

**APPROVED MEETING MINUTES  
PUBLIC CHARTER SCHOOL COMMISSION MEETING  
WEDNESDAY & THURSDAY, JULY 22 - 23, 2009  
700 W. State Street, Boise, Idaho  
JR Williams Building, West Conference Room**

A meeting of the Idaho Public Charter School Commission (PCSC) was held on Wednesday, July 22, 2009, and Thursday, July 23, 2009, 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	Alan Reed

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

**1. Commission Work**

Chairman Goesling opened with appreciation for PCSC staff. This staff is the first and ongoing link to the processes for approval and relationships with PCSC. If you have a question or concern, they are the first point of contact. The PCSC is confident in its staff's work and, as we have in the past, would like to delegate to them the responsibility for carrying out and completing assigned tasks without coming back to the PCSC for approval.

**M/S (Van Wart/Corkill): To reaffirm the PCSC's appreciation for Tamara Baysinger, Jennifer Swartz, and other staff for their dedication and thoroughness in their job responsibilities; also, to reaffirm the PCSC's request that staff act on behalf of the PCSC with regard to minor decisions. Staff is to be given the same respect as if they were the Idaho Public Charter School Commission. *The motion passed unanimously.***

Chairman Goesling asked whether there were any recommended changes to the agenda for the next two days.

Ms. Baysinger indicated that Item #14, Global Outreach Charter Academy New Charter Petition, had withdrawn from the agenda.

**M/S (DeMordaunt/O'Donahue): To remove Item #14 from the agenda. *The motion passed unanimously.***

Chairman Goesling recommended approval of November 12, 2009, as the date, and Boise, Idaho as the location for the following regularly scheduled Commission meeting.

**M/S (Reed/DeMordaunt): To approve November 12, 2009, as the date, and Boise, Idaho as the location for the following regularly scheduled Commission meeting. *The motion passed unanimously.***

**2. Rolling Hills Public Charter School (RHPCS) Corrective Action Plan and Fiscal Update**

Glen Stevenson, RHPCS board member, said RHPCS Chairman Rick Hart was unable to attend today's meeting due to a family vacation. He invited the Commission's questions regarding the corrective action plan update provided prior to the meeting.

Commissioner Van Wart inquired whether any other RHPCS board members were present and who could answer questions regarding the budget.

Mr. Stevenson clarified that only he and the board clerk, Niki Crow, were present. He said Ms. Crow could answer budgetary questions.

Chairman Goesling expressed disappointment that more of the RHPCS board was not present to address a matter as serious as a notice of defect.

Commissioner Van Wart referred to a June 30, 2009, letter from RHPCS which stated that the school was in the process of funding a reserve for its loan covenant. She requested an update on the school's ability to fund that reserve.

Ms. Crow said the money would be put into a reserve account with U.S. Bank around August 15.

Chairman Goesling inquired from where the funds would come.

Ms. Crow said some of the money would come from last year's funding, and some from the upcoming year's funding.

Commissioner Van Wart asked the amount of the required reserve, and how much was currently in the account.

Ms. Crow said RHPCS would put \$26,000 into the account in August to make the reserve current. She confirmed that U.S. Bank is satisfied with RHPCS's plan to fund the reserve, though the agreement to the delay is verbal only. She said the June 31, 2009 budgets provided do not include final audit adjustments for fiscal year 2009.

Commissioner O'Donahue confirmed with Ms. Crow that 2009-2010 enrollment is sufficient to keep the reserve funded and current through the upcoming school year.

Chairman Goesling asked what RHPCS anticipated as its year-end balance for FY 2009.

Ms. Crow said she has not finished all audit adjustments, but she hopes the school will break even.

Chairman Goesling inquired whether the \$26,000 for the reserve account would come from state funding for the 2009-2010 school year.

Ms. Crow said that such could be the case, but the school is still waiting on some accounts receivable from FY 2009, which are of unknown quantity.

Commissioner DeMordaunt asked whether the budgets provided were based on actual enrollment for 2009-2010.

Ms. Crow said the FY 2009 budgets reflect actual enrollment for the past school year, and the projected budgets for 2009-2010 reflect anticipated enrollment, including students who may be enrolled at more than one school.

Commissioner DeMordaunt said Mr. Hart's letter regarding the delay in board elections indicated that RHPCS's enrollment lists include many students who may actually attend other schools in the upcoming year. She noted that Mr. Hart indicated this could skew board elections, and asked whether it could skew budget projections as well.

Ms. Crow agreed that budget projections would be affected, but the school does not have data regarding to what extent this may occur.

Commissioner DeMordaunt noted that because RHPCS felt the numbers of double-enrolled students was significant enough to merit a delay in board elections; it was also significant enough to render the budget projections unreliable.

Ms. Crow said RHPCS is as confident as possible in its enrollment numbers at this time, though changes early in the school year are inevitable.

Commissioner Corkill inquired regarding the reasons for delaying board elections.

Mr. Stevenson said the corrective action plan instructed RHPCS to review its board election process, as it had not held board elections previously due to a lack of interest in board service. He said the board election workgroup determined that holding elections during the school year would be ideal; however, the existing timeline indicated an election date of July 21. The board held two public meetings dedicated to consideration of the election date and received significant public input. The definition of "stakeholder," as used in the bylaws, proved problematic for holding elections during the summer when no students were actually attending the school. These issues led the board to the conclusion that the election process required further definition. He noted that the RHPCS bylaws permit a change of the date on which board elections will be held. He said the board believed the Commission wished RHPCS to address its processes, and therefore decided to delay elections in order to handle the process properly, including proper background checks for nominees.

Commissioner Corkill confirmed with Mr. Stevenson that RHPCS currently has a full board. He further confirmed that although RHPCS has historically had difficulty finding prospective board members, the school now has approximately thirty applicants. Mr. Stevenson attributed this change to growing pains and stakeholder interest in preserving the school.

Commissioner DeMordaunt cited the stakeholder survey's high dissatisfaction rate with the RHPCS board and expressed discomfort with the board's decision to continue with its current members via the delayed elections.

Mr. Stevenson said the problem was that the bylaws' definition of "stakeholder" would mean that no one could vote in a summer election, because no one was currently attending the school.

Commissioner DeMordaunt noted that most charter schools hold their annual meetings and elections in July, and Mr. Stevenson responded that those schools must define "stakeholder" differently.

Commissioner DeMordaunt expressed concern that RHPCS had used approximately 70 new students in creating its budget projections, but was uncertain enough of those students' actual attendance to delay the elections.

Mr. Stevenson said he wasn't sure the issues were related.

Commissioner DeMordaunt asked how stakeholders were notified of the special meeting at which the RHPCS board discussed delay of the elections.

Ms. Crow said notice was posted at the school and the Eagle Public Library, and contact was made with key individuals who had been working on the election process or attended previous meetings.

Mr. Stevenson added that 45-50 individuals attended the special meeting.

Commissioner DeMordaunt spoke to a letter from a member of the public, Earl Crockett. She inquired after Mr. Crockett's relationship to RHPCS secretary Nicole Crockett, and Mr. Stevenson clarified that they are spouses. Mr. Stevenson said he was neither familiar with, nor involved with, Mr. Crockett's letter.

Commissioner Reed said he finds it difficult to understand why elections were delayed, given the high rate of dissatisfaction with the RHPCS board and administrator, as indicated by the stakeholder survey. He said he understood Mr. Stevenson's explanation, but was dissatisfied with it. He further expressed dissatisfaction with the board's apparent lack of action in correcting the defects identified in April 2009.

Commissioner Van Wart expressed deep concern about the administrator's and board's apparent lack of commitment to the school due to lack of attendance at today's meeting. She said she is severely concerned about the budget and said she felt the board was using the definition of "stakeholder" as an excuse to delay elections. She said she needs to see final, accurate financials for FY 2009 and both anticipated and worst-case-scenario budgets for 2009-2010. She said she required documentation to back up enrollment numbers.

Ms. Crow explained that full registration information would not be obtained from families until the beginning of the school year. She explained the school's plan for mitigating budget concerns by combining upper grade classes if necessary.

Commissioner Van Wart clarified with Mr. Stevenson the process by which RHPCS updates its waiting list.

Commissioner DeMordaunt said item one of the CAP, board elections, had not been accomplished. Item two, piano instruction, was in process. Item three, PFA involvement, did not appear to have progressed, though she acknowledged Mr. Stevenson's input that meetings had been held to discuss the proposal for bylaw clarification. Item five, handbook development, appears to have been accomplished. Item six, personalized learning goals, is moving toward accomplishment. Item seven, safe school environment, shows little progress. She noted that the school was made aware of the Commission's concerns about these defects in April, and expressed concern that the board won't act on many of them until September. Item eight, public records requests, appears to have been accomplished. With regard to item four, stakeholder surveys, Commissioner DeMordaunt asked whether the survey results have been distributed to stakeholders.

Mr. Stevenson said the results have not been distributed.

Commissioner DeMordaunt said she considered item four as not having been accomplished because results had not been distributed to stakeholders. She concluded that inadequate progress has been made in several areas of defect and noted that the delayed board elections were of particular concern. She asked Chairman Goesling whether it would be appropriate for staff to outline the next step in the statutory process for oversight in cases of identified defects.

Ms. Baysinger said the Commission may issue a notice of intent to revoke a charter if it determines that a school has failed to cure an identified defect within a reasonable period of time. She said a notice of intent to revoke must list all the specific reasons for issuance of that notice. The school would have thirty days in which to reply to the notice, and within another thirty days the Commission would need to meet for consideration of the school's reply.

Commissioner O'Donahue said the RHPCS board doesn't appear to be making the supreme effort necessary to restore trust among its stakeholders. She expressed concern that only one board member attended this meeting to address a very serious situation. She asked whether the board feels it is improving leadership at the school.

Mr. Stevenson said stakeholder input is exemplified by the decision to delay board elections. He said RHPCS is working to define Harbor and train teachers appropriately and noted that the school's test scores are very high.

Commissioner Van Wart noted that her primary concern is for the children enrolled at the school. She said she feels those students are not best served by a school board and staff that are making little apparent effort to resolve the defects.

Commissioner O'Donahue concurred with Commissioner Van Wart's concerns.

Chairman Goesling called on members of the public who signed up to testify.

Michele Wardle, member of the public and educational assistance at RHPCS, said she attended both board meetings at which the board elections were discussed and assured the Commission that much stakeholder input was considered by the board during these meetings.

Susan Gale, member of the public and RHPCS parent, said she is happy with the education and support her students receive at Rolling Hills. She expressed support for the RHPCS board's decision to delay elections and said the board carefully considered its decision in light of the notice of defect, finally moving to delay in response to stakeholder input. She said she feels RHPCS provides a safe environment for students.

Commissioner DeMordaunt stated that the Commission is not calling the RHPCS administrator's competence into question. She asked what the deadline was for nominations for board seats.

Ms. Gale said she believed the deadline was about May 15, and there was a second deadline of about June 6.

Randy Mills, member of the public and special education teacher at RHPCS, said RHPCS is the safest and most nurturing school environment in which she has ever

participated. She said the problem at RHPCS stemmed from several teachers who signed contracts with another charter school over a year ago and behaved inappropriately at RHPCS thereafter. She said the board election postponement was discussed at length between the board and stakeholders, and the delay was decided upon for the good of the students and families. She cited negative background information about some candidates on the original nominations list.

Chairman Goesling said the Commission does not require this background information.

Ms. Mills said the background issues were part of the reason stakeholders wanted the elections delayed. She said she expects her final Medicaid billing to bring an additional \$10,000 in to the school.

Commissioners Van Wart and O'Donahue clarified that their concerns for students were not with regard to physical and emotional safety, or educational quality, but rather for the financial and leadership stability of the school.

Stephanie Reed, member of the public and private contractor for a student at RHPCS, said she is favorably impressed with the school and its staff's individual attention for students. She spoke in support of the board's decision to delay elections because the delay will allow her, as a new RHPCS parent, to vote.

Mr. Stevenson said it is apparent that no one believes students are not receiving a quality education at RHPCS. He said the board is on schedule for most timelines in the corrective action plan. He noted that the board had anticipated hard questions from the Commission regarding the election delay, but felt it was in the best interest of the school. He emphasized that the board is working hard to progress through the corrective action plan.

Commissioner DeMordaunt asked staff whether RHPCS contacted the Commission office to notify staff of the special meeting at which the delay of board elections was to be considered.

Ms. Baysinger said she was not contacted about the election delay until after the decision was made, and the information reached her first from a source other than the school itself.

**M/S (Reed/Corkill): To direct staff to issue to RHPCS a notice of intent to revoke the charter on the grounds of failure to provide proper budgetary materials, particularly 3-year budgets; failure to hold board elections or notify Commission staff of delays to said elections; failure to progress in resolving the defects with regard to PFA involvement and the safe school plan; and failure to complete the stakeholder survey because results have not been distributed to stakeholders.**

Commissioners Reed and Corkill noted the dichotomy between low stakeholder satisfaction and high student achievement.

Chairman Goesling asked staff to define again the intent of, and processes surrounding, the issuance of a notice of intent to revoke a charter.

Jennifer Swartz, Commission counsel, said Commission staff will issue a letter outlining the reasons for the notice of intent to revoke. The school will have thirty days in which to

supply a written reply, after which the Commission will hold a public hearing on the matter within thirty days of receipt of the written reply. The Commission will then consider whether or not to proceed with revoking the charter.

Commissioner O'Donahue confirmed that the school will still have opportunity to cure the defects after issuance of a notice of intent to revoke.

Chairman Goesling said the notice is intended as a next step in expressing the depth of the Commission's concerns about the school. The school will still have time to put forth effort to cure the defects.

Commissioner DeMordaunt expressed that she would like to see the RHPCS board hold elections sooner than the chosen date in September.

*The motion passed unanimously.*

Commission Van Wart said the Commission does not take this decision lightly, nor intend it as a punishment for the school.

### **3. Falcon Ridge Public Charter School (FRPCS) Update**

Earl Rice, FRPCS board secretary and former board treasurer, updated the PCSC on the status of the school as follows:

- AYP results have improved from last year, according to the raw data. Final results will be available on August 11<sup>th</sup>.
- Enrollment number is currently 265 and there are waiting lists for most grades.
- Budget numbers have been reviewed and verified with Kelly Trudeau from Compass. Once the audit is completed, budget numbers will be finalized.
- A strategic plan has been submitted.
- A new administrator, Mark Green, has been hired and he was introduced to the Commission.
- Communications with parents and stakeholders is being worked on.
- Board membership has increased to five and within the next two months board meetings, the board will discuss increasing that number to seven.
- Survey results will be posted to FRPCS's website this week.
- FRPCS has hired a new administrator, clerk, part-time music teacher, and kindergarten teacher and is working with Compass on teacher training.

Commissioner O'Donahue asked how FRPCS will address the low satisfaction levels in certain areas.

Mr. Rice indicated that parts of the results were from lack of communications, and improvement in this area would be a major focus of the board in the coming year.

Commissioner DeMordaunt expressed concern regarding the school's weak 5<sup>th</sup> grade reading scores.

Mr. Rice indicated that online advanced reading courses were introduced last year to one grade and will be fully implemented to all grades this year.

Commissioner Van Wart asked for Mr. Green's resume.

Mr. Green was appointed to the school as of last night and previous education experience is 10 years teaching in private school systems, 5 of those years involved in the administration process, previously taught in a residential facility and was director of a children's home in Florida for two years, and executive pastor of a church in Georgia for seven years. He is not a certified administrator and is working with the SDE regarding provisional certification.

Commissioner Van Wart asked for a summary of the Board make up and their backgrounds.

Mr. Rice indicated that all Board members are also stakeholders with students in attendance at the school. Mr. Rice outlined board members and their contributions to the FRPCS board. The board is currently looking for potential board members that have accounting and legal backgrounds.

Commissioner Van Wart inquired how confident FRPCS is in the budget numbers provided.

Mr. Rice reported that there is a \$105,000 rollover. There were some double entries and these have been corrected.

Chairman Goesling asked FRPCS to provide, within the next 30 days, the survey results, a more detailed budget, results of the budget audit, FRPCS financial status regarding facilities for next year, and a communication plan.

#### **4. Monticello Montessori School (Monticello) New Charter Petition**

David Meyer and Dr. Andrew Meyer represented Monticello. They were joined by Jason South and Darren Wheeler, representatives from Dome Technology.

Mr. David Meyer reviewed the members of the board and their backgrounds and introduced the Montessori approach, which would be used and the proposed school to be located in Bonneville Joint School District 93.

Mr. David Meyer further reviewed the budget, expected grant income, and facility plans.

The Dome Technology representatives described the design and building plans in further detail. The building would be built in stages by Dome Technology and leased to the school until such a time when a purchase would be possible.

Commissioner Corkill also asked about having a part-time principal.

Mr. David Meyer said he planned to personally fill the position full-time but receive only a part-time salary.

Jennifer Swartz, PCSC counsel, noted significant liability concerns regarding Monticello's plan to contract with parents for the provision of transportation.

Commissioner Corkill asked for further clarification regarding the school's facility plans.

Mr. David Meyer said a contract would be drawn up between Monticello and the landowners as a lease with purchase option.

Commissioner DeMordaunt said she felt the Commission needed more measurable, academic goals for the first three years.

Mr. David Meyer noted that the school is accountable to No Child Left Behind.

Ms. Swartz said the school has satisfied all the statutory elements required of a petition. Statute does require the school to include measurable educational standards, but it does not specify what those must be. This is discretionary for the Commission.

**M/S (DeMordaunt/Van Wart): A motion to approve the charter petition for Monticello Montessori School contingent upon the addition of more specific timelines and achievement measures, and the removal of the bussing proposal.**  
*The motion passed unanimously.*

#### **5. Wings Charter Middle School (Wings) Pre-Opening Update**

The Wings board updated the PCSC on the status of its preparations to open in fall 2009.

#### **6. Nampa Classical Academy (NCA) Pre-Opening Update**

Kyle Borger, NCA board chairman, apologized for not having provided materials to the Commission in advance of the meeting. He updated the Commission on NCA's hiring and said NCA is working with the management company Paragon Schools to ensure financial stability and compliance. Enrollment is nearly full, even in upper grades, and there is a large waiting list. The school will open in portables and the permanent facility will be completed by the beginning of the 2010 school year. He described primary and backup transportation plans that are in place despite previous problems with the RFP process. He described the school's financial status, including the building fund and a 5% reserve.

Mr. Borger said NCA is purchasing curriculum and will be approving an extensive policy regarding the use of religious documents. He apologized for any difficulty caused by unanticipated media interviews regarding the issue of religious texts at NCA and said NCA did not specifically discuss this issue with the Commission because it is no different from their use of primary source documents in other areas; that is, all documents will be used in a secular manner as warranted by the particular class. He said the school's policy will ensure that religious texts are used in accordance with law.

Jennifer Swartz, Commission counsel, said she agrees with the school with regard to the U.S. Constitution, but said her opinion is that the Idaho Constitution is stricter regarding the use of religious texts in public schools. She read a clause of Article 9, Section 6 of the Idaho Constitution stating that "no books, papers, tracts, or documents of a political, sectarian, or denominational character shall be used or introduced in any schools established under the provisions of this article," and noted that there is no exception regarding the manner or context in which those texts are used. She noted that the Idaho Supreme Court has not addressed this portion of the Constitution, so she could not inform the Commission regarding how a court would interpret the provision. However, in her opinion, use of the Bible is likely not constitutional under the Idaho State Constitution.

Mr. Borger said the matter comes down to definitions, such as of "sectarian" and "denomination" because the Bible itself is used by multiple religions. He said NCA has attorneys working to ensure that the school is in full compliance.

Commissioner DeMordaunt asked which religious documents have been approved, and by whom.

Mr. Borger clarified that the board has only read the first draft of the policy designed to ensure that NCA staff understands its limits with regard to the use of religious texts, and will be approving the policy at the next board meeting.

Commissioner DeMordaunt asked whether it was NCA's intention to use religious documents in core classes or electives.

Mr. Borger said the religious texts will be used in many classes, and no class will be specifically designed for the study of such materials. He said the intent of the Constitution is to prevent focused study of religious materials.

Isaac Moffett said NCA recognizes that teaching religion is the responsibility of parents, but teaching about religion and its impact on society has a direct educational purpose. He said the Bible will be used in an appropriate manner in the context of history, literature, art, and music. He noted that schools regularly discuss Greek, Roman, and Egyptian gods and said history cannot be understood without knowledge of the Bible. He said that NCA uses primary source documents, rather than edited textbooks, to teach history and literature and will use a wide variety of books from varied perspectives.

Mr. Moffett noted that, in discussion with a prominent constitutional attorney, he was informed that the federal Constitution trumps the state Constitution, and federal rulings have stated that the Bible not only can, but should, be used as a text in public schools. He said that if the Commission informs NCA that use of the Bible is unconstitutional, the issue can be addressed at that time, but NCA has been assured by its legal counsel that it can use the text for educational purposes.

Ms. Swartz asked whether NCA has ensured that the religious texts it wishes to use are on the State Department of Education's approved curriculum list, or that a waiver has been applied for.

Mr. Moffett said he was informed by Shirley Rau, former School Choice Coordinator for the SDE, that charter schools did not have to go through the approval process and could use any texts they wanted to use.

Chairman Goesling advised NCA to check again with the SDE to verify that they are in compliance with regard to the need for curriculum approval.

Mr. Borger said NCA's assurance to the Commission is that the school will comply with state and federal laws, and will work with its attorney to ensure such compliance and that the school's actions are not a problem for the Commission.

Commissioner Van Wart confirmed with Ms. Baysinger that the Commission is obligated to issue a notice of defect if the Commission has reason to believe that a school has operated outside of compliance with statute.

Ms. Baysinger confirmed that, if an illegal text were being used, the Commission would be obligated to issue a notice of defect. However, because NCA has not yet opened for classes, no violation has yet occurred.

Mr. Borger cited I.C. 33-1604 and said he believes the State of Idaho has declared the Bible acceptable based on state code.

Ms. Swartz said she disagrees with Mr. Borger's interpretation of I.C. 33-1604.

Chairman Goesling asked Commission staff and NCA each to research the matter of using religious texts in public school classrooms, and said the Commission will consider the matter more fully at a later date.

Mr. Borger said other public charter schools under the Commission's authority are using the Bible but have not had a report issued on them.

Chairman Goesling said the issue is well worth looking into from a legal standpoint.

Mr. Borger said NCA faces no additional issues, assuming its site developer completes work on schedule. He indicated that charter amendments will be proposed during the upcoming year.

Cory Freeman, a member of the public and NCA parent, expressed support for NCA's intended use of religious texts, among other primary texts, in the classroom.

Susan, a member of the public, said she disagrees with the use of the Bible as a primary text in publically funded education.

Shauna Schneiderman, Ancient Literature teacher at NCA, described how part of the Old Testament, together with other primary documents, will be used in NCA's curriculum. She said the texts will be discussed for their literary and cultural merit, not as a means of influencing students' religious beliefs.

Mr. Borger said NCA's belief is that the Idaho Constitution and statute indicate that public schools are to teach from a neutral foundation. He said no board members or teachers have been questioned regarding their religious beliefs, but he is aware that multiple beliefs are represented among these groups. He said NCA is not interested in teaching theology, but in informing students about the effect of religion on history and society.

Chairman Goesling invited any additional comment from the Commission.

Commissioner Van Wart said she is pleased with NCA's update and encouraged them to submit materials, particularly financials, in advance of future meetings.

Commissioner DeMordaunt commended NCA for their high enrollment numbers.

## **7. Idaho Science and Technology Charter School (ISTCS) Pre-Opening Update**

Richard Dodds, Chairman of the Board and Joel Weaver, part-time teacher, administrator, dean of students, and curriculum director, updated the PCSC on the school's preparation to open in fall 2009. Enrollment is currently at 129, with an anticipated enrollment of 153-170. All financials are budgeted at an enrollment of 140.

Commissioner Van Wart recommended that ISTCS consider board training through Pocatello Community Charter School or Idaho Charter School Network.

Commissioner DeMordaunt requested copies of the current budget and a budget based on current enrollment rather than anticipated enrollment.

**8. Kaplan Academy of Idaho (KAID) Pre-Opening Update**

Mark Johnston, program manager; Mr. David Hyde, board president; and Brett Olmstead, board member, provided an update regarding KAID's preparations to open in fall 2009. Enrollment is currently at about 60, but over 200 students are anticipated to enroll by the beginning of the school year. The 2009-2010 budget was based on enrollment of 192 but is scalable.

Commissioner Van Wart asked why enrollment is so far below the budgeted estimate and Mr. Johnston said most of KAID's marketing plan will be enacted in August.

Commissioner DeMordaunt requested a budget based on actual enrollment.

**9. Kootenai Bridge Academy (KBA) Pre-Opening Update**

Charles Kenna, KBA administrator, updated the PCSC on the status of the school's preparations to open in fall 2009. Enrollment is estimated at 92 students, with an 80% attendance rate, and current enrollment is 46. If enrollment does not surpass 80, KBA would cut salaries, janitorial services, and contracted services.

Commissioner Van Wart expressed concern regarding KBA's low enrollment, recent change of facilities, and delay in obtaining 501(c) (3) status.

Commissioner DeMordaunt shared Ms. Van Wart's concerns and requested weekly updates until KBA's opening.

**10. iSucceed Virtual High School (iSVHS) Annual Update**

Don Pena, board chairman; Lisa McIntosh, business manager; Monti Pittman, executive director; and Cliff Green, operations management representative, updated the PCSC on the status of the school.

Several Commissioners commended the school for its high quality program, high enrollment, diverse student population, superior marketing strategy, and professional presentation.

Commissioner deVera expressed concern that iSVHS was not meeting their 70% student advancement rate as stated in their charter.

Ms. Baysinger noted that statute obliges the PCSC to issue a notice of defect when there is reason to believe that a school has violated any provision of its charter or failed to meet any of the major student educational standards within their charter.

**M/S (deVera/Corkill): To direct staff to issue to iSVHS a written notice of defect on the grounds of failure to substantially meet any of the student educational standards identified in the approved charter. *The motion passed unanimously.***

**M/S (Van Wart/DeMordaunt): To provide a written letter of appreciation to iSVHS for their excellent efforts. *The motion passed unanimously.***

**11. Palouse Prairie School of Expeditionary Learning (PPSEL) Pre-Opening Update**

Nils Peterson, PPSEL board chairman, and Summer Clayton, school director, provided an update regarding the school's preparations for opening in Fall 2009. Enrollment is currently at 62 students and further recruiting efforts are underway. The 2009-2010 budget is based on 63 students.

Commissioners Reed and Corkill requested the PPSEL provide a contingency budget demonstrating how PPSEL would function should enrollment drop by 10%.

**12. Sage International School of Boise (Sage) New Charter Petition (Second Hearing)**

Kim Carter-Cram, board chair; Mike Cram, board member; Nancy Glenn, board member and grant coordinator; Don Keller, founder; and Bill Keller, legal counsel, presented the Sage petition. They discussed bylaws amendments, facility plans, marketing plans, anticipated enrollment, and other charter modification previously requested by the PCSC and staff.

Chairman Goesling advised Sage to pursue 501(c) (3) status as soon as possible due to potential delays in the process.

Several members of the PCSC asked additional questions regarding the bylaws, budget, and board structure. Further, they indicated support for the international baccalaureate concept.

**M/S (DeMordaunt/Reed): To approve the charter petition for Sage International School of Boise, with the expectation that they will provide language changes to their absence policy, board bylaws, and education standards to PCSC staff. *The motion passed unanimously.***

**13. EPIC Academy (EPIC) New Charter Petition (Second Hearing)**

Danelle Baumgarten-Pickett, EPIC board chair, provided hard copies of budget information due to an error in transmitting documents prior to the meeting. She said EPIC's board has expanded to include an insurance agent and an information technology specialist. The board has established relationships with a realtor, a radio communications businessman, a contractor, and an accountant.

Marcia Dettman, EPIC board member, said EPIC's class sizes will range from 12-16, and the first year enrollment will be 48-64. She cited national, state, and local statistics regarding students on the autism spectrum and estimated that 50% of EPIC's students will be in that group. Thirty-two families have expressed interest in enrollment at EPIC, and additional interest was expressed during EPIC's recent involvement at a local fair.

Ms. Dettman discussed EPIC's curriculum, which will include social and life skills in addition to academics. Many texts will cater to low reading levels while attracting student interest. Students will create portfolios, and behavior management information will also be included.

Barbara Webb, EPIC vice chair, said reading will be a focus at EPIC, as many of their students are expected to be low in reading. All incoming students will be pre-tested for reading skills in fall and post-tested in spring.

Ms. Baumgarten-Pickett said the land EPIC had, at the time of the April Commission meeting, and hoped to purchase has proven too expensive. She said EPIC has found a different property within the Lakeland School District whose owner has already signed a lease. Remodeling costs are budgeted at \$30,000, and a conditional use permit will be required. EPIC will initially lease office space only, moving into additional suites as needed to house students.

Ms. Baumgarten-Pickett described a second facility option, located in a 2-story strip mall across the street from the middle school. Remodeling would be required, and no lease has been signed. The agreed-upon lease and remodeling costs are the same as the first facility option, and the city has given preliminary approval for a school to locate on the site. Lakeland School District has expressed interest in sharing transportation services.

A third facility option is located in Hayden, and its owner has preliminary city approval and floor plans for a pre-school. The building, if built, would function for EPIC's needs and costs are the same as options one and two.

A fourth facility idea, purchasing and developing bare land, is unlikely to be affordable in the foreseeable future.

Ms. Webb said EPIC's federal grant application is ready for submission. She said that, prior to opening; EPIC will rely on the federal grant and the Albertsons grant, though much of this money will not be available until spring or later. She said the school is interested in hiring a start-up consultant.

Ms. Webb said EPIC is dedicated to keeping its class sizes small, which results in limited funding. She noted that Sandpoint Charter School has managed to operate with class sizes limited to 16. EPIC took the Commission's suggestion of budgeting for a full-time administrator and noted that one of its four classroom teachers will need to be special education certified. EPIC is exploring additional grant opportunities, but the budget does not depend on these grants or fundraising. The budget assumes that EPIC will not expand enrollment during its first three years. No federal grant money is included in Year Three because EPIC plans to receive some grant funds prior to opening. EPIC has been awarded a \$14,000 technology grant for a data collection program.

Chairman Goesling asked what EPIC's autism spectrum population will require in terms of special education services in the classroom.

Ms. Baumgarten-Pickett said each classroom will have a teaching assistant. Some students' IEPs will require one-on-one assistants. EPIC hopes to start early with staff training for dealing with special needs.

Commission O'Donahue inquired how EPIC's program will serve students who are not on the autism spectrum, as well as those who are.

Ms. Baumgarten-Pickett said EPIC's goal is to be a life preparation school. Additionally, EPIC's small class sizes will reduce peer pressure and increase student support. The curriculum and schedule will help students transition from the elementary environment to the high school environment.

Commissioner Corkill questioned whether EPIC's proposed primary attendance area contains a sufficient number of autism spectrum students to fill EPIC's enrollment.

Ms. Baumgarten-Pickett said the attendance area was drawn based on EPIC's limited ability to afford transportation services for a large area. She said families from outside the primary attendance area have expressed interest in attendance, and parents would transport their children from other areas.

Commissioner Corkill asked for additional documentation indicated where students will be drawn from.

Ms. Baumgarten-Pickett cited signatures gathered in Rathdrum recently.

Ms. Baysinger clarified that the only purpose of the primary attendance area is to define to which students the public charter school must provide transportation and which student students will receive the primary attendance area preference in the enrollment lottery. Students who reside outside the primary attendance area may still apply to attend.

Chairman Goesling expressed concern that autism spectrum students who reside outside the primary attendance area may not be able to attend because EPIC's seats will be filled with non-autism spectrum students who reside within the primary attendance area and therefore have a higher enrollment preference. He said a larger primary attendance area would offer more opportunity for the school's target population to enroll successfully.

Ms. Baumgarten-Pickett said the resultant problem would be unmanageable transportation costs for a small number of students spread over a large area.

Commissioner Van Wart inquired about the number of younger autism spectrum students within the primary attendance area who will grow into the grades offered by EPIC. She also expressed concern that, with its special education focus, EPIC will need more than one special education teacher. Furthermore, she wondered if EPIC might lose focus on its autism spectrum population due to high enrollment of students without special needs.

Commissioner Reed said he is concerned that EPIC's focus is on too narrow a student population.

Commissioner Corkill added his concern that although EPIC will be open to all students, it is unlikely that students without special needs will enroll in a school designed primarily for autistic children.

Ms. Webb said some area homeschoolers are interested in EPIC as an alternative to traditional public schools. She also noted that EPIC's focus on individual learning needs and hands-on education will benefit all students.

Commissioner Van Wart asked how Kootenai Bridge Academy's attendance area relates to EPIC's proposed attendance area, and Commissioner Corkill said KBA is about 20 miles away from EPIC.

Ms. Baysinger noted that KBA serves a different age group than would EPIC. She answered Commissioners' questions about the necessity of providing transportation, saying that statute requires public charter schools to provide transportation "where practicable." She said it is her understanding that the latest interpretation from the State Department of Education is that public charter schools may not elect not to provide transportation based on inability to afford bussing. Additionally, students with IEPs

requiring transportation must be provided such regardless of whether they reside within the primary attendance area or not.

Commissioner DeMordaunt commended several aspects of the petition and said it appears the major concern is that EPIC will be unable to attract a sufficient number of students to remain fiscally solvent.

Ms. Baumgarten-Pickett said EPIC is marketing itself as a life preparation school with an emphasis on serving high-functioning autism spectrum students.

Commissioner Van Wart said her primary concern is that one special education teacher will be insufficient to meet the needs of EPIC's students, but the budget doesn't allow for additional special education expertise.

Ms. Baumgarten-Pickett said many teachers who have submitted resumes to EPIC have special education training.

Commissioner Van Wart asked how EPIC would handle a situation in which another special education teacher was required.

Ms. Webb said EPIC would look into purchasing more used supplies and cutting back on contracting.

Commissioner O'Donahue agreed with Commissioner Reed that EPIC's target population is very narrow, and the school will need to market itself carefully in order to obtain sufficient enrollment.

Commissioner Van Wart agreed that families without special needs children are less likely to be attracted to EPIC, which also plans to offer the grades that are typically hardest for public charter schools to fill.

Chairman Goesling said the Commission must either approve or deny the charter at this time.

Commissioner DeMordaunt noted that EPIC's budget uses a conservative estimate with regard to the amount of special education funding the school would receive.

Commissioner Corkill said he admires the petitioners' passion, but he is not comfortable that they will be able to enroll a sufficient number of students.

Commissioner O'Donahue said parents of autism spectrum students tend to seek out opportunities for their children.

Commissioner DeMordaunt asked how long EPIC's current board members intend to remain involved with the school.

The petitioners said they plan to be involved for an extended period.

Commissioner Corkill asked staff to clarify the Commission's options, and Ms. Baysinger said the Commission may either approve the petition or deny the petition. In the case of a denial, the petitioners would have the option of starting the appeals process. The

school could also choose to start over with the petitioning process as if it were a new petition.

Commissioner Corkill asked what would happen if the school was approved and enrollment proved too low for financial stability. Ms. Baysinger said the Commission would then proceed with the notice of defect process, moving toward revocation of the charter. She said the difficulties with this scenario include state funding being disbursed to a school that doesn't open, leases being signed, students being displaced early in the school year, and waste of taxpayer dollars.

Commissioner Van Wart asked staff whether the petition fulfills legal and Commission requirements. Ms. Baysinger said the petition meets the requirements quantitatively, but not qualitatively.

Commissioner Corkill asked whether the petition could be approved conditionally upon the school's ability to provide letters of commitment from parents who intend to enroll.

Ms. Swartz said statute does not provide any means by which the Commission could enforce such a conditional approval by revoking the charter if EPIC failed to meet the condition.

Chairman Goesling asked whether a decision on the petition could be delayed. Ms. Baysinger and Ms. Swartz said all delays allowable by law have already been applied in this petition's case.

**M/S (Corkill/Reed): To deny the EPIC petition on the grounds of insufficient assurance that EPIC will be able to enroll an adequate number of students to ensure fiscal soundness; inadequate budgetary information, including documentation of anticipated income and expenses; and concerns regarding the primary attendance area boundaries.**

Commissioner DeMordaunt asked whether certain enrollment data is required by law, and Ms. Swartz clarified that enrollment data requirements are left to the discretion of the authorizer.

Following discussion among the Commissioners, with petitioner clarifications, Commissioner DeMordaunt said she was not comfortable with the budget.

*The motion passed unanimously.*

#### **14. Global Outreach Charter Academy (GOCA) New Charter Petition**

This item was previously removed from the agenda at the request of the Petitioner.

**M/S (DeMordaunt/Van Wart): To return Global Outreach Charter Academy to the agenda since they were able to attend the meeting. *The motion passed unanimously.***

Sergey Soroka-Chairman apologized for the misunderstanding in attending today's meeting. Also attending were Vladimir Lukomsky, Pavel Struk, and Yuliya Hall.

Mr. Soroka said the school had strong community support and he himself had extensive charter school experience in other states. He introduced GOCA as a Meridian area

school designed to serve English language learners primarily from the Slavic immigrant community, and would provide Russian language instruction to all students. Mr. Lukomsky introduced possible facility plans.

Several Commissioner asked questions about the nature of the dual language instruction, anticipated student demographic, proposed staffing, and board backgrounds.

Commissioner Van Wart said Mr. Soroka could not be both a board member and a contracted consultant.

Commissioner DeMordaunt said she could not approve GOCA due to the lack of diverse experience and skills represented by board. Once the charter is approved, Mr. Soroka would be required to resign and the remaining of members lack diversity and experience. She also expressed concern that the proposed student demographic was too narrow and native English speakers would not be adequately served.

Chairman Goesling said he believed GOCA would need bilingual teachers in order to meet its stated goals. However, the budget did not appear to allow for this.

Commissioner Reed noted that \$233,000 in grant funds was a high estimate, but without the full \$233,000, the budget could not balance.

Chairman Goesling asked GOCA to follow up with Ms. Baysinger and the State Department of Education regarding budget formatting and content.

Two members of the public testified in support of GOCA.

Eric Exline, Public Information Officer for the Meridian School District, testified regarding the district board's concern that GOCA would become a specialized program funded at 20% higher than the school district. He also noted that the issue of losing cultural heritage is not specific to the Slavic community.

**M/S (Corkill/Reed): To delay a decision on the Global Outreach Charter Academy petition pending receipt of additional information regarding the budget and board structure. *The motion passed unanimously.***

Chairman Goesling encouraged Commissioners to call or email Ms. Baysinger with recommendations to GOCA on the specific items to be addressed.

#### **15. North Valley Academy (NVA) Proposed Charter Amendment and Facility Update**

Ms. Baysinger said that NVA is proposing a charter amendment that would allow for flexibility in per-class enrollment caps in order to bring in more revenue. She indicated that the line on Page 68 "*Otherwise, such children will be included in the fourth priority group*" must be stricken as it is not compliance with the new statute. The proposed amendments would also include a number of other, minor updates.

The Commissioners discussed the proposed changes with NCA representatives.

**M/S (Van Wart/DeMordaunt): To deny NVA's proposed charter amendment softening commitments made by NVA in the approved charter, including the use of particular charter-building curricula; required instruction in fine arts, health,**

**and physical education; and foreign language (Spanish) instruction. *The motion passed unanimously.***

**M/S (Van Wart/DeMordaunt): To approve NVA's proposed charter amendment updating the enrollment priorities section to incorporate new preferences permitted by HB0079, which came into effect July 1, 2009. *The motion passed unanimously.***

**M/S (Reed/Van Wart): To deny NVA's proposed charter amendment that would permit the NVA board to increase class sizes as needed, without authorizer approval. *The motion passed unanimously.***

**M/S (Van Wart/DeMordaunt): To approve NVA's proposed charter amendment updating language pertaining to the provision of transportation and school lunch services at NVA. *The motion passed unanimously.***

**M/S (Van Wart/DeMordaunt): To extend the Commission's responsibility to staff in working with NVA to revise denied charter amendments. *The motion passed unanimously.***

NVA updated the PCSC on the school's ongoing facility negotiations with ISDSDB and the Gooding School District. It was noted that the new ISDSDB had not yet formed and therefore could not approve NVA's request for an extended lease.

Commissioner Corkill expressed concern that NVA would not have a facility in which to house its high school grades in the upcoming school year.

**The meeting was adjourned at 4:20 p.m. on July 23, 2009.**