

**APPROVED MEETING MINUTES
PUBLIC CHARTER SCHOOL COMMISSION MEETING
THURSDAY, MAY 28, 2009
700 W. State Street, Boise, Idaho
JR Williams Building, West Conference Room**

A meeting of the Idaho Public Charter School Commission (Commission) was held Thursday, May 28, 2009, at 700 W. State Street, Boise, Idaho. Chairman William Goesling presided.

The following members were in attendance:

Esther Van Wart
Joe deVera

Brad Corkill
Gayann DeMordaunt

Gayle O'Donahue
Alan Reed

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

1. Commission Work

M/S (Reed/deVera): To approve the agenda as written. *The motion passed unanimously.*

M/S (Van Wart/Corkill): To approve September 17, 2009, as the date and Boise, Idaho, as the location for the regularly scheduled Commission meeting to follow the July 23, 2009, meeting. *The motion passed unanimously.*

2. Falcon Ridge Public Charter School Annual Update

Earl Rice, FRPCS board member, and Julie Vermillion, FRPCS administrator, provided an annual update on the status of the school. Significant changes included the elimination of high school and budget cuts. Greatest successes included the improvement of standardized test scores and the addition of a computer lab. Challenges for the upcoming year include dealing with budget cuts and remaining in portable buildings while placing the new building construction on hold indefinitely due to insufficient funds. Several recommendations from the school's programmatic audit, including addition of a fireproof cabinet for student files, inclusion of a grievance policy in the student handbook, and development of clearer job descriptions, have been implemented. The director election process is currently under revision, and a facilities committee is overseeing building options. FRPCS will receive Harbor training through federal dissemination grant recipient Compass Charter School.

Commissioner Van Wart asked about the attrition rate of 11% and whether FRPCS has discovered why the rate is so high.

Ms. Vermillion said most of the attrition rate is due to students moving, rather than dissatisfaction with the school, but some have left because FRPCS remains in portables.

Commissioner Van Wart asked whether FRPCS has a finance committee.

Mr. Rice said the school is working on putting together a Finance Committee.

Commissioner Van Wart asked about the satisfaction survey results that were expected in spring 2008.

Mr. Rice said survey results were compiled in an Access database. The biggest areas of dissatisfaction were the facilities, including lack of a gym for P.E. in winter. The results were presented to the Board, but no results were published.

Commissioner deVera said he feels that having the survey results for over a year, without publishing them, is unacceptable. Survey results should be distributed to parents posthaste.

Commissioner Van Wart asked if FRPCS has a strategic plan in place.

Mr. Rice indicated that FRPCS does not have a strategic plan in place, but said the school's goals include stabilization of the program, development of a permanent facility, and re-addition of high school grades.

Commissioner Van Wart suggested hiring a third party, such as the ICSN, to assist in an assessment of the school.

Mr. Rice said Northwest Accreditation has been hired as an outside source, and training will be received through Compass Charter School.

Commissioner Van Wart inquired about the composition of the FRPCS board.

Mr. Rice said that currently, the board consists of a chairperson, a law firm secretary, a computer programmer, and a plant nutrition specialist. There are two open board seats, for which four applications have been received. The board anticipates that it will have five members by June 2009.

Commissioner Van Wart requested a report including board membership, school-stakeholder communications, and survey results at the next regular Commission meeting, as well as current enrollment information, including waiting lists.

Commissioner DeMordaunt requested that the school's final ISAT results also be presented at the next Commission meeting, together with a plan for addressing the school's failure to make AYP.

Commissioner deVera asked what the Commission's next step should be if the school fails to make AYP.

Tamara Baysinger, Commission staff, said the Commission's response would depend on the language in the school's charter. Not all charters state that the school must make AYP. This particular charter does not contain clear language, but it does contain language indicating that the school intends to make AYP. If AYP is not met, the Commission will have to evaluate the specific language of the charter to see if a notice of defect is warranted. Regardless of whether the charter contains a commitment to making AYP, the school would go through the same process as any other public school that fails to do so.

Commissioner deVera asked about the 10% budget reduction for school year 2009-2010 and anticipated fund balance going into 2010-2011, and expressed concern with the school's representatives were unable to provide the relevant figure.

Commissioner deVera asked how FRPCS would cope in the event that enrollment decreased by ten percent.

Mr. Rice said the board would reassess options for cutting the budgets, but no specifics were presently available.

Commissioner deVera requested a budget including a breakdown of anticipated revenue based on actual enrollment. He said these budgets should demonstrate how the school would achieve positive balances for 2008-2009, 2009-2010 and 2010-2011.

Chairman Goesling recommended the Commission issue a notice of defect for failure to develop a strategic plan, failure to maintain a complete board, inadequate communication with stakeholders, questionable standardized test scores, and inadequate finances.

Commissioners Reed and deVera agreed regarding the seriousness of the issues, but indicated they may not represent statutory grounds for issuance of a notice of defect. They suggested the Commission give a clear list of items for FRPCS to provide at the July Commission meeting and then consider a notice of defect at that time.

Julie Vermillion asked what advice the Commission can give for recruiting potential board members with specific backgrounds and experience. Chairman Goesling said the current board of directors should canvas the community one-on-one, targeting those areas that are lacking within the Board.

M/S (deVera/DeMordaunt): To direct FRPCS to submit materials to the Public Charter School staff 30 days prior to July 23, 2009 Commission meeting, including final AYP results for the current school year; current and anticipated enrollment numbers for 2009-2010; budget breakdowns for the next three school years; strategic plan; communication methods, including survey results; and a board membership update. *The motion passed unanimously.*

3. North Valley Academy Annual Update

Ms. Baysinger updated the Commission regarding a potential concern with regard to the current facility lease for this school. The lease for NVA's current facility, located on the campus of the Idaho School for the Deaf and the Blind, is with ISDB itself. However, the legislature has changed the nature of ISDB, which will no longer exist as such. Therefore, the current lease is with an entity that will no longer exist.

Jennifer Swartz, Commission counsel, added that the legislature approved significant changes to the structure of ISDB in the last session. The legislation creating ISDB as the Idaho School for the Deaf and the Blind was repealed and replaced with new legislation creating a new entity, which will be known as the Idaho Bureau of Educational Services for the Deaf and the Blind. They will essentially provide the same services, but they are an entirely new entity and will no longer be a state agency, but a governmental entity. The way that this affects NVA is that the lease that NVA has with ISDB will be void as soon as ISDB ceases to exist. The new bureau is certainly entitled to enter into a new lease with NVA, but the new entity has not yet been created. It is a Governor appointed board and the only member of that board to be appointed is the Superintendent of Public Instruction, whom statute identifies as the chair. The new entity will not officially exist until July 1st and therefore cannot take any action until that time.

Judy Studebaker, NVA principal; Deby Infanger, founder and board chair; Michele Elliott, board clerk; Cathy Qualls, junior high teacher; and Michelle Stewart, testing coordinator, were present to represent NVA.

Judy Studebaker provided the school's annual update. She said the school's goals are to provide a superb academic education, a controlled disciplinary environment, dual credit opportunities, a jump start to college careers, teacher training for core knowledge, and to meet the state testing guidelines and college entrance testing.

Cathy Qualls described her personal experiences as a teacher with NVA.

Michelle Stewart provided an update on student testing at NVA.

Commissioner DeMordaunt asked how students whose IRI scores dropped in certain areas are being served.

Ms. Stewart said several of the students are being retained due to learning difficulties, and a paraprofessional is working in small groups with these students.

Commissioner deVera asked who on the Board is directly responsible for the budget.

Michele Elliott said she is the clerk and attends all board meetings. NVA's administrator is also involved in budgeting. The treasurer is ultimately responsible, but was not available to attend today's meeting.

Commissioner deVera asked about the options for facilities.

The NVA representatives said the school anticipates increased enrollment and a corresponding need for more space. The school hopes to purchase the Main Street Elementary School from the district and is awaiting additional information from the district.

Ms. Infanger asked if there was any process in place that limits the expansion and size of charter schools

Ms. Baysinger and Ms. Swartz indicated that there is nothing in statute to prevents charter schools from coming back to the Commission to request amendments to their charter for additional classes in each grade.

Commissioner DeMordaunt asked where NVA is in the process of securing modular buildings, should such a facility plan become necessary.

Ms. Infanger said she has been in frequent contact with the planning and zoning administrator. At the very worst, NVA could be one week late starting high school. The modular buildings are available, the land is zoned for the purpose, but needs a special use permit.

Commissioner Van Wart expressed concern regarding NVA's rush to add into high school grades when making the existing grades successful remains an issue.

Commissioner deVera's added his concern is that although NVA is not currently in financial trouble, based on the enrollment numbers and anticipated enrollment numbers, they could potentially encounter financial difficulty next year. He recommended that NVA establish

greater confidence in the demand for their high school offering. Additionally, he expressed concern regarding the short timeframe available for gaining loan approvals and conditional use permits.

Commissioner O'Donahue and Commissioner Van Wart said they feel NVA should be more responsive to counsel from the Commission, citing several examples of past failure to do so.

Commissioner Corkill said he appreciates the confident and optimistic attitude of everyone at this meeting, but noted that there have been a tremendous amount of concerns raised by the Commission.

Commissioner Reed asked if, according to NVA's charter, they have to open high school at a specific time. Ms. Baysinger and NVA Board Chairman agreed that the NVA charter does indicate that all four high school grades should be available in 2009-2010.

Chairman Goesling asked Ms. Baysinger what steps the Commission has that could change the charter since there are so many concerns with adding high school at this time.

Ms. Baysinger said that a charter can only be changed at the request of the school. However, the Commission does have the option of reconsidering its previous decision to approve the addition of high school.

Ms. Swartz said that Roberts Rules of Order provides that any Commissioner who voted in favor of a motion can, at a later date, make a motion to reconsider that decision. The Commission, as a body, would then vote regarding whether they wanted to reconsider the decision. If that vote was aye, then the Commission would vote again on the original question.

The Commission determined that the Commission voted in favor of a motion to approve an amendment to add grades 9-12. Commissioner Van Wart voted nay and Commissioner DeMordaunt was absent.

Commissioner Goesling stated that two options are available: NVA could request a change in their charter to delay opening of a high school, or the Commission could move forward with whatever action they deem appropriate

Ms. Infanger promised to report back by July 1, 2009 with more documentation to support the addition of grades 9-12 at NVA.

Ms. Baysinger noted that any information provided could be decided on until the July 23rd Commission meeting.

The Commission agreed to hold a phone meeting to review additional materials, including confirmation that the new entity, Idaho Bureau of Educational Services for the Deaf and the Blind, will renew the lease with NVA.

Ms. Swartz pointed out that the property is owned by the State Board of Education and a sub-lease would have to be made between IBESDB and NVA.

M/S (deVera/Reed): To direct NVA to submit documentation and timelines for all facilities options presented, plans for modular buildings, and updated current and

waiting list and enrollment numbers for all K-12 grades. *The motion passed 5-1 with Commissioner Reed dissenting.*

4. **Rolling Hills Public Charter School Corrective Action Plan and Fiscal Update**

Ms. Baysinger indicated that 7-8 individuals signed up to testify with regards RHPCS. Testimony may or may not be heard, at Chairman Goesling's discretion.

Vickie Scheuffele, RHPCS administrator; RHPCS board members Nicole Morris and May Slaughter; and Niki Crow, RHPCS clerk, were in attendance. The RHPCS representatives presented their corrective action plan with respect to the Notice of Defect issued in April 2009.

Commissioner Reed requested additional information about the board election process.

Morris stated there is an open nomination process, which will close next Friday. At least six people have expressed interest.

Chairman Goesling asked about the backgrounds of the applicants.

Ms. Morris said there are education, military, computer/IT, and parent backgrounds among applicants.

Commissioner Corkill complimented Mr. Hart on his efforts at the last meeting and what has been accomplished since that time.

Commissioner deVera confirmed that RHPCS will have six open board seats this year.

Commissioner DeMordaunt complimented the parents and school community for their attendance and work on the corrective action plan, and inquired about the status of the stakeholder survey.

Ms. Morris said the survey will be going out by the end of this week, collected, and closed by June 3rd. It includes 30 questions, plus several open-answer questions, and results will be provided to the Commission by June 26, 2009. Additionally a revised draft of the student handbook will be presented to the RHPCS board on July 14.

Commissioner Van Wart asked who makes up the average work groups RHPCS has formed.

Ms. Morris said the groups are comprised of parents and headed by board members.

Commissioner O'Donahue said she appreciated the progress from the last meeting. She strongly recommended formal board training after the extensive turnover and inquired about student enrolment.

Ms. Morris said there are 279 students confirmed for next year..

Commissioner deVera asked why RHPCS now offers two first grade classes.

Ms. Morris said this change was made due to attrition in the middle school, which made it necessary to have two kindergarten classes, which resulted in two first grade classes and will result in two second grade classes next year.

Ms. Baysinger clarified that no Commission approval was required for this change because RHPCS has an older, less-specific charter document than the Commission currently requires.

Commissioner deVera asked what the anticipated fund balance will be at the end of this fiscal year.

Ms. Crow said the school will break even, using up funds rolled over from previous years.

Commissioner deVera inquired whether the school's US Bank loan included a covenant requirement for a particular fund balance.

Ms. Crow said she was not aware of such a requirement.

Commissioner deVera recommended that RHPCS follow up with US Bank and find out what the loan covenants are in order to ensure compliance.

Commissioner Reed indicated that with the changes in Board Members, hiring a comprehensive programmatic operations audit would be extremely helpful, as would the continued submission of monthly status reports.

Commissioner DeMordaunt said she was not prepared to remove all notices of defect and would also like to see monthly status reports. She inquired of staff whether the Commission may require a programmatic audit.

Ms. Baysinger said that programmatic operations audits are required annually; however, statute does not require them to be performed by outside parties.

Andrea Coddens, a member of the public, asked what modifications are needed to charters and bylaws to hold board elections in spring.

Ms. Baysinger said that the stakeholders would need to work with the RHPCS board regarding proposed amendments. Bylaws are considered part of the charter and can be altered through a charter amendment process presented to the Commission by the RHPCS board.

Janet Andrew, a member of the public, noted that there are concerns about who would tabulate results of the surveys and whether there would be exit interviews for teachers and stakeholders who have already left. Chairman Goesling indicated these questions need to be addressed to the RHPCS board.

Jamison Chockrek, a member of the public, testified that as well as the large number of new board members, creating a large learning gap, 50% of all certified teachers are also not returning, so there is also teacher training required in the Harbor method. He also said his wife was asked to sign next year's teaching contract in January.

Ms. Swartz said this sounds like a dispute of an employment contract. Without seeing the employment contract, the Commission cannot comment on the terms of the contract, and it

would not be appropriate for the Commission to comment even if the employment contract were made available.

Justin Reynolds, a member of the public, declined to comment.

Shirley Rau, School Choice Coordinator for the State Department of Education, said that the success of moving this school forward is largely due to the contribution of parents on committees. She said the SDE has been involved directly in conversations with the board chairs, current and past, stakeholders, teachers, and parents who are concerned about RHPCS. The SDE provided RHPCS with best practices for board elections and items included in the action plan, and recommends that RHPCS rebuild open communications, relationships, value parent input, and have a very clear mechanism for parents to express their concerns. The SDE further recommends that an ICSN audit be conducted and RHPCS work with Rob Sauer to develop coaching situations to stabilize relationships, and Harbor training be conducted. RHPCS has had the most turbulent adolescence of a charter school that the State Department has ever seen.

Commissioner DeMordaunt asked who will tabulate the survey results.

Ms. Morris said she assumed the tabulation would be done by someone in the Survey Committee Work Group. She said RHPCS will follow up and provide that information to Ms. Baysinger.

Commissioner DeMordaunt asked about attrition rates and exit interviews for teachers.

Ms. Morris said that follow up is done via parent emails and input is requested for suggestions in process improvement. These are standardized and RHPCS will provide formalized results for student attrition.

Commissioner Van Wart asked if anyone from the PFA was in attendance at today's meeting.

Ms. Slaughter said that at the last RHPCS board meeting, an announcement was made of the upcoming Commission meeting while PFA officers were present.

Commissioner DeMordaunt inquired about the plan to train teachers in the Harbor Method.

Ms. Scheuffele said some of the teachers are not hired yet, some of the teachers hired are already Harbor trained and the remaining new teachers will receive training through Compass Charter School.

M/S (Reed/DeMordaunt): To keep in place the existing notice of defect and direct RHPCS to provide monthly updates including progress on the corrective action plan; changes in enrollment for the 2009-2010 school year; month end budget statements; actual; and cash flow statements. Further, to recommend that a comprehensive programmatic operations audit be completed by an outside auditor as soon as possible, and that RHPCS speak with US Bank regarding loan covenants. *The motion passed unanimously.*

5. Sage International Public Charter School New Charter Petition

Ms. Baysinger said this is a new petition for a Boise school that would focus on foreign language instruction at an early age.

Kim Carter-Cram, Chairman of the Board; Bill Carter, Attorney and Vice Chairman of the Board; Dr. Nancy Glenn, Secretary; Dr. Evelyn Johnson, Board Member; Don Keller, Board Member; and Mike Cram, Treasurer presented a brief overview of the international bachelorette (IB) program and petition.

Commissioner deVera asked whether the budget used high-end figures for facility space, and whether the IB program costs in the budget included staff training, travel, etc.

Mr. Cram said high-end figures were used and the budget does include all anticipated expenses related to the IB program. He said the board is assessing means by which revenue may be increased through enrollment, grants, and other methods.

Commissioner deVera cautioned against counting on grants as expected revenue unless commitment letters have already been received.

Commissioner Van Wart asked how students enrolling in upper grades would be able to acclimate to the foreign language program.

Mr. Keller said that grades K-3 would be given beginning language course and 4-6 in a secondary language course. Students would be transitioned in a fashion similar to that used for ELL students in traditional schools

Commissioner Van Wart commended Sage for their organization and work.

Commissioner DeMordaunt said she felt that eleven governing board members was too many and the number should be reconsidered.

Commissioner deVera asked whether primary students are required to go through the IB certification process.

Mr. Keller said the PYP program wraps around the state standards and core knowledge, supplemented with language and other special interest courses.

Chairman Goesling asked about the availability of French speaking teachers and where Sage would find students.

Ms. Carter-Cram stated that she has visited teachers and administrators from bilingual schools in the Portland and Seattle areas, as well as the French Ministry of Education to identify teachers interested in working in Boise, ID. There are already several native French speaking teachers here in Boise, ID who expressed interest in teaching at our school.

Chairman Goesling asked what provisions are in place for Spanish speaking students.

Ms. Carter-Cram said these students will be assessed as ELL students, a certified bilingual teacher will be supplied, and students will be transitioned into the mainstream curriculum. Students needing an IEP would be provided a contract with a private provider.

Chairman Goesling asked whether Sage is prepared to provide transportation for all students residing within the primary attendance area.

Ms. Baysinger said the charter petition currently states that the primary attendance area would have the same boundaries as the Boise School District. Since this area is large, the Sage board is considering a smaller primary attendance area to make transportation more affordable. Transportation does need to be provided to the entire primary attendance area. The school can enroll students from a wider area, but a change in the attendance area would affect which students get that certain preference in the lottery and have transportation available to them.

Chairman Goesling asked how meals would be provided.

Mr. Kellers said that communication with potential stakeholders has led to a decision that students will bring their own lunches during the early years of the school.

M/S (deVera/Reed): To hold the decision regarding the petition for Sage International School of Boise until the July 23, 2009 Commission meeting, pending the following additional documentation:

- **Additional facilities planning, including backup plans and documentation;**
- **Updated budgets reflecting a better fund balance;**
- **Survey and market demographics; and**
- **Finalized draft of bylaws.**

The motion passed unanimously.

The meeting was adjourned at 2:30 p.m.