

APPROVED MEETING MINUTES
PUBLIC CHARTER SCHOOL COMMISSION SPECIAL MEETING
FRIDAY, APRIL 17, 2009
Washington Trust Bank – Meridian Financial Center
3251 East Presidential Drive, Meridian, ID 83642
Lower Level Conference Room

A special meeting of the Idaho Public Charter School Commission (Commission) was held Friday, April 17, 2009, at 3251 East Presidential Drive, Meridian, ID 83642. Chairman William Goesling presided via telephone from Moscow, Idaho.

The following members were in attendance:

Gayle O'Donahue Joe deVera Gayann DeMordaunt Alan Reed

Commissioners Esther Van Wart and Brad Corkill were absent.

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

Also in attendance was Vickie Scheuffele - Administrator of Rolling Hill Public Charter School (RHPCS), Doug Barry - Board Member, Nicole Morris - Board Member, Glen Stephenson - Board Member, and Chairman of the Board, Mr. Hart.

1. Commission Discussion: Grounds for issuance of notice of defect to Rolling Hill Public Charter School.

Tamara Baysinger, Commission staff, said the purpose of the Commission's discussion today is to clarify the grounds on which the Commission has identified in the notice of defect to Rolling Hills Public Charter School at the April 2, 2009 regular meeting.

Commissioner DeVera recommended considering each of the eight items on the notice of defect individually to provide clarification for the school.

The Commission discussed the following defects:

1. Failure to adhere to RHPCS bylaws, which are part of the approved charter, with regard to board member elections.

Commissioner DeMordaunt said that Chairman Hart did not provide any dates regarding board vacancies, but in going through the meeting materials, the board talked about wanting to recruit someone for the board in a January 22nd meeting. Further, in September a board vacancy became available and was not filled. For lack of any timeline provide by Chairman Hart, it is difficult to determine what attempts were made to fill this particular vacancy. Chairman Hart intimated that board elections were not held.

Commissioner Reed agrees there was plenty of sufficient testimony to support that this item was accurate as stated.

Commissioner Goesling said the charter requires that RHPCS have the head of the PFA sit on the board. Commissioner DeVera pointed out that this is covered in Item #3 (see below).

Commissioner DeVera said the RHPCS charter states a mid-term vacancy can be filled without an election. The main question is whether there is a system or process in place in which elections are held so the charter is followed.

Commissioner O'Donahue asked how board member elections are advertised so that the school community is aware of the opportunity.

Ms. Baysinger summarized that the Commission would like to see what election process is in place, if there is one, or see an election process created if there is not.

Commissioner DeMordaunt added that RHPCS must make a good faith effort to fill all empty board seats with members who can serve until annual elections can be held according to their bylaws.

2. Failure to adequately provide piano, health, and environmental education as set forth in the approved charter.

Commissioner DeVera said that RHPCS should review their curriculum to determine whether it follows the charter and ensure the stakeholders are aware the curriculum is available.

Commissioner DeMordaunt said integration of these items into other areas of the curriculum can be used, but RHPCS should communicate to parents how this is accomplished. She noted that a stakeholder had testified that piano instruction was not occurring and would like to see more specifics and details on the curriculum in question.

3. Lack of PFA involvement in school improvement planning. Similarly, lack of PFA representation on the RHPCS board of directors as set forth in the approved charter.

Ms. Baysinger clarified that the charter reads as follows: *"The PFA will also work with the Board of Directors on school improvement. Having the head of the PFA sit on the Board of Directors will facilitate the involvement of teachers and parents in decision making matters"*

Ms. Baysinger stated that it seems to her this statement could be read either as a requirement or an option. As Chairman Hart mentioned at the last meeting, there is a potential problem with the board member election process if the head of the PFA is required to sit on the Board of Directors. The defect might be best cured clarifying language in the charter and making sure that it is consistent with the bylaws.

Commissioner DeVera asked if the bylaws state that the PFA president will sit on the board. Ms. Baysinger said that it does not.

Commissioner DeVera asked whether the charter overrides the bylaws. Ms. Swartz stated that the bylaws are a part of the charter, so they are essentially the same document. It is therefore an inconsistency within one document. Clarification is needed between the RHPCS bylaws and charter.

Commissioner DeMordaunt noted that in the minutes of April 2nd, Margaret O'Toole, a former PFA President, and current PFA President Brenda Saylor, both testified that they were not included on the Board of Directors.

Commissioner O'Donahue stated that when issues are presented to the Board of Directors, it is customary to consider the PFA in decisions. Commissioner DeVera said this is process driven.

4. Failure to survey stakeholders as set forth in the approved charter.

Ms. Baysinger said it is clear in the minutes of April 2nd that Chairman Hart stated no survey has been taken by the school since October 2007, which is violation of the charter's commitment to send out multiple surveys per year. The Commission must simply clarify its grounds for citing this defect.

Commissioner DeVera stated the word "multiple" is unclear, as any number over one would appear to suffice.

Chairman Goesling suggested that a survey may include a meeting with parents or a town hall meeting. A more informal gathering is acceptable.

Commissioner DeMordaunt said because of the constraints of the charter, a formal annual survey, anonymous and detailed, is more in order. This would not need to be hired out, but would need to be a formal survey. In the last meeting, we had testimony from Hart, Harper, Craig and an unnamed number of the public that all testified that there was a lack of surveys.

5. Failure to develop and distribute a student handbook as set forth in the approved charter.

Ms. Baysinger reported there was some disagreement on this point between the school and the stakeholders who testified at the April 2nd meeting. Chairman Hart held up a student handbook containing 12 pages and listed the contents. However, some of the students and parents testified that they had not seen that document. The Commission must clarify whether or not there is reason to believe that a handbook has not been developed as required by the charter.

Commissioner DeMordaunt read in the charter that a student handbook would be made available at registration. Whether this is at initial registration only, or annually, is unclear. The handbook could also be posted to the school's website.

Chairman Goesling stated that other school's handbooks could serve as examples. Ms. Baysinger stated that the best way to get these is for RHPCS to contact the schools directly in order to obtain the most recent versions, as they are public record.

6. Failure to develop personalized learning goals for students as set forth in the approved charter.

Ms. Baysinger reported that this is another item requiring clarity largely because the concept of personalized learning goals could be defined in many different ways. Based

on Commission comments at the April 2nd meeting, it appears the Commission desires additional clarity regarding what personalized learning goals mean at RHPCS and how such will be communicated to parents.

Commissioner O'Donahue said that this was clearly a defect because Chairman Hart did not seem to understand what personalized learning goals are. It is a contract that the students and teachers fill out prior to conference time, including strengths and areas of challenge. When the parents come in, they add their parent goals.

Commissioner DeMordaunt agreed, saying that Chairman Hart appeared to view this item as comprising the comments section of a report card, which is a very different thing to the Harbor Method of personalized learning goals. Without any documentation from RHPCS, this is a defect.

Commissioner DeVera said the school with which he is involved is a Harbor school. The challenge is that the Harbor Institute no longer exists. There are approximately eleven Harbor schools in the system and every one of them applies the Harbor Method differently. The Commission should not direct them regarding the Harbor Method, without the Harbor Institute to back it up.

Commissioner DeMordaunt clarified her comments, saying that any form or any document defining the personalized learning goals required by the RHPCS charter would resolve this item.

Commissioner O'Donahue said she understands that the Harbor Institute's role was to train teachers and administrators, providing information that schools could then personalize. Certainly it would benefit RHPCS to learn from those that have a history and experience with the Harbor Method.

Ms. Baysinger stated that there is now sufficient information in the record for the school to listen to some of the different opinions and draft their corrective action plan in response. The Commission can then evaluate whether it is satisfied with that corrective action plan at the May 28th meeting.

7. Failure to provide a safe school environment for students and staff as set forth in the approved charter.

Ms. Baysinger said this item refers to the language in statute that requires the issuance of a notice of defect in the event that a public charter school violates any provision or standard of the charter. The RHPCS charter commits to provide of a safe environment for students. It is possible, given the testimony in the last meeting, that the Commission felt it has reason to believe there is an unsafe environment at the school. The Commission should clarify whether and why it believes it has reason to believe RHPCS had not provided a safe environment, so that the school knows what to work on in a corrective action plan.

Commissioner DeMordaunt referred to verbal and written testimony from the the April 2, 2009, Commission meeting offering examples of stakeholders who felt the school environment was not safe. She noted that Chairman Hart gave a general statement that it was a big school and was free from bullying, but he provided no documentation.

Commissioner DeVera stated that the school should focus on its processes in ensuring the safety of teachers and students. As this is an item that is part of their charter, it should be taken seriously.

Chairman Goesling said he would like to see the student handbook clarify what safety means at RHPCS.

Commission DeMordaunt said she would like to see more supervision and details of what the requirements are within RHPCS.

8. Failure to adequately fill public records requests as required by Idaho public records law.

Ms. Baysinger stated this final issue stems from a disagreement between the school and certain stakeholders regarding whether RHPCS responded satisfactorily to a particular records request. Counsel and staff have examined that request and the school's response and believe the school made an appropriate and timely effort to meet that public records request. The Commission should establish clarity regarding how RHPCS can resolve the defect of which they have been notified. She suggested that the school could propose a charter amendment stating their commitment to abide by public records law to ensure compliance or continued compliance with public records law. If the Commission has additional concerns or disagreements with staff's perception on this matter, those differences should be established in the record.

Commissioner DeVera said he feels RHPCS's prior compliance and continued compliance sufficiently resolves this item.

Chairman Goesling said he would like to see a particular process by which stakeholders can make public records requests and ask questions regarding the charter.

Chairman O'Donahue suggested that RHPCS post policies, budgets, meeting materials, and other public records on the RHPCS website.

Ms. Swartz asked for clarification regarding whether the Commission is taking the position that the school did not comply with the public records law.

Commissioner DeVera said that, based on testimony, the school did not comply. If RHPCS shows that they remedied the problem, then it is up to people claiming there is a problem with public record to prove RHPCS is not following the law.

Commissioner DeMordaunt stated that in absence of sufficient documentation that RHPCS did comply with the public records request in a timely fashion, she must stand by the notice of defect on the basis of stakeholder testimony that the request was not met.

Ms. Baysinger asked for confirmation that it is the position of the Commission that the Commission has reason to believe that RHPCS failed to adequately fill the public records request in question. Chairman Goesling, Commissioners DeMordaunt and DeVera stated that is their position.

Commissioner O'Donahue made a general comment regarding what she appreciates about the Public Charter School Commission. She truly believes the Commission wants

each school to succeed. While items are being pointed out, the school is given the opportunity to move forward and make corrective action.

Chairman Goesling stated the Commission has given RHPCS additional guidance regarding the items in the notice of defect and invited the school to contact staff with any additional questions.

All individuals who previously requested an opportunity to testify declined to do so.

M/S (DeVera/DeMordaunt): To adjourn the meeting. *The motion passed unanimously.*

The meeting was adjourned at 10:05 a.m.