

MEETING MINUTES

Thursday, June 18, 2015 | 10:00 a.m. to 5:00 p.m.

South Seattle Community College

Georgetown Campus

Colin Educational Hall, Room C122

6737 Corson Avenue S

Seattle, WA 98108

Attendance:

Trish Millines Dziko, Kevin Jacka, Margit McGuire, Dave Quall, Steve Sundquist, Larry Wright, and Cindi Williams

Absent: Raymond Navarro

Leadership Team: Joshua Halsey, Executive Director; Cathy Fromme, Deputy Director; Linda Sullivan-Colglazier, Assistant Attorney General; Colin Pippin-Timco, Executive Assistant

Call To Order

Roll Call

Chair Sundquist called the meeting to order at 10:05 a.m. Attendance was taken. The following Commissioners were present: Trish Millines Dziko, Kevin Jacka, Margit McGuire, Dave Quall, Steve Sundquist, and Cindi Williams. It was determined a quorum was present to proceed with the meeting.

Approval of the June 3 Special Commission Meeting Minutes

Meeting minutes for the June 3, 2015 Commission meeting were reviewed and approved – Commissioner Dziko moved, and Commissioner Williams seconded. The motion passed unanimously.

Public Comment

Mellissa Westbrook, Blogger with Seattle Schools Community Forum, noted that she was impressed with the work of the Commission, and encouraged the Commission to carry out its legal obligations regarding oversight and accountability of authorized schools.

Laurie Reddy, First Grade Teacher with First Place Scholars Charter School (FPS), stated that the data submitted in response to the Commission's June 3 Letter with Conditions (LWC) regarding FPS' student academic growth did not reflect a holistic view of each FPS student. Ms. Reddy invited the Commission to visit FPS for an entire school day.

Reverend Harriet Walden, Board Member with FPS, stated that she believed FPS was opened out of compliance, and encouraged the Commission to work in partnership with FPS.

Charlotte Wheelock, Parent of FPS student, stated that FPS had helped her son to become more interested in his education and the world around him. Ms. Wheelock reiterated Ms. Reddy's observation that FPS' response to the Commission did not reflect a holistic view of each FPS student.

Joseph Aprille, Volunteer with FPS, urged the Commission to broaden its focus when evaluating FPS progress. Mr. Aprille stated that were the Commission to revoke FPS' charter, the result would be injurious to the students already enrolled at FPS.

Dawn Mason, Board Chair with FPS, thank the Commission for the effort it had made in improving its relationship with FPS. Ms. Mason expected that FPS would eventually be in compliance with its legal and contractual obligations, but that this process would take time. Ms. Mason noted that Dr. Linda Whitehead, School Leader with FPS, would be unable to take time off during the summer on account of the conditions the Commission had determined FPS needed to meet.

Christina Damas, Parent of FPS student, stated that the progress FPS had made with her child was commendable. Ms. Damas noted that there had been a noticeable, positive difference since FPS' leadership had transitioned to Dr. Whitehead. Ms. Damas encouraged the Commission to allow FPS to retain its charter.

Cheryl Milton, Fourth/Fifth Grade Teacher with FPS, noted that the students in her class had learned first-hand about bias, accountability, and politics from FPS' various public interactions. Ms. Milton stated that the Commission needed to "step up" in regards to its relationship with FPS.

Frankie Gollub, Fourth/Fifth Grade Instruction Aid with FPS, noted that there had been a noticeable, positive difference since FPS' leadership had transitioned to Dr. Whitehead.

K. Wyking Garret, Community Member, asked whether FPS had been opened out of compliance and, if so, the Commission should take some accountability for this. Mr. Garret noted that benefactors of Initiative No. 1240 should be taking a more active role at FPS.

Carolyn Ryason, Special Education (SPED) Teacher at FPS, noted that FPS had made progress in regards to systematizing its SPED services since March 2015.

Julia Chase, Community Member, noted that FPS had operated as a nonprofit private school for over 20 years before becoming a charter school. Ms. Chase noted that a letter written by Mr. Aprille encouraging the Commission to maintain FPS' contract had been forwarded to local and national political leaders.

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FPS Response to June 15th Letter with Conditions (LWC)

Executive Director Analysis of First Place Response

Mr. Halsey presented a [Memo Regarding Staff Analysis with Recommendations of Materials Submitted by First Place on June 15, 2015](#) in response to the Commission's June 3rd LWC. The leadership team found that FPS' materials demonstrated the following:

Condition	Analysis
<p><i>Core Educational Program Components</i> Demonstrate student progress monitoring is occurring 2014/15.</p>	Met
<p><i>English Language Learners (ELL)</i> Provide progress reports documenting delivery of required ELL services for all eligible students between the dates of May 15, 2015 and June 15, 2015.</p>	Met
<p><i>SPED</i> Demonstrate that SPED and related services are being provided for all eligible students and will continue to be provided going forward for students who may enroll and may be identified as eligible to receive special needs services and supports (School Psychologist, SLP, PT, OT, services for students with visual impairments, services for students with hearing impairments, services for students with autism, services for students with physically impaired, etc.)</p>	Partially Met
<p><i>SPED</i> Demonstrate that all required SPED compensatory services are currently being delivered to each eligible student in accordance with the proposed corrective action compensatory education plan.</p>	Not Met
<p><i>SPED</i> Confirm that required (from 2014/15) Special Education compensatory services will be delivered per plan prior to the beginning of the 2015/16 school year.</p>	Partially Met

Condition	Analysis
<p><i>SPED</i> Demonstrate that required Special Education compensatory services ordered by OSPI on December 31, 2014 as a result of Special Education Citizen Complaint (SECC) No. 14-64 are being provided.</p>	<p>Not Met</p>
<p><i>Financial Viability</i> Establish a viable expense budget for the 2015/16 school year using the Commission budget template.</p>	<p>Partially Met</p>

Commissioner Wright joined telephonically at 10:59 a.m.

First Place Presentation

Commissioner Wright arrived at 11:15 a.m.

Dr. Whitehead gave a presentation detailing the history and future of FPS.

Commissioner Williams departed at 11:45 a.m., but continued to participate telephonically.

Question and Answer with Commission

Chair Sundquist asked why FPS had not included in its expense budget the reconciliation for over-apportionment payment that FPS had received from the state for the 2014/15, estimated at \$140K.

Dr. Whitehead responded that it was not uncommon for schools to owe monies to the state. However, FPS would engage in fundraising to fulfill this reconciliation before the 2015/16 school year. FPS would also enroll more students during the 2015/16 school year while maintaining current staffing levels and not taking its full apportionment for the 2015/16 school year.

Commissioner Wright asked how much FPS had raised during the 2014/15 school year.

Ms. Mason responded from the audience that the school had raised \$200K during the 2014/15 school year.

Commissioner Wright asked how much FPS intended to raise during the 2015/16 school year.

Dr. Whitehead responded that, in total, FPS planned to:

- Raise \$140K from private donors before the 2015/16 school year

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- Raise \$200K from private donors during the 2015/16 school year

Chair Sundquist asked why FPS had included only one case manager on its expense budget as opposed to the two case managers it had operated with during the 2014/15 school year.

Dr. Whitehead responded that First Place Inc. would be carrying the secondary case manager on its budget during the 2015/16 school year.

Commissioner Wright asked for the total amount that First Place Inc. intended to transfer to FPS.

Steven Neilson, Assistant Superintendent with Puget Sound Educational Service District (PSESD), joined Dr. Whitehead and responded that First Place Inc. carried the overall rental and janitorial costs for FPS as First Place Inc. owned the school building. Mr. Neilson noted that FPS leadership were aware of the lack of financial transparency involved in operating two separate 501 c3 organizations in this manner, and hoped to remedy this.

Chair Sundquist asked for an explanation of discrepancies between submitted SPED contracts, a budget excerpt detailing these contracts, and the submitted 2015/16 expense budget.

Dr. Whitehead responded that FPS had begun the year with a virtual SPED provider that FPS leadership felt did not meet the needs of students. Dr. Whitehead noted that it had taken more time to secure contracts with the appropriate SPED personnel than she had desired. She also noted that FPS had been careful to tally the compensatory minutes of each student. Dr. Whitehead had presented multiple summer compensatory options to parents, and parents had agreed to a program that offered fewer compensatory minutes than were due to their students. Dr. Whitehead confirmed that FPS had appropriate SPED staffing levels for the 2015/16 school year, and that many of the students had modified Individualized Education Programs (IEPs) that contained fewer SPED minutes than 2014/15.

Commissioner Wright asked if the remainder of the SPED minutes from 2014/15 would be made up in in the 2015/16 school year. Commissioner Wright expressed concern regarding how the compensatory schedule was offered, and noted that, as a taxpayer, he would prefer to see that the minutes were offered in full.

Dr. Whitehead responded that parents had pushed back on the large number of hours in the proposed summer schedule. Dr. Whitehead noted that, at the end of July, FPS and each parent would reevaluate whether the compensatory schedule had met the student's needs. Staff would be made available should further services be required.

Commissioner Dziko asked if there was an option for students to receive SPED compensatory services from 2014/15 in 2015/16.

Dr. Whitehead confirmed that if FPS were free to carry out this plan, it would certainly do so. Dr. Whitehead noted that her leadership team had felt constrained by an August 31 deadline.

Chair Sundquist asked for clarification as to the delay in implementing SECC No. 14-64.

Dr. Whitehead noted that the student involved in the SECC had been transferred to foster care by Child Protective Services (CPS). This had complicated scheduling the student's compensatory services, as the foster parents pushed back on the originally agreed upon providers for the services. Dr. Whitehead noted that a deposit had been made for the services and a start date of July 14, 2015 had been established.

Commission Review, Discussion and Action

Commissioners discussed FPS' response to the LWC.

When asked for his professional analysis regarding the response to date, Mr. Halsey expressed concern in regards to FPS' financial viability during the 2015/16 school year and the lack of financial transparency between the school and First Place Inc. Mr. Halsey highlighted his concerns as to whether FPS had the capacity to meet its fundraising goals. Mr. Halsey noted that, if FPS were to remain in operation for the 2015/16 school year, clear financial benchmarks would need to be established.

When asked for her professional analysis regarding the response to date, Dr. Fromme expressed concerns regarding FPS' SPED program moving forward, as well as FPS' ability to provide the full amount of compensatory minutes for each student accumulated during the 2014/15 school year. Dr. Fromme regretfully expressed a lack of confidence in FPS' ability to meet all compliance concerns in a timeframe that was in the best interest of its students.

Executive Session

Chair Sundquist adjourned open session at 12:55 p.m. An executive session was held pursuant to RCW 42.30.110(1)(i).

Chair Sundquist reconvened the Commission from executive session at 1:25 p.m.

Action from Executive Session

There was no action from the executive session.

Commission Review, Discussion and Action (Cont.)

Commissioner McGuire moved to accept the [Memo Regarding Staff Analysis with Recommendations of Materials Submitted by First Place on June 15, 2015](#) as the Commission's finding regarding FPS' response to the June 3rd LWC; Commissioner Dziko seconded: the motion passed unanimously.

Commissioner Wright moved to revoke FPS' charter; Commissioner Jacka seconded. The motion failed: Commissioners Jacka, McGuire, and Wright voted in the affirmative; Commissioners Dziko, Quall, Sundquist, and Williams voted in the negative.

Commissioner Quall departed at 3:00 p.m.

Commissioner Dziko moved to place FPS on probation for twelve months and impose sanctions for:

- Committing material and substantial violations of the Charter Schools Act and its charter contract;
- Substantially violating material provisions of the laws governing special education;
- Failing to provide a complete expense budget for the 2015/16 school year; and
- Failing to fully satisfy the terms of its existing corrective action and probation plans.

The Sanctions and Terms of Probation shall consist of the following:

- FPS must provide the Commission with monthly progress reports demonstrating that required current and compensatory SPED services are being delivered.
- Demonstrate that appropriate roles and responsibilities have been assigned to school faculty and staff, and that those faculty and staff have been given sufficient time and resources consistent with their other responsibilities, to ensure the school can and will satisfy its legal obligations as an independent Local Education Agency (LEA) for SPED services.
- Describe and demonstrate how FPS will fulfill its contractual obligations as defined in provision 4.4 Education Program of the charter contract or propose alternative language in the form of a contract amendment.
- Beginning July, 2015, 15 business days after the close of the month, submit to the Commission monthly financial result using the Commission's financial template.
- Propose a 2015/16 budget 30 days after the state's biennium budget is approved by the Governor.

Failure to satisfy these conditions will result in possible revocation of the school's charter.

Commissioner McGuire seconded the motion: The motion passed unanimously.

Commissioner Williams departed telephonically at 4:00 p.m.

Chair Report – Steve Sundquist

Chair Sundquist noted that the National Association of Charter School Authorizers (NACSA) would hold its annual Leadership Conference October 19-22, 2015 in Colorado.

Chair Sundquist confirmed the resignation of Dr. Roberta Wilburn from the Commission, and noted that he had started the process with the Governor’s office to identify candidates to fill Dr. Wilburn’s seat.

Chair Sundquist noted that he would be on vacation until July 4, 2015. During that time, Commissioner Williams would serve as acting chair.

Executive Director Report – Joshua Halsey

Update on Legislative Strategy

Mr. Halsey noted that the leadership team had begun contingency planning for a June 30th Commission Offices shut down should the State Legislature fail to pass a 2015/17 biennium budget: Mr. Halsey would remain on duty, while Dr. Fromme and Mr. Pippin-Timco would be furloughed until a budget was passed.

OSPI Proposed Rule Changes

Mr. Halsey reported that on, May 26th, Mr. Pippin-Timco delivered testimony on the Commission’s behalf regarding OSPI proposed rules regarding timely reporting and finance for charter schools. As a result of the public feedback received on the 26th, OSPI did not adopt the rules as intended on May 29th. On June 15th, Commissioner Sundquist, Aileen Miller and Mr. Halsey met with representatives from OSPI to learn more about the proposed rules and to provide input for their improvement.

New Staff Position: School Quality and Accountability (SQA) Director

Mr. Halsey presented a hiring announcement for a new Commission leadership team member, the SQA Director. The SQA Director would be responsible for building a Commission-centric data tracking system and communicating outcomes to the Commission, its stakeholders and authorized schools. Mr. Halsey encouraged Commissioners to share a job announcement regarding the SQA Director with anyone they thought would be interested in applying. The position closes on July 5th.

Authorized Charter School Contract Updates

Mr. Halsey noted that, over the past several months, he had worked closely with Commission counsel and authorized school representatives to develop updated charter contracts. The updated contracts were intended to align all school contracts, and to amend several provisions in service of a charter school’s successful opening, as well as clarify performance expectations.

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Mr. Halsey noted that both Green Dot and Excel had signed the new contract. Mr. Halsey requested that the Commission accept an extension until June 26, 2015 for the remaining contracts to be signed, and to allow Chair Sundquist to sign the contracts as they were received. Commissioner Wright moved as such, and Commissioner McGuire seconded: the motion passed unanimously.

Mr. Halsey requested that the Commission establish a hard deadline of June 26, 2015 for the updated contracts to be signed; if the updated contracts were not signed by June 26, 2015, the existing charter school contracts will be enforced in their entirety. Commissioner McGuire moved as such, and Commissioner Dziko seconded: the motion passed unanimously.

Commissioner Wright moved to extend the due date for schools to propose a 2015/16 budget until 30 days after the state's biennium budget is approved by the Governor; Commissioner Dziko seconded: the motion passed unanimously.

Commissioner McGuire requested that the minutes reflect that she feels great appreciation towards the Commission's leadership team for their work.

Next Steps

The Commission has identified the following next steps:

- Monitor Legislature's progress towards establishing a 2015/17 biennium budget
- Continue work on Academic Performance Framework
- Continue monitoring FPS
- Engage Governor's Office to fill open Commission seat
- Begin drafting report to Legislature regarding the state of the charter sector in the State of Washington

The Commission adjourned at 4:50 p.m.