap and noted that more than twenty petitioning groups are currently moving through the petitioning process in Idaho.

Commissioner deVera asked whether Superintendent Luna has discussed the cap issue with legislators.

Superintendent Luna said he has had many conversations, and in the current economic climate, dollars are the most highly motivating factor. He said an attempt to raise the cap may be more successful than an attempt to remove the cap entirely.

Commissioner Reed asked whether the additional cost of paying both school districts and new charter schools for the same students will ever change.

Superintendent Luna said the policy was put in place in 1994 to help districts with declining enrollment unrelated to charter school, and it would be difficult to remove.

Commissioner DeMordaunt asked whether the type of cap impacts grant opportunities.

Superintendent Luna referred the question to Shirley Rau, SDE staff, who said research demonstrates that the type of cap Idaho has is preferable to a percentage cap, which limits the participation of students in already proven programs.

Chairman Goesling thanked Superintendent Luna for sharing his perspective.

Members of the public Mel Walker and Nancy Smith, as well as Diane Demarest of the Idaho Charter School Network, spoke in favor of eliminating the cap.

Chairman Gosling requested that staff summarize the comments made for consideration a later meeting.

The Commissioners discussed whether the Commission would be interested in sponsoring or supporting legislation to raise or remove the charter school cap during the 2009 legislative session.

Commissioner DeMordaunt said she would favor an attempt to pass legislation this year, perhaps to apply a “smart cap” removing the cap for proven models. She suggested that it would take fewer resources to replicate a proven model.

Chairman Goesling noted that a proven educational model doesn’t guarantee a school’s success; board and financial strength are also important, and the rigorous petitioning process is one method of ensuring that only committed petitioning groups are approved.

Chairman Goesling asked the Commissioners to provide their thoughts to staff for compilation and consideration at a special meeting in the near future. The Commission agreed to hold a special meeting by phone at 9:00 a.m. on December 22, 2008.

2. Palouse Prairie School of Expeditionary Learning Proposed Charter Amendment

Nils Peterson, PPSEL board chair, updated the Commission on PPSEL’s new board members, grants awarded, and additional preparations for opening the school in Fall 2009. He introduced a proposed charter amendment changing the charter’s facilities appendix to reflect a new first choice facility, the Brown’s Furniture building. He said the Brown’s facility is a better financial choice for the school and allows for indoor playspace. He described the vehicle entry and parking restrictions of the site.

Commissioner deVera asked whether PPSEL was under contract to lease the Now & Then facility.

Mr. Peterson said the Now & Then facility remains a second choice facility, and PPSEL could be released from its letter of intent to lease the facility in exchange for reimbursement of the \$540.00 attorney fees incurred in drawing up the intent to lease.

Chairman Goesling asked about PPSEL’s intentions with regard to the possibility of subletting part of the Brown’s building.

Mr. Peterson said the second building is separated by a firewall and could be sublet as a means of assisting with PPSEL’s finances, but the board has no plans to sublet at this time.

Chairman Goesling expressed concern about traffic danger to students, as the Brown’s facility is located beside a busy highway.

Mr. Peterson said he has begun conversations with the Moscow School District to contract for school bus transportation, eliminating the need for students to walk to

school. He said a crossing guard could assist any students who do choose to walk.

Commissioner deVera noted that the school's architect has funds set aside in their budget for addressing safety issues.

Chairman Goesling said he believes Brown's is a better option than the other facility options previously proposed by PPSEL.

M/S (deVera/DeMordaunt): To approve the charter amendment proposed by Palouse Prairie School of Expeditionary Learning. *The motion passed unanimously.*

3. Vision Public Charter School Proposed Charter Amendment

Lee Hannah, Vision board chair, introduced a charter amendment allowing Vision the option of selecting one of two sites located close together within the Vallivue School District. She said the school has recently identified a second site near the already-approved site, which offers a more financially viable option.

Commissioner Van Wart said she is comfortable with Vision's proposed charter amendment.

M/S (DeMordaunt/O'Donahue): To approve the charter amendment proposed by Vision Public Charter School. *The motion passed unanimously.*

Chairman Goesling adjourned the meeting at 11:05 a.m.