

SPECIAL MEETING MINUTES

Thursday, October 15, 2015 | 10:00 a.m. - 5:00 p.m.

STAR Center
Voyage Studio
3873 S 66th Street
Tacoma, WA 98409

Attendance:

Dr. Stacy Hill, Kevin Jacka, Margit McGuire, Raymond Navarro, Jr., Dave Quall, Steve Sundquist, and Cindi Williams

Absent: Trish Millines Dziko and Larry Wright

Leadership Team: Joshua Halsey, Executive Director; Cathy Fromme, Deputy Director; Ebonee Jackson, School Quality & Accountability Director; Aileen Miller, 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: Dr. Stacy Hill, Kevin Jacka, Margit McGuire, Dave Quall, Steve Sundquist. It was determined a quorum was present to proceed with the meeting.

Approval of the September 17 Commission Meeting Minutes

Meeting minutes for the September 17 Commission meeting were reviewed and approved – Commissioner McGuire moved, and Commissioner Quall seconded. The motion passed unanimously.

Public Comment

Dan Calzaretta, School Leader for Willow Public School, noted that an executed charter contract between the Commission and Willow Public School would put the school in a better position for its facility search, as well as fundraising.

Commissioner Williams arrived at 10:15

Don Bunger presented Commissioners with a chart detailing “global corporatization.”

Commissioner Navarro arrive at 10:17

Greg Ponikvar, School Leader for Summit Public School: Atlas, noted that an executed charter contract between the Commission and Summit Atlas would allow the school to continue planning and building relationships in the community.

Chair Report – Steve Sundquist

Chair Sundquist noted that he, Mr. Halsey and Dr. Fromme would be attending the National Association of Charter School Authorizers (NACSA) Leadership Conference the following week.

Executive Director Report – Joshua Halsey

State Supreme Court Ruling Calendar Update

In regards to the Supreme Court's September 4th decision invalidating the Charter Schools Act, Mr. Halsey reported that there have been two extensions granted:

1. One extension gave the Interveners additional time to submit their Motion for Reconsideration, which is now due October 23rd; and
2. Another extension gave the Appellants additional time to respond to the State and Interveners' Motions to Stay the Mandate, which is now due on October 26th.

Because of the first extension, the court has not issued its mandate. This has allowed public charter schools to receive their September monthly apportionment from the Office of Superintendent of Public Instruction (OSPI).

There were three additional motions filed with the Court which the Court has yet to rule on:

1. Motion for Emergency Relief (filed by Appellants);
2. Motion for Stay (filed by State and Interveners); and
3. Motion for Reconsideration (filed by State).

The timeline for the Court to rule on any of these three motions is unknown. It is likely, however, that the Court would rule on the Motion of Emergency Relief first because it will be fully briefed by the week of October 19th.

Authorized Charter School Updates

Mr. Halsey reported that all schools continue to remain in compliance with their charter contract. As well, the leadership team has scheduled and communicated to school leaders and their board chairs the dates of the first public charter school board meeting observations.

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Update on Commission Operations and Finances

General Update

Mr. Halsey reported that he has been working closely with Department of Enterprises (DES) small agency services representatives (Human Resources and Accounting) to develop contingency plans for the following:

- Wind down of operations which includes archiving documents, closing out leases and costs associated with unemployment benefits and vacation buy-outs; and
- In the event that the Commission's oversight fee account cannot be utilized, determining how long the Commission can remain in operation.

As a result of these conversations, Mr. Halsey submitted two supplemental budget requests:

1. Additional funds to compensate the agency for costs associated with defending the League of Women Voters lawsuit; and
2. Additional funds to compensate for costs associated with unemployment benefits and employee vacation buy-outs.

Mr. Halsey noted that, with charter schools receiving monthly apportionment, deposits are occurring in the oversight fee account. The Commission is drawing from the account for its oversight responsibilities. If schools continue to receive apportionment, then the Commission can remain in full operation. However, if apportionment ceases, then the Commission will only have enough funds to continue operations into the early part of 2016.

Public Records

Mr. Pippin-Timco reported that a public records request from Jessica Skelton, attorney with Pacifica Law Group had been closed.

Mr. Pippin-Timco offered further guidance as Commissioners continue to provide public records in their possession from their time on the Commission.

Oversight Lessons Learned

Mr. Halsey briefed the Commission in regards to lessons learned from the agency's first year of oversight.

2015 Request For Proposals (RFP) for new charter schools Lessons Learned

Mr. Halsey briefed the Commission in regards to lessons learned during the agency's third RFP.

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2016 Proposed Commission Calendar

Mr. Halsey presented proposed meeting dates for the Commission's 2016 public meeting. Commissioners were asked to review the dates so that calendar dates may be solidified during the November 9th public meeting.

Performance Framework Update

Ms. Jackson provided an update regarding continued work on the Commission's Performance Framework. Ms. Jackson noted that the Commission's leadership team looked to move forward with a public facing dashboard for the Performance Framework. Mr. Halsey noted that the leadership team was working on a weighting system in conjunction with targets for the Academic Performance Framework. However, such a system would be delayed until late spring due to the severe delay of results and targets from the Smarter Balanced Assessment. Until that point, the Commission would utilize the schools' academic goals to monitor academic performance.

Executive Session

Chair Sundquist adjourned open session at 11:48 a.m. An executive session was held pursuant to RCW 42.30.110(1)(i).

Chair Sundquist reconvened the Commission from executive session at 1:10 p.m.

Action from Executive Session

There was no action from the executive session.

Pending Charter Contracts

Chair Sundquist presented language to be added to the contracts of schools approved during the Commission's 2015 RFP to open in the 2016-17 school year:

Section 1.4 Legal Conditions Precedent

The parties acknowledge that the Washington State Supreme Court has issued an opinion invalidating the entire Charter Schools Act as unconstitutional. However, the mandate has not yet issued and a motion for reconsideration has been filed. Therefore, the parties execute this contract with full awareness that it will become null and void on the issuance of the mandate, absent a change in the Supreme Court's Opinion that salvages the Commission and the provisions of the Charter Schools Act under which it operates, or legislative intervention.

The parties further agree that this contract is entered into subject to all of the following conditions precedent which must exist before either party becomes obligated to perform under the contract:

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1. The Commission, in its current legal form and legal status must exist beyond the issuance of the Supreme Court’s mandate;
2. The Charter Schools Act must exist in its current form, or an amended form that provides for the Commission to exist in its current form with, at a minimum, the same authority currently possessed by the Commission;
3. State funding must be legally and constitutionally available to pay in accordance with the terms of this contract;
4. The Applicant must satisfy all additional legal requirements imposed on applicants and school operators under any newly enacted, or amended, Charter Schools Act; and
5. All of the above conditions precedent must be satisfied no later than the issuance of the mandate, or sine die of the 2016 Legislative Session, whichever occurs last.

In the event that any one of these conditions precedent is not satisfied the Contract shall be null and void. The Parties further recognize that the Commission cannot and does not bind future entities, or other state agencies, under this Contract.

The Parties further agree that if this Contract is rendered null and void, the Applicant may submit future charter applications to the Commission, or any other authorizer, to the extent permitted by law.

Section 15.2 Termination by the Commission

This Contract may also be terminated if the Commission determines that there are insufficient funds available for the operation of the School. Insufficient funds shall include, but not be limited to, reduction in, or elimination of, state allocation of funds. It shall also include depletion of grants or other funding sources to a degree that the Commission determines the School is no longer financially viable. Such termination will be effective on the date identified in the notice, which will be 30 days, or sooner, if the Commission determines that a shorter period is warranted.

Commissioner Williams moved to approve the charter contract with the added language between the Commission and Summit Public School: Atlas. Commissioner Hill seconded.

Executive Session

Chair Sundquist adjourned open session at 1:23 p.m. An executive session was held pursuant to RCW 42.30.110(1)(i).

Chair Sundquist reconvened the Commission from executive session at 1:33 p.m.

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Action from Executive Session

There was no action from the executive session.

Assessing the Performance of Executive Director

Chair Sundquist reported that Mr. Halsey displayed exemplary performance as the Commission's Executive director during 2015. It was strongly agreed that he had met the goals he had set in December 2014.

Commissioner McGuire moved to increase Mr. Halsey's yearly compensation from \$108,157 to \$111,000. Commissioner Quall seconded. The motion passed unanimously.

Next Steps

The following next steps were identified:

1. Develop Agenda for November Special Commission Meeting
2. Continue to work closely with FPS
3. Confirm Commission 2016 Public Meeting Calendar
4. Develop Race and Equity Training Schedule for Commission
5. Develop updated contract with FPS
6. Develop plans for Commissioners with expiring terms
7. Receive student performance data from FPS
8. Act on policy for Executive Director spending authority

The Commission adjourned at 3:47 p.m.